

RESOLUTION NO. 2019-20

**RESOLUTION AMENDING CITY COUNCIL RULES OF PROCEDURE, SECTION 14,
ADVISORY BOARDS, COMMISSIONS AND COMMITTEES, AND REPEALING
RESOLUTION NO. 2006-10 AND AMENDING RESOLUTION NO. 2009-45**

WHEREAS, City Charter §10 and Council Rules §18.1 provides that the City Council must adopt Council Rules and make amendments to these rules by resolution; and

WHEREAS, Resolution No. 2009-45 establishes the current Council Rules of Procedure and Resolution No. 2006-10 states the policy relating to Advisory Boards, Commissions and Committees (B/C); and

WHEREAS, it is the desire of the Council to amend Council Rules of Procedure, Section 14, Advisory Boards, Commissions and Committees (B/C), to clarify the purpose, role, and operations of all B/C, including implementing a consistent appointment process and defining liaisons' roles and responsibilities and to reflect current public meetings law, public records law and ethic laws; and

WHEREAS, the City Council met in Work Sessions on August 13, September 24, October 8 and October 22, 2018, which culminated in a B/C Council Subcommittee, composed of three city councilors, making recommendations to Council; and

WHEREAS, an informational meeting was held for all B/C members on November 19, 2018, and all B/C considered the potential rule changes at their meetings held in December, 2018, January and/or February, 2019; and

WHEREAS, the Council met in Work Sessions on March 18 and April 8, 2019, to review the B/C comments and finalize the amendments to the City Council Rules of Procedure, Section 14, Advisory Boards, Commissions and Committees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1. The City Council hereby approves amending City Council Rules of Procedure, Section 14, Advisory Boards, Commissions and Committees, as outlined in Exhibit A.

Section 2. The City Council hereby repeals Resolution No. 2006-10 and amends Resolution No. 2009-45 as outlined in Attachment A (~~strikethrough~~ is deleted language and underline is new language).

Section 3. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 22nd day of April, 2019.



Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 22nd day of April, 2019.



Peter B. Truax, Mayor

RESOLUTION NO. 2019-20
EXHIBIT A

SECTION 14 – ADVISORY BOARDS, COMMISSIONS, AND COMMITTEES

14.1 Advisory Boards, Commissions, and Committees –The Council may by ordinance or resolution establish any City advisory board, commission, or committee (herein referred to as “B/C”) deemed necessary and in the best interests of the City. Pursuant to City Charter, Section 8(C), the Mayor, with the consent of the Council, appoints members of B/C’s established by ordinance or resolution.

14.2 Purpose – The purpose of the Advisory Boards, Commissions, and Committees is to encourage broad-based community representation and to advise City Council on public policy issues affecting Forest Grove and Council-adopted Goals and Objectives. All such Council-appointed groups are directly responsible to the Council.

14.3 Membership Qualifications – To be eligible for appointment, a person must be 18 years of age or older and a Forest Grove resident for the duration of the appointed term unless expressly provided for by the adopted bylaws. Student appointees must be high school grade level and residing or attending school, including home-schooled, in Forest Grove. All appointed members are required to attend training courses as assigned and approved by Council. An individual member may not act in an official capacity. The Council may in its discretion at any time remove a member for any reason, including inefficiency, neglect of duty, or malfeasance in office. Voting members may not be employees of the City. B/C members serve without compensation.

14.4 Composition – Unless authorized by Council or required by state law, all B/C’s shall consist of no more than nine (9) voting members.

14.5 Quorum and Meetings – Unless required by state law, a majority of the total number of voting B/C members constitutes a quorum. The B/C shall hold meetings no less than four (4) times a year, unless more frequently as established by the B/C. In January of each year, the B/C shall adopt a schedule of its meetings for the upcoming year, including meeting times and dates for holidays and canceled meetings. The staff liaison shall file the B/C meeting schedule with the City Recorder’s Office and publish meeting dates/times on the City’s website. In case of a meeting cancellation, the staff liaison shall post a notice at the meeting location and on the City’s website prior to the meeting date/time.

