

ORDINANCE NO. 2020-02

**ORDINANCE AMENDING FOREST GROVE CODE OF ORDINANCES
TITLE III (ADMINISTRATION), CHAPTER 35 (CITY ORGANIZATIONS),
§35.065 THROUGH §35.070, RELATING TO AMENDING
HISTORIC LANDMARKS BOARD BYLAWS**

WHEREAS, the Historic Landmarks Board (HLB) was established by Ordinance No. 1980-15, which was adopted by the City Council on September 8, 1980, and codified to regulate designated historic resources; and

WHEREAS, Ordinance No. 1986-11, adopted by the City Council on October 27, 1986, repealed and replaced Ordinance No. 1980-15; and

WHEREAS, pursuant to Resolution No. 2019-20, the Council amended its Council Rules of Procedure, §14, relating to the Advisory Boards, Commissions and Committees (B/C); and

WHEREAS, as set forth in §14.15, each B/C is required to adopt new Bylaws or rules of procedures following a standard template provided by the City; and

WHEREAS, the HLB reviewed and combined its existing Bylaws to form to the new Bylaw template and unanimously approved the newly-revised Bylaws (Exhibit A) at its meeting held on January 28, 2020; and

WHEREAS, Exhibit A prescribes the HLB's duties and responsibilities.

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

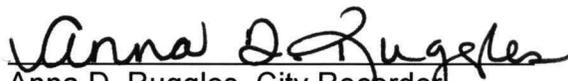
Section 1. The City Council hereby amends Forest Grove Code of Ordinances Title III (Administration) §35.065 through §35.070, titled Historic Landmarks Board, as set forth in Exhibit A.

Section 2. Ordinance No. 1986-11 is hereby repealed in its entirety and portions of Ordinance No. 2009-04 thereof are hereby repealed to the extent of such inconsistency or conflict.

Section 3. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED this 11th day of May, 2020.

PASSED the second reading this 26th day of May, 2020.


Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 26th day of May, 2020.


Peter B. Truax, Mayor

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ORDINANCE NO. 2020-02
EXHIBIT A

(New text underlined and deleted text is ~~struck through~~)

HISTORIC LANDMARKS BOARD

§ 35.065 PURPOSE.

~~Pursuant to the state's enabling legislation (O.R.S. Chapter 197) and in recognition of the public education, economical, environmental, and cultural value of the heritage and character of the city to the welfare of its citizens, the following sections create a comprehensive program to identify, designate, and protect the history, culture, archaeology, and landscape of the city.~~

(A) The purpose of the Historic Landmarks Board (HLB) 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. The HLB is directly responsible to the Council.

(B) The further purpose of the HLB is to maintain a comprehensive program to identify, designate, and protect the history, culture, archaeology, and landscape of the City.

§ 35.066 MEMBERSHIP.

~~The Historic Landmarks Board (HLB) shall be composed of seven members who shall be appointed by the City Council. All members shall have a demonstrated positive interest, competence or knowledge of historic preservation. At least five of the members shall be residents of the city, and nonresident members shall reside within a reasonable distance of the city. When making appointments to the Board, the Council should consider the applicant's qualifications in the fields of history, architecture, architectural history, and archaeology, as well as in the arts, culture, city planning, landscape architecture, business, real estate, law, government, engineering, or construction.~~

(A) Members of the HLB shall be composed of seven (7) members and one (1) student member who shall be appointed by City Council.

(B) Two members may reside outside of corporate limits of the city.

(C) All members shall have a demonstrated positive interest, competence or knowledge of historic preservation.

(D) Members are required to attend training courses as assigned and approved by City Council.

(E) An individual member may not act in official capacity.

(F) The City Council may in its discretion at any time remove a member for any reason, including inefficiency, neglect in duty, or malfeasances in office.

(G) Commission members serve without compensation.

§ 35.067 TERMS OF OFFICE.

~~The term of each member of the HLB shall be four years with terms staggered. A member may be removed by the City Council, after hearing, for misconduct or nonperformance of duty. Vacancies shall be filled by the Council for the unexpired term of the predecessor in office.~~

(A) HLB members shall be voting members and shall serve four (4) year terms.

(B) Student members shall be voting member and shall serve a two (2) year term. Student appointee must be high school grade level and residing or attending school, including home-schooled, in Forest Grove.

(C) Terms shall be staggered evenly amongst the membership, beginning January 1 and ending December 31.

(D) Once the assigned term of office is completed, the member is excused from the appointment unless City Council reappoints the member for another term of service.

(E) HLB members must apply during open recruitment and be interviewed by City Council after each term to continue service. HLB members who fail to attend a scheduled interview may forfeit the opportunity for appointment or reappointment.

(F) Members may not serve on more than two (2) Boards or Commissions at the same time.

