

ORDINANCE NO. 235

AN ORDINANCE AMENDING CHAPTER 32 OF THE DUNES CITY CODE OF ORDINANCES, ENTITLED "COMMITTEES AND COMMISSIONS"; ELIMINATING ALL COMMITTEES EXCEPT BUDGET COMMITTEE AND WATER QUALITY COMMITTEE; ELIMINATING THE ROAD COMMISSION; REPEALING ORDINANCE NUMBERS 225 AND 229, DECLARING AN EMERGENCY, AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Dunes City Council adopted Ordinance No. 225 on April 10, 2014, which re-established certain standing committees and commissions for the City, and further set forth all matters relating to said committees and commissions; and

WHEREAS, the Dunes City Council adopted Ordinance No. 229 on November 12, 2015, which amended provisions contained in Chapter 32 of the Dunes City Code relating to the Road Commission; and

WHEREAS, the Dunes City Council adopted Goals for the City by unanimous vote on February 11, 2016;

WHEREAS, one of the goals established by the City Council for 2016 is to eliminate all standing committees except the Planning Commission, the Budget Committee, and the Water Quality Committee; and

WHEREAS, the Dunes City Council finds that the work of the City that needs to be done by the standing committees can be done by Ad Hoc Committees created for specific purposes that dissolve when the project is complete; and

WHEREAS, the Dunes City Council believes that eliminating all the excess committees will save the City time and money, and be far more efficient;

NOW, THEREFORE, THE CITY OF DUNES CITY ORDAINS AS FOLLOWS:

Section 1. Title III, entitled Committees and Commissions, of the Dunes City Code of Ordinances is amended by adding the following:

CHAPTER 32: COMMITTEES AND COMMISSIONS

Section

COMMITTEES

General Provisions

§ 32.01	Officers
§ 32.02	Terms of Office
§ 32.03	Vacancies
§ 32.04	Removal of Members
§ 32.05	Meetings, Voting, Quorum, Attendance, Minutes and Reports
§ 32.06	Powers and Limitations
§ 32.07	Communications
§ 32.08	Compensation
§ 32.09	Ad Hoc Committees
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Water Quality Committee

§ 32.10	Established
§ 32.11	Purpose
§ 32.12	Members, Qualifications
§ 32.13	Duties
§ 32.14 to § 32.19	Reserved.

Citizen Advisory Committees

§ 32.20	Appointment and Conduct of Meetings
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COMMISSIONS

General Provisions

§ 32.30	Terms of Office
§ 32.31	Vacancies
§ 32.32	Removal of Members
§ 32.33	Meetings, Voting, Quorum, Attendance, Minutes and Reports
§ 32.34	Powers and Limitations
§ 32.35	Communications
§ 32.36	Compensation

§ 32.37	Regulations, Procedures and Records
§ 32.38	Ex Parte Contacts
§ 32.39	Conflicts of Interest
§ 32.40	Time Limit for Commission Action
§ 32.41	Code Violations
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Planning Commission

§ 32.50	Established, Continued
§ 32.51	Members, Qualifications
§ 32.52	Officers
§ 32.53	Duties
§ 32.54	Appeal of Planning Commission Decisions
§ 32.55 to § 32.59	Reserved.

COMMITTEES

GENERAL PROVISIONS

§ 32.01 OFFICERS.

The appointed Councilor of each committee will be the Chairperson. In January of each year, each Committee will elect a Vice-Chairperson to serve for the following twelve (12) months. When acting as Chairperson, the Vice-Chairperson foregoes their normal voting rights and assumes the rights, duties and limitations of the Chairperson.

§ 32.02 TERMS OF OFFICE.

(A) Committee members serving at the time of adoption of this subchapter shall serve until the expiration of the term for which they were appointed.

(B) Citizen member appointments shall be for terms of three (3) years and staggered so that not more than two (2) positions become open each year. The Council member position will be for a term of one (1) year. Appointments will be made by the Mayor and approved by the City Council. Appointments expire on the date of the first City Council meeting in January of the expiration year.