14.6 Terms of Office and Officers – Unless required by state law, all B/C members shall be voting members and shall serve four (4) year terms. Student members shall be voting members and shall serve two (2) year terms. Terms shall be staggered evenly amongst the membership, beginning January 1 and ending December 31. The Chair and Vice Chair shall be elected by the voting members at the first regularly scheduled B/C meeting of each year. The Chair may not serve more than 48-consecutive months. Members may not serve on more than two (2) B/C’s at the same time. Appointments to vacant positions shall fill out the remainder of the unexpired term.

14.7 Registry – The City Recorder’s Office shall maintain a current roster of all members,

including appointment date, length of unexpired term, and contact information. A copy of the roster shall be provided to Council at least once per year or upon any substantial change in membership.

14.8 Councilmember Liaisons – The Mayor shall appoint a Council liaison to any B/C. Council Liaisons shall be a non-voting member. The Council Liaisons role is to collaborate between the Council and the B/C to assure each group’s collective interest is accurately and effectively represented to the other. This includes actively attending and reporting to each entity at their regular scheduled meetings. Council Liaison appointments shall be reconsidered every two (2) years at the first regular Council meeting following the time at which newly-elected Councilmembers officially take office or at the discretion of the Mayor.

14.9 Staff Liaisons – The City Manager shall appoint a staff member as liaison to any B/C. Staff liaisons shall be non-voting and shall assist the B/C by utilizing their expertise regarding city policy and process. The staff liaison shall orient the newly-appointed B/C members prior to the first meeting on the duties of being a member. The staff liaison shall review the agenda in consultation with the B/C chair, prepare minutes upon request of the B/C, oversee and review minutes, post minutes to the website as soon as possible after Council acceptance, prepare and distribute the B/C packet at least five (5) days prior to the meeting, post the final agenda on the bulletin board and/or at the meeting location, submit legal notices for review and copies of approved minutes to the City Recorder’s Office, report to the City Recorder’s Office any member who has three or more unexcused absences, report any meeting date changes including cancellations, maintain official records in accordance with the city retention schedule (OAR166-200), and publicly post B/C documents on various media.

14.10 Appointments and Reappointments – Member recruitment shall begin in September and conclude by December 31st of each year. Once the assigned term of office is completed, the member is excused from the appointment, unless Council reappoints the member for another term of service. Members must apply and be interviewed after every term to continue service. Interviews will be conducted by the Council or Council Subcommittee. Applicants who fail to attend a scheduled interview may forfeit the opportunity for appointment or reappointment. Once Council conducts interviews and makes appointment recommendations, the City Recorder Office’s shall notify applicants in writing of the Council’s recommendation. Formal resolutions making appointments will be scheduled under the Consent Agenda at the next regular Council meeting.

14.11 Attendance – Members are expected to attend every meeting. Members shall notify the staff liaison prior to the regular meeting to report an absence. The minutes shall record the absence. The City Recorder’s Office shall notify any member who has three (3) or more absences in a 12-month period that their position may be subject to vacancy. The Chair, with the consent of the B/C, may submit a recommendation to Council to deem the member’s position vacant for three (3) or more absences in a twelve month period.

14.12 Resignations and Vacancies – A member shall submit a written resignation to the staff liaison and make every effort to allow for a thirty-day notice. To fill vacancies that occur mid-term, Council shall refer to the current year interviewed applications kept on file in the City Recorder’s Office.

14.13 Agenda – The Chair shall compose the meeting agenda in consultation with the staff liaison, specifying the time, place, and purpose of the meeting and listing the subjects anticipated to be considered. A B/C member may propose placing an item on the agenda at a regularly scheduled meeting. If approved by a majority of voting members present, the agenda item will be placed on the next regularly scheduled meeting agenda or an agreed upon future meeting agenda. The agenda shall follow a standard template provided by the City.