(G) Appointments to vacant positions shall be filled by City Council for the unexpired term.

§ 35.068 OFFICERS.

~~At the first meeting in January of each year, the members shall elect a Chair, Vice Chair, and Secretary who shall be voting members and hold office at the pleasure of the HLB.~~

(A) The Chair and Vice Chair shall be elected by the voting members at the first regularly-scheduled HLB meeting of each year.

(B) The Chair may not serve more than 48-consecutive months.

(C) In the absence of the Chair and Vice Chair, at a meeting where a quorum is present, the member with the longest continuous service shall serve as Presiding Officer pro tem until such time the meeting is adjourned.

(D) The Chair shall:

(1) Preside over and facilitate all meetings, preserve order, enforce rules and determine the order of business.

(2) 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.

(3) An HLB 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.

(4) The agenda shall follow a standard template provided by the City.

(5) Ensure that all actions are properly taken and recorded and, if required, sign findings and decisions.

(6) Present recommendations to the City Council and other bodies as designated by the Mayor, Council, or Council Liaison.

(7) The Chair shall submit and present an Annual Report to the City Council listing the HLB's major activities for the past year and objectives for the coming year.

(E) The Vice Chair shall preside in the absence of the Chair and acts as Chair when the Chair is unable to perform duties.

§ 35.069 EXPENSES.

~~Board Commission members shall not receive compensation nor shall incur expenses of any kind unless such expenses or expenditures have first been approved by the City Council. be reimbursed for duly authorized expenses.~~

§ 35.070 MEETINGS AND RULES PROCEDURES AND QUORUM.

~~A majority of the members serving on the Board at any time shall constitute a quorum. The Board shall conduct at least one meeting every three months or as needed. The Board shall have the right to adopt such rules of order and procedure as they deem necessary, provided that it is consistent with the laws of this state and with the City Charter and city ordinances.~~

(A) Meetings:

(1) Unless otherwise required by state law or city code, the HLB shall hold meetings no less than four (4) times a year unless more frequently as established by the HLB.

(2) In January of each year, the HLB shall adopt a schedule of its meetings and schedule its Annual Report presentation to City Council for the upcoming year, including meeting dates for holidays and canceled meetings.

(3) The HLB meeting agenda and packet shall be distributed to the HLB at least five (5) days prior to the meeting.

(4) All meetings are open to the public. Anyone wishing to speak to the HLB may do so under *Citizen Communications*. In the interest of time, comments may be limited to three (3) minutes unless additional time is granted by the presiding officer.

(5) The student member may provide a report at every meeting.

(6) A public meeting is defined as two (2) or more members meeting who have been delegated authority by the HLB to advise or make recommendations to the HLB.

(7) Special meetings may be called by a vote of the HLB at any regularly scheduled meeting, by the request of the Chair, Council Liaison, or written petition by three (3) or more HLB members.

(8) All meetings and hearings shall be held at a designated date, place and time in compliance with Public Meetings Law (ORS Chapter 192) and subject to Public Records Law (ORS Chapter 192).

(B) Minutes:

(1) The HLB may appoint a secretary at the first regularly-scheduled HLB meeting of each year to take the HLB meeting minutes.

(2) Written minutes are required for all meetings.

(3) The minutes shall follow a standard template provided by the City.

(4) The meeting minutes shall briefly summarizing what took place and must include: 1) any action items, 2) attendance, and 3) vote of each member. Verbatim minutes are not required.

(5) Staff may take minutes if the HLB requests the City to do so.

(6) Staff shall review the minutes to ensure compliance with state law.

(7) Staff shall post the approved minutes to the website as soon as possible.

(C) Attendance:

(1) Members are expected to attend every meeting.

(2) Members shall notify the staff liaison prior to the regular meeting to report an absence.

(3) The Chair, with the consent of the HLB, may submit a recommendation to City Council to deem a member's position vacant for three (3) or more absences in a 12-month period.

(4) 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.

Quorum:

Unless otherwise required by state law, a majority of the total number of voting B/C members constitutes a quorum.

(D) Voting and Decision Making:

(1) Roberts Rules of Order Newly Revised shall govern all proceedings unless they conflict with these rules.

(2) The Chair has the right to vote whenever a vote is cast. In the case of a tie vote with the Chair voting, the motion fails.

(3) The HLB shall operate in the general public interest serving the community as a whole. The HLB shall serve no special interest(s) or endorse any commercial product or enterprise.

(E) Conflicts of Interest and Ethics Law:

(1) HLB 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.

(2) HLB members are subject to the Restrictions on Political Campaigning when acting in official capacity (ORS 260.432).

(3) A civil penalty may be imposed by the State for each violation of any provision of the ORS.

(F) Role of Council Liaison:

(1) The Council Liaison shall be appointed by the Mayor, with the consent of the City Council, and shall be a non-voting member.