§ 32.03 VACANCIES.

A vacant position will be filled by appointment made by the Mayor and approved by the City Council for the remainder of the unexpired term. Any appointed committee member

may resign from the committee at any time, either in writing addressed to the City Council or by verbal declaration made during any legally noticed City Council meeting.

§ 32.04 REMOVAL OF MEMBERS.

Any member who, unless officially excused, fails to attend three (3) consecutive meetings of the Committee, or fails to attend at least fifty percent (50%) of the meetings in any one (1) year, may be disqualified from serving on the committee, and upon written notification of such absence by the Committee Chairperson to the City Council and the citizen member being considered for disqualification, may be replaced. Replacements will be made in the manner prescribed in §32.03.

A member may be removed by majority vote of the City Council during his or her term for misconduct or non-performance of duty after a public hearing before the City Council.

§ 32.05 MEETINGS; VOTING; QUORUM; ATTENDANCE; MINUTES AND REPORTS.

(A) Meetings. The Committee will meet at least in February and October of each year, at a time to be set by the Committee. Notice of regular Committee meetings will be posted and distributed not less than twenty-four (24) hours prior to the meeting. The Chairperson, or two members, may call a previously unannounced special meeting to be held not less than twenty-four (24) hours after notice is given. Notice of a previously unannounced special meeting will be given to Committee members, the City Recorder, the Mayor, the local media representative(s), and a notice will be posted in the City Hall. All meetings of the Committee will be noticed and held in accordance with State of Oregon open meeting laws.

(B) Voting. The Chairperson will preside over all meetings and will vote only when a tie occurs. In the absence of the Chairperson, the Vice-Chairperson will preside over the meeting. In the Chairperson's absence, if the Vice-Chairperson is not present, the City Council may appoint an acting Chairperson. When acting as Chairperson, the Vice-Chairperson or other designee will only exercise their vote if a tie vote occurs.

(C) Quorum. A majority of the members of the Committee constitute a quorum. The Committee Chairperson, or any acting Chairperson, will only be considered a voting member for the purposes of establishing a quorum, as their voting rights are only exercised if a tie vote occurs.

(D) Attendance. Citizen members who fail to notify the Committee Chairperson or City staff of inability to attend a meeting will be recorded as an unexcused absence.

(E) Minutes and Reports. Written minutes of meetings will be taken and are to include the meeting date, members present, members absent and whether such absence

is excused or unexcused; items discussed, citizen input, matters voted upon by the members, number of volunteer hours performed since the prior meeting, and recommendations to the City Council. Such minutes will also be submitted to the City Recorder by electronic communication in a format requested by the City Recorder. The Chairperson will present a written Committee Report to the City Council at its regularly scheduled meetings. All records of the Committee shall be retained as public records in accordance with state law.

§ 32.06 POWERS AND LIMITATIONS.

(A) Neither the Committee, as a whole, nor any member or members individually or collectively will exercise authority to bind the City, its officers, or its agents to any financial commitment or obligation, except as specifically directed or authorized by the City Council. The Committee has only those powers and duties as are now or hereafter granted or imposed on it by the City Charter, ordinances, and directives of the City Council. All actions of the Committee will be deemed advisory to the City Council and will have no legislative or judicial effect unless and until formally adopted by the City Council.

(B) The Committee may request permission from the City Council to consult with experts on an as-needed basis. Temporary ad hoc committees created to perform a specific task may be appointed by the City Council to assist the Committee in the completion of its duties. Any ad hoc committee so created will cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the City Council. Meetings of any ad hoc committee so created will be noticed and held in accordance with State of Oregon open meeting laws.

§ 32.07 COMMUNICATIONS.

(A) Except as provided in subparagraph (C) below, all written correspondence, media statements, mailings, newsletters, web postings, email, or any other information desired to be sent or disseminated by the Committee to anyone other than members of the City Council, Mayor, City employees, or other members of the Committee must first be approved by the City Council prior to mailing, sending or distribution.