14.14 Open Meetings, Written Minutes and Public Records – All meetings and hearings shall be held in compliance with Public Meetings Law (ORS Chapter 192) and subject to Public Records Law (ORS Chapter 192). A public meeting is defined as two or more members meeting who have been delegated authority by the B/C to advise or make recommendations to the B/C. Written minutes are required for all meetings. Written minutes may include a briefly summarized record of what took place and must include any action items, showing the attendance and vote of each member. Verbatim minutes are not required. The minutes shall follow a standard template provided by the City.

14.15 Bylaws – Changes to a B/C's bylaws or rules of procedures must be approved by City Council. The bylaws shall follow a standard template provided by the City.

14.16 Annual Reporting – The Chair shall submit an Annual Report to the City Council listing the B/C's major activities for the past year and objectives for the coming year. The Annual Reports shall be scheduled on the Council Calendar and approved in January.

14.17 Conflicts of Interest and Ethics Law – Members are considered public officials subject to the Oregon Government Ethics Law (ORS 244), which seeks to prevent a public official from receiving financial gain or avoiding a financial detriment because of their status as a public official. Members are also subject to the Restrictions on Political Campaigning when acting in official capacity (ORS 260.432). Planning Commissioners are personally responsible to file an Annual Verified Statement of Economic Interest (SEI) form with the Oregon Government Ethics Commission by April 15 of each calendar year. A civil penalty may be imposed by the State for each violation of any provision of the ORS.



A place where families and businesses thrive.

<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	10.
MEETING DATE:	04/22/2019 RESO 2019-20
FINAL ACTION:	Motion/As Amended

CITY COUNCIL STAFF REPORT

WORK SESSION:

TO: City Council

FROM: Jesse VanderZanden, City Manager

MEETING DATE: April 22, 2019

PROJECT TEAM: Anna Ruggles, City Recorder
Jesse VanderZanden, City Manager

SUBJECT TITLE: Resolution Implementing Rules for Boards and Commissions (B/C)

ACTION REQUESTED:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ordinance	Order	X	Resolution	Motion	Informational

X all that apply

PURPOSE:

The purpose of the Resolution is to update the City Council Rules of Procedure (Council Rules) to clarify the purpose, role, and operation of City Boards and Commissions. The proposed Council Rule changes seek to implement a consistent appointment process; address inconsistencies amongst bylaws, procedures, operations, minutes, training, and City staff resources; define staff and Councilor liaison roles and responsibilities; address Board and Commission purpose and composition; update the rules to reflect current public meeting and ethic laws, and to provide guidance to Boards and Commissions.

BACKGROUND:

In March, 2018, Council passed Objective 3.22, Board and Commissions: “Review appointment process, procedural consistencies regarding Council interaction, and Commission/Board makeup, including size, number, and composition” and Objective 3.21, Youth Advisory Council: “Conduct Work Session to discuss YAC models, resources, and vision”.

To achieve these objectives, Council held a Work Session on August 13, 2018, which culminated in a B/C Subcommittee to make recommendations to City Council. The Subcommittee was composed of Councilors Wenzl, Johnston, and Rippe. The Subcommittee held three two-hour meetings on August 28, September 6 and September 25, 2018.

The Subcommittee advanced numerous proposals which were the subject of City Council Work Sessions on September 24 and October 8 and 22, 2018. The Work Sessions reviewed potential Council Rule changes in detail. Council arrived at a consensus to seek feedback on the potential Council Rule changes from all the B/C’s.

To facilitate obtaining B/C feedback, staff held an informational meeting for all B/C members on November 19, 2018. The meeting was well attended. All attendees were given a “cheat sheet” or public informational flyer on potential Council Rule changes to assure subsequent B/C meetings on this topic were fully informed.

The B/C’s considered the potential Council Rule changes at their December, January, and/or February meetings. Of 11 B/C’s, 5 submitted formal comments including Parks and Recreation, Economic

Development, Library, Historic Landmarks, and Public Arts. The B/C comments were reviewed and discussed at Work Sessions on March 18 and April 8, 2019. The B/C comments included:

- 1) Revise proposed Council Rule 14.3 to limit student participation to Juniors and Seniors;
- 2) Revise proposed Council Rule 14.4 to no longer limit the size of a B/C to 9 members;
- 3) Revise proposed Council Rule 14.6 to eliminate the 24-month consecutive service term for the Chair;
- 4) Revise proposed Council Rule 14.9 to allow volunteers to take minutes; and
- 5) Revise proposed Council Rule 14.10 to eliminate the requirement that B/C members reapply and re-interview after every 4 year term of service.

A consensus emerged at the April 8, 2019 Work Session to address the B/C comments as follows:

- 1) To not revise proposed Council Rule 14.3 and thereby retain allowing all high school grade levels to serve as student members;
- 2) To not revise proposed Council Rule 14.4, recognizing that proposed Council Rule 14.4 already allows Council to approve more than 9 members on a Board or Commission if necessary;
- 3) To revise proposed Council Rule 14.6 to eliminate the 24-month consecutive service limitation;
- 4) To revise proposed Council Rule 14.9 to allow volunteers to take minutes, however, stipulate in the Council rules that a) a minute template be required for all minutes, b) City staff be required to take minutes if the B/C requests the City to do so, c) City staff be required to review the minutes to assure compliance with state law, and d) City staff be required to post the minutes to the website as soon as possible after acceptance by City Council;
- 5) To not revise proposed Council Rule 14.10, thereby retaining the requirement for B/C members to reapply and re-interview every 4 years.

CURRENT STATUS:

Attachment 1 is a proposed Resolution adopting the proposed Council Rules. If adopted, the City Council Rules of Procedure will be updated and distributed with the new Council Rules.

Attachment 2 is the proposed Council Rules that show all changes from the existing Council Rules. Attachment 3 is the same proposed Council Rules with all changes accepted and as they would appear in the City Council Rules of Procedure.

Based on input from the Work Sessions, below is a summary of the proposed Council Rule changes:

- 14.1: Clarifies the definition of a Board or Commission and the appointment of members.
- 14.2: Clarifies the purpose of the Board or Commission as “advisory” to City Council.
- 14.3: Defines qualifications for membership to a Board or Commission, including student members.
- 14.4: Establishes the size of the Board or Commission to no more than nine (9) voting members unless otherwise authorized by City Council or state law.

- 14.5 Defines a quorum and establishes a meeting schedule of no less than four (4) times a year.
- 14.6 Defines terms of office as four (4) years for B/C members and two (2) years for student members. Establishes voting rights for student members, requires an annual election for the Chair and Vice Chair, and states that members may not serve on more than two (2) B/C's simultaneously.
- 14.7 Establishes the registry for all B/C matters as the City Recorder's office.
- 14.8 Defines the role of the Councilmember Liaison and their appointment process.
- 14.9 Defines the role and duties of the Staff Liaisons.
- 14.10 Establishes the annual appointments and reappointments process for B/C members.
- 14.11 Establishes an attendance policy for B/C members.
- 14.12 Establishes a resignation and vacancy process.
- 14.13 Establishes a meeting Agenda template and process for adding/deleting Agenda items.
- 14.14 Defines public meeting and records requirements and establishes a Minutes template.
- 14.15 Establishes a Bylaws template and defines their approval process.
- 14.16 Establishes a B/C annual reporting requirement.
- 14.17 Defines Conflicts of Interest and Ethics Law for B/C members.

STAFF RECOMMENDATION:

Staff recommends the Council consider the proposed Council Rule changes. If the Council chooses to adopt the Council Rules, they have two options:

- Option 1: Pass the Resolution as-is, adopting all the proposed Council Rules 14.1-14.17 as a "package".
- Option 2: If the Council wishes to change any portion of the proposed Council Rules, staff recommends placing the Resolution on the table for approval. As this motion rests on the table, Council could make and dispense of sequential individual motions to amend specific parts of the Council Rules resting on the table. After all amendments are dispensed, Council would vote on the main motion to approve the Resolution as amended.