(B) Except as provided in subparagraph (C) below, all written correspondence, media statements, mailings, postcards, web postings, email, telephone contacts, or other communication desired to be sent or made by any member or members of the Committee individually or collectively on behalf of the Committee to anyone other than other Committee members, the City Council, the Mayor, or the City Recorder must first be approved by the Committee prior to such communication.

(C) Communications that are necessary, reasonable and incidental to actions taken in accordance with the Algal Bloom Sampling and Reporting Protocol and the Quality Assurance Project Plan are exempt from the provisions of this section.

(D) Unless otherwise restricted by State law or the City’s legal counsel, nothing in this section prevents an individual Committee member from expressing his or her personal opinion on any issue and in any form provided, however, that the individual specifically identifies that he or she is speaking on their own behalf and not on behalf of Dunes City or any Committee of Dunes City.

§ 32.08 COMPENSATION.

Committee members will serve without compensation, other than reimbursement for duly authorized expenses approved by the City Council.

§ 32.09 AD HOC COMMITTEES.

The City Council may create temporary ad hoc committees to perform a specific task or tasks. Any ad hoc committee so created will cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the City Council. Meetings of any ad hoc committee so created will be noticed and held in accordance with State of Oregon open meeting laws and the provisions of this Chapter.

§ 32.095 CODE VIOLATIONS.

Any violation of the provisions of Chapter 32 will be processed in accordance with the provisions of Chapter 36 of the Dunes City Code.

WATER QUALITY COMMITTEE

§ 32.10 ESTABLISHED.

A Water Quality Committee (hereafter “Committee”) is hereby established for the City.

§ 32.11 PURPOSE.

The purpose of the Committee is to make recommendations to the City Council and/or the Planning Commission for the conservation, protection, maintenance, and improvement of the quality of the water resources being utilized by Dunes City’s residents, and promotion of public health, welfare, and safety.

§ 32.12 MEMBERS, QUALIFICATIONS.

(A) The Committee will consist of seven (7) members: one (1) City Council member, who will act as the Chairperson who votes only when a tie occurs, and six (6) citizen members appointed by the Mayor and approved by the City Council who are legal residents of the City of Dunes City, of voting age, and who reside within the watersheds of Siltcoos or Woahink Lakes.

(B) At least two (2) of the citizen members will be water testers one (1) for Siltcoos Lake and one (1) for Woahink Lake).

§ 32.13 DUTIES.

The Committee will serve in an advisory capacity to the City Council and/or the Planning Commission on issues related to the conservation, protection, maintenance, and improvement of the quality of the water resources being utilized by Dunes City's residents. The duties and responsibilities of the Committee are:

A. Based upon the annual and long-term goals established by the City Council, develop an annual list of activities to be conducted upon approval by the City Council and submit a budget request to the Budget Officer on or before March 1st of each year.

B. Collect, record, report, and archive the water quality monitoring data in accordance with the Quality Assurance Project Plan (QAPP).

C. Report all data collected to the City Recorder who will relay the information to the City Council and the Planning Commission.

D. Disseminate water quality monitoring data only as directed by the City Council.

E. Follow the "Algal Bloom Sampling and Reporting Protocol."

F. Examine water-related matters within the Siltcoos and Woahink watersheds as directed by the City Council.

G. Upon the request of the City Council, review draft City Ordinances that have the purpose of maintaining and enhancing water quality.

H. Investigate grant opportunities and report those opportunities to the City Recorder and the Mayor or Council President.

I. At the discretion of the City Council and/or the Planning Commission, may serve as an Advisory Committee to the Planning Commission in all land use ordinances relating to water quality and quantity.

J. Organize or do such other duties, projects, or events as may, from time to time, be requested by the City Council.

§§ 32.14 through 32.19 are hereby reserved.

Citizen Advisory Committees

§ 32.20 Appointment and Conduct of Meetings

Citizen Advisory Committees will be appointed and conducted in accordance with the Dunes City Citizen Involvement Program Policy (Resolution Series 2014, No. 2 adopted January 9, 2014).