ATTACHMENTS:

- 1) Resolution: Amending Council Rules
- 2) Exhibit A: Council Rules accepting all changes (as they would appear in the City Council Rules of Procedure).
- 3) Attachment A: Council Rules showing all changes

RESOLUTION NO. 2019-20
EXHIBIT A

SECTION 14 – ADVISORY BOARDS, COMMISSIONS, AND COMMITTEES

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14.3 Membership Qualifications – To be eligible for appointment, a person must be 18 years of age or older and a Forest Grove resident for the duration of the appointed term unless expressly provided for by the adopted bylaws. Student appointees must be high school grade level and residing or attending school, including home-schooled, in Forest Grove. All appointed members are required to attend training courses as assigned and approved by Council. An individual member may not act in an official capacity. The Council may in its discretion at any time remove a member for any reason, including inefficiency, neglect of duty, or malfeasance in office. Voting members may not be employees of the City. B/C members serve without compensation.

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14.6 Terms of Office and Officers – Unless required by state law, all B/C members shall be voting members and shall serve four (4) year terms. Student members shall be voting members and shall serve two (2) year terms. Terms shall be staggered evenly amongst the membership, beginning January 1 and ending December 31. The Chair and Vice Chair shall be elected by the voting members at the first regularly scheduled B/C meeting of each year. Members may not serve on more than two (2) B/C’s at the same time. Appointments to vacant positions shall fill out the remainder of the unexpired term.

14.7 Registry – The City Recorder’s Office shall maintain a current roster of all members, including appointment date, length of unexpired term, and contact information. A copy of the

*Amended
by CE 4-22-19*

The Chair may not serve more than 48 consecutive months.

roster shall be provided to Council at least once per year or upon any substantial change in membership.

14.8 Councilmember Liaisons – The Mayor shall appoint a Council liaison to any B/C. Council Liaisons shall be a non-voting member. The Council Liaisons role is to collaborate between the Council and the B/C to assure each group’s collective interest is accurately and effectively represented to the other. This includes actively attending and reporting to each entity at their regular scheduled meetings. Council Liaison appointments shall be reconsidered every two (2) years at the first regular Council meeting following the time at which newly-elected Councilmembers officially take office or at the discretion of the Mayor.

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anticipated to be considered. A B/C member may propose placing an item on the agenda at a regularly scheduled meeting. If approved by a majority of voting members present, the agenda item will be placed on the next regularly scheduled meeting agenda or an agreed upon future meeting agenda. The agenda shall follow a standard template provided by the City.

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Attachment A
"DRAFT"

(Repealing Resolution No. 2006-10 and Amending Resolution No. 2009-45)

AMENDING CITY COUNCIL RULES OF PROCEDURE, SECTION 14,
ADVISORY BOARDS, COMMISSIONS AND COMMITTEES

~~SECTION 14 – CREATION OF CITIZEN ADVISORY BOARDS, COMMISSIONS, AND COMMITTEES AND OTHER COUNCIL AD-HOC COMMITTEES~~

14.1 Citizen Advisory Boards, Commissions, and Committees and Other Council Ad-Hoc Committees – At any time, The Council may by ordinance or resolution establish any City advisory board, commission, or committee (**herein referred to as "B/C"**) ~~or Council Ad-Hoc Committee or Task Force~~ deemed necessary and in the best interests of the City. Pursuant to City Charter, Section 8(C), the Mayor, with the consent of the Council, shall appoints members of B/C's established by ordinance or resolution.

14.2 Purpose Qualifications – ~~The City Council shall establish by resolution the policy and procedures for appointing citizens to boards, commissions, and committees. The purpose of the Advisory Boards, Commissions, and Committees is to encourage broad-based community representation and to advise Council on public policy issues affecting Forest Grove and Council-adopted Goals and Objectives.~~ All such Council-appointed groups are directly responsible and advisory to the Council. ~~unless the Council has delegated specific responsibilities to the group for independent actions. All citizen advisory boards, commissions and committees shall be subject to and comply with the Oregon Public Meetings Law (pursuant to ORS 192).~~

14.3 Membership Qualifications – To be eligible for appointment, a person must be 18 years of age or older and a Forest Grove resident for the duration of the appointment term unless expressly provided for by the adopted bylaws. Student appointees must be high school grade level and residing or attending school, including home-schooled, in Forest Grove. All appointed members are required to attend training courses as assigned and approved by Council. An individual member may not act in official capacity. The Council may in its discretion at any time remove a member for any reason, including inefficiency, neglect of duty, or malfeasance in office. Voting members may not be employees of the City. B/C members serve without compensation.

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14.7 Registry – The City Recorder's Office shall ~~maintain~~ prepare, keep current and retain on file in the Office of the City Recorder, a **current roster** list of all members, including appointment date of appointment, length of unexpired term, and contact information. A copy of the roster will ~~shall~~ be provided to Council members at least once per year or upon any substantial change in membership.

14.8 Councilmember Liaisons to Citizen Advisory Boards, Commissions, and Committees – The Mayor shall appoint a Council liaison to any B/C. ~~or ad-hoc committee.~~ Councilmembers, who have been appointed as Council Liaisons shall be a non-voting member. ~~Their role is to collaborate between the Council and the B/C to assure each group's collective interest is accurately and effectively represented to the other. This includes actively attending and reporting to each entity at their regular scheduled meetings.~~ Council Liaison appointments shall be reconsidered every two (2) years at the first regular Council meeting following the time at which newly-elected Councilmembers officially take office or at the discretion of the Mayor.

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14.12 Resignations and Vacancies – A member shall submit a written resignation to the staff liaison and make every effort to allow for a thirty-day notice. To fill vacancies that occur mid-term, Council shall refer to the current year interviewed applications kept on file in the City Recorder's Office.

14.13 Agenda – The Chair shall compose the meeting agenda in consultation with the staff liaison, specifying the time, place, and purpose of the meeting and listing the subjects anticipated to be considered. A B/C member may propose placing an item on the agenda at a regularly scheduled meeting. If approved by a majority of voting members present, the agenda item will be placed on the next regularly scheduled meeting agenda or an agreed upon future meeting agenda. The agenda shall follow a standard template provided by the City.

14.14 Open Meetings, Written Minutes and Public Records – All meetings and hearings shall be held in compliance with Public Meetings Law (ORS Chapter 192) and subject to Public Records Law (ORS Chapter 192). A public meeting is defined as two or more members meeting who have been delegated authority by the B/C to advise or make recommendations to the B/C. Written minutes are required for all meetings. Written minutes may include a briefly summarized record of what took place and must include any action items, showing the attendance and vote of each member. Verbatim minutes are not required. The minutes shall follow a standard template provided by the City.

14.15 Bylaws – Changes to a B/C's bylaws or rules of procedures must be approved by City Council. The bylaws shall follow a standard template provided by the City.

14.16 Annual Reporting – The Chair shall submit an Annual Report to the City Council listing the B/C's major activities for the past year and objectives for the coming year. The Annual Reports shall be scheduled on the Council Calendar and approved in January.

14.17 Conflicts of Interest and Ethics Law – Members are considered public officials subject to the Oregon Government Ethics Law (ORS 244), which seeks to prevent a public official from receiving financial gain or avoiding a financial detriment because of their status as a public official. Members are also subject to the Restrictions on Political Campaigning when acting in official capacity (ORS 260.432). Planning Commissioners are personally responsible to file an Annual Verified Statement of Economic Interest (SEI) form with the Oregon Government Ethics Commission by April 15 of each calendar year. Civil penalty may be imposed by the State for each violation of any provision of the ORS.