§ 32.21 to
§ 32.29 Reserved.

COMMISSIONS

General Provisions

§ 32.30 TERMS OF OFFICE.

(A) Commission members serving at the time of adoption of this subchapter will serve until the expiration of the term for which they were appointed.

(B) Citizen member appointments will be for terms of three (3) years and staggered so that not more than two (2) positions become open each year. Appointments will be made by the Mayor and approved by the City Council. Appointments expire on the date of the first City Council meeting in January of the expiration year.

§ 32.31 VACANCIES.

A vacant position will be filled by appointment made by the Mayor and approved by the City Council for the remainder of the unexpired term. Any appointed Commission member may resign from the Commission at any time, either in writing, addressed to the City Council, or by verbal declaration made during any legally noticed City Council meeting.

§ 32.32 REMOVAL OF MEMBERS.

The City Council has the sole authority to remove any member as follows:

(A) Any member who, unless officially excused, fails to attend three (3) consecutive meetings of the Commission, or fails to attend at least fifty percent (50%) of the meetings in any one year, may be disqualified from serving on the Commission, and upon certification of such absence by the Chairperson of the Commission will be replaced in the manner prescribed in § 32.31.

(B) Pursuant to ORS 227.030, a member may be removed by the City Council during his or her term for misconduct or non-performance of duty after a public hearing before the City Council.

§ 32.33 MEETINGS; VOTING; QUORUM; ATTENDANCE; MINUTES AND REPORTS.

(A) *Meetings.* The Commission should meet at least monthly at times to be set by the Commission. Any meeting may be cancelled if there is no business to come before the Commission. Notice of regular Commission meetings will be posted and distributed not less than forty-eight (48) hours prior to the meeting. The Chairperson, or two (2) members, may call a previously unannounced special meeting to be held not less than twenty-four (24) hours after notice is given. Notice of a previously unannounced special meeting will be given to Commission members, the City Recorder, the Mayor, and a local media representative(s). Notice will be posted at the City Hall and, if time permits, issued via electronic communication to interested parties who have requested to be notified in that manner. All meetings of the Commission will be noticed and held in accordance with State of Oregon open meetings laws.

(B) *Voting.* The Chairperson will preside over all meetings and will vote only when a tie occurs. In the absence of the Chairperson, the elected Vice-Chairperson will preside over the meeting. In the Chairperson's absence, if the elected Vice-Chairperson is not present, the City Council may appoint an acting Chairperson. When acting as Chairperson, the Vice-Chairperson or other designee will only exercise their vote if a tie vote occurs.

(C) *Quorum.* A majority of members will constitute a quorum. The Commission Chairperson, or any acting Chairperson such as the elected Vice-Chairperson, or other appointee as allowed by law, will only be considered a voting member for the purposes of establishing a quorum, as their voting rights are only exercised if a tie vote occurs.

(D) *Attendance.* Citizen members who fail to notify the Commission Chairperson or City staff of inability to attend a meeting will be recorded as an unexcused absence.

(E) *Minutes and Reports.* Written minutes of meetings will be taken and are to include the meeting date, members present, members absent, whether such absence is excused or unexcused, items discussed, citizen input, matters voted upon by the members, number of volunteer hours performed during the prior month, and recommendations to the City Council. Such minutes will also be submitted to the City Recorder by electronic communication in a format requested by the City Recorder. The Chairperson will present a written Commission report to the City Council at the City Council's next regularly scheduled meeting. All records will be retained as public records in accordance with state law.

§ 32.34 POWERS AND LIMITATIONS.

(A) Neither the Commission, as a whole, nor any member or members individually or collectively will exercise authority to bind the City, its officers, or its

agents to any financial commitment or obligation (except as specifically directed or authorized by the City Council or by Oregon law). The Commission has only those powers and duties as are now or hereafter granted and imposed on it by the City Charter, Ordinances, and directives of the Council. Except as otherwise provided by this Code and the City Council, all actions of the Commission will be deemed advisory to the Mayor and Council and will have no legislative or judicial effect unless and until formally adopted by the City Council.

(B) The Commission may request permission from the City Council to consult with experts on an as-needed basis. Such request may be included in a Commission's budget request. Ad hoc committees may be appointed by the City Council to assist the Commission in the completion of its duties.

§ 32.35 COMMUNICATIONS.

(A) Except as provided in subparagraph (C) below, all written correspondence, media statements, mailings, newsletters, web postings, email or any other information desired to be sent or disseminated by the Commission to anyone other than members of the City Council, the Mayor, the City Recorder, or other members of the Commission must first be approved by the City Council prior to mailing, sending or distribution.

(B) Except as provided in subparagraph (C) below, all written correspondence, media statements, mailings, postcards, web postings, email, telephone contacts, or any other communication desired to be sent or made by any member or members of the Commission individually or collectively to anyone other than other members of the Commission, the City Council, Mayor, or City Recorder, must first be approved by the Commission prior to such communication being made.

(C) Communications that are necessary, reasonable and incidental to contracted road work and the scheduling and maintenance of roadways and rights-of-ways are exempt from the provisions of this section.

(D) Unless otherwise restricted by State law or the City's legal counsel, nothing in this section prevents an individual Commission member from expressing his or her opinion on any issue and in any form provided, however, that the individual specifically identifies that he or she is speaking on their own behalf and not on behalf of Dunes City or any Commission of Dunes City.

§ 32.36 COMPENSATION.

Commission members will serve without compensation, other than reimbursement for duly authorized expenses approved by the City Council.

§ 32.37 REGULATION, PROCEDURES AND RECORDS.

Commissions will adopt rules and procedures for the transaction of business and will

keep a record of their resolutions, transactions, findings, recommendations, and determinations, which will be public record.

§ 32.38 EX PARTE CONTACTS.

In accordance with ORS Chapter 244, any discussion, other than one made at a public hearing of the Commission, that concerns a specific case scheduled or likely to come before the Commission that is between a voting member and an applicant, an applicant's representative, or any other person with a direct interest in the matter, will be made known and the substance of the discussion entered into the record by the member at the beginning of the Commission's public hearing on that case.

§ 32.39 CONFLICTS OF INTEREST.

(A) A member of the Commission will not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest:

(1) The member or the spouse, brother, sister, child, parent, father-in-law, or mother-in-law of the member;

(2) Any business in which the member is then 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.

(B) Any actual or potential interest will be disclosed at the meeting of the Commission where the action is being taken.

§ 32.40 TIME LIMIT FOR COMMISSION ACTION.

Commissions will complete their actions on all applications coming before them within sixty (60) calendar days of the application being complete, unless a longer time is provided for the City to take final action on the application by request, in writing, from the applicant. Commissions will complete their action on all other requests within sixty (60) calendar days of the filing thereof unless a shorter time is provided by order of a Court of competent jurisdiction, the Land Use Board of Appeals (LUBA), or by Dunes City Code.

§ 32.41 CODE VIOLATIONS.

Any violations of the provisions of this Chapter will be processed in accordance with the provisions of Chapter 36 of the Dunes City Code.

§§ 32.42 through 32.49 are hereby reserved.

PLANNING COMMISSION

§ 32.50 ESTABLISHED; CONTINUATION OF PLANNING COMMISSION.

There is established and continued a City Planning Commission, referred to in §32.50 through §32.59 as “Commission,” for the City.

§ 32.51 MEMBERS, QUALIFICATIONS.

(A) The Commission will consist of five (5) members, of which one (1) will be the Chairperson who votes only when a tie occurs. All members will be legal residents of the City of Dunes City and of voting age. Appointments will be made by the Mayor and approved by the City Council.

(B) No two (2) or more members of the Commission will have the same business, occupation, trade, or profession. However, business persons engaged in different kinds of business will not be prevented by this division from serving, and being retired will not be considered an occupation within the meaning of this division.

§ 32.52 OFFICERS.

(A) The Planning Secretary will be the Secretary of the Commission and will provide staff services and recommendations and determinations.

(B) In January of each year, the Commission will elect from its membership a Chairperson and Vice-Chairperson to serve for one (1) year terms. The Chairperson, or Vice-Chairperson when acting as Chairperson, foregoes normal voting rights and assumes the rights, duties and limitations of the Chairperson.

§ 32.53 DUTIES.

The duties of the Planning Commission are:

(A) Approve or deny preliminary and final land use applications as defined in Title XV of this Code.

(B) Recommend and make suggestions to the City Council and other public authorities concerning the laying out, widening, extending, parking, and locating of public thoroughfares; parking of vehicles; relief of traffic congestion; betterment of housing and sanitation conditions; and establishment of districts for limiting the use, height, area, bulk, and other characteristics of buildings and structures related to land development.

(C) Recommend to the City Council and other public authorities 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 all public utilities, and harbor, shipping, and transportation facilities.

(D) Recommend to the City Council and other public authorities plans for promotion, development, and regulation of industrial and economic needs of the community in respect to private and public enterprises engaged in industrial pursuits.

(E) Study and propose in general such measures as may be advisable for promotion of the public interest, health, safety, comfort, convenience, and welfare of the City and of the area six (6) miles adjacent thereto.

(F) Make recommendation to the City Council for the adoption of amendments to the Dunes City Comprehensive Plan, or any part or element thereof;

(G) Recommend to the City Council Ordinances intended to carry out the purposes, principles, and proposals expressed in the Dunes City Comprehensive Plan.

(H) Advise and cooperate with other planning agencies within the state.

(I) Promote public interest in and understanding of the Comprehensive Plan and of planning and zoning in general.

(J) Make recommendation to the Council with regard to the orderly development of the territory within the city.

(K) Perform all other acts and things necessary or proper to carry out the provisions of ORS. 227.010 through 227.180, and other duties as may be prescribed by Ordinance or order of the Council.

(L) Investigate grant opportunities and report those opportunities to the City Recorder and the Mayor or Council President.

(M) At the discretion of the City Council, serve as the Committee for Citizen's Involvement (CCI) pursuant to Goal 1 of the Statewide Planning Goals and the Dunes City Comprehensive Plan.

(N) Conduct site reviews as required by Title XV of this Code or in conjunction with investigation of Code violations.

(O) Organize or do such other duties, projects or events as may, from time to time, be requested by the City Council.

§ 32.54 APPEAL OF PLANNING COMMISSION DECISIONS.

In any action where a decision has been made by the Planning Commission, that decision

may be appealed for review in accordance with the provisions of Title XV of the Dunes City Code. Any such request for review must be received by the City Recorder within ten (10) calendar days of the decision by the Planning Commission. The City Recorder is authorized and directed to collect an Appeal Fee at the time of filing of appeal. The Appeal Fee will be included on the schedule of fees adopted by the Council and may be amended by Resolution from time to time.

§§ 32.55 through 32.59 are hereby reserved.

Section 2. Repeal

The repeal of Ordinance Nos. 225 and 229 shall not affect any action occurring before the repeal takes effect. Ordinance Nos. 225 and 229 are hereby repealed.

Section 3. Effective Date

The provisions of this ordinance will become effective immediately upon adoption.

Passed at the first reading in regular meeting of the City Council of Dunes City, Oregon, on this 14th day of April, 2016.

Ayes: 6 Nays: 0 Abstain: 0 Absent: 0 Vacant: 0

Passed at the second reading and placed on final passage, and adopted by the City Council of Dunes City, Oregon, on this 14th day of April, 2016.

Ayes: 6 Nays: 0 Abstain: 0 Absent: 0 Vacant: 0

ADOPTED BY THE DUNES CITY COUNCIL, THIS 14th DAY OF April, 2016.

Rebecca Ruede, Mayor
Rebecca Ruede, Mayor

ATTEST:

Jamie Mills
Jamie Mills, Interim City Recorder