(2) Council Liaison's role is to collaborate between the City Council and the HLB to ensure each group's collective interest is accurately and effectively represented to the other, including actively attending and reporting to each entity at their regular scheduled meetings.

(3) The Council Liaison shall have the freedom of the floor at all times to present Council's views and to comment or suggest actions to the HLB.

(G) Role of Staff Liaison:

(1) The staff liaison shall be appointed by the City Manager and shall be non-voting. The staff liaison shall assist the HLB by utilizing their expertise regarding city policy and process.

(2) The staff liaison shall:

(a) Orient newly-appointed members prior to the first meeting on the duties and responsibilities of being a HLB.

(b) Review the agenda in consultation with the HLB Chair. The agenda shall follow a standard template provided by the City.

(c) Prepare, post and distribute the HLB packet at least five (5) days prior to the meeting. Post the final agenda on the bulletin board at the meeting location.

(d) Prepare HLB meeting minutes, briefly summarizing what took place and must include any action items, attendance and vote of each member.

(e) Report any member who has three (3) or more absences in a 12-month period to the City Recorder's Office.

(3) Additional staff liaison duties and responsibilities may be found in the Council Rules, Section 14.

(H) Registry:

The City Recorder's Office shall maintain a current roster of all members, including appointment date, length of unexpired term, and contact information. The roster may be subject to Public Records Law (ORS Chapter 192). A copy of the roster shall be provided to Council and staff liaison at least once per year or upon any substantial change in membership.

(I) Amending Bylaws:

(1) A majority of all members must vote affirmatively to modify the HLB bylaws on at least two separate readings at two separate meetings.

(2) A final decision on a bylaw change shall not be made until at least the next regular meeting following the introduction and second of the motion.

(3) All bylaws or rules, including changes, must be approved by the City Council.

(4) Bylaws shall follow a standard template provided by the City.

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A place where families and businesses thrive.

<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	<u>6.</u>
MEETING DATE:	<u>05/11/2020</u>
FINAL ACTION:	<u>First Reading ORD 2020-02</u>

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

MEETING DATE: *May 11, 2020*

PROJECT TEAM: *James Reitz, AICP, Senior Planner
Bryan Pohl, Community Development Director*

SUBJECT TITLE: *Public Hearing and First Reading of an Ordinance to Amend the Forest Grove Code to Adopt New Bylaws for the Historic Landmarks Board*

ACTION REQUESTED:	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Order	<input type="checkbox"/> Resolution	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Informational
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X all that apply

ISSUE STATEMENT: The City Council has implemented a plan to standardize the bylaws of the City’s Boards and Commissions. The Historic Landmarks Board is submitting the attached set of Bylaws for approval.

BACKGROUND: The Historic Landmarks Board has been assigned by the City Council to advise the Council on issues related to historic preservation.

The proposed bylaws follow the Council-approved template, but also incorporate certain statutory provisions as required by ORS 197 *Comprehensive Land Use Planning* (e.g. the Criteria for Landmark Designation).

The Board unanimously approved the attached bylaws at their January 28, 2020 meeting. These bylaws would replace those that have been in effect since the 1980s.

FISCAL IMPACT: Adoption of the ordinance will have no fiscal impact on the City.

STAFF RECOMMENDATION: Staff recommends adoption of the ordinance to amend the Forest Grove Code as described above.

ATTACHMENT: Ordinance to adopt new bylaws for the Historic Landmarks Board.



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NOTICE OF PUBLIC HEARING FOREST GROVE CITY COUNCIL

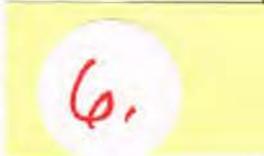
NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold a Public Hearing **Monday, May 11, 2020, at 7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove, to review the following:

PROPOSAL: Amendments to Forest Grove Code Chapter 35, City Organizations, § 35.065 through § 35.070. The proposed amendments are amending the Historic Landmarks Board Bylaws.

The hearing is open to the public and interested parties are encouraged to attend. A copy of the staff report and proposed ordinance is available before the hearing at the City Recorder's Office or by visiting the City's website at www.forestgrove-or.gov. Written comments or testimony may be submitted at the hearing, emailed to aruggles@forestgrove-or.gov, or sent to the attention of the City Recorder's Office, P. O. Box 326, 1924 Council Street, Forest Grove, OR 97116. For further information, please contact the City Recorder's Office, 503.992.3235.

###

Anna D. Ruggles, CMC, City Recorder
City of Forest Grove



ORDINANCE NO. 2020-02

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WHEREAS, as set forth in §14.15, each B/C is required to adopt new Bylaws or rules of procedures following a standard template provided by the City; and

WHEREAS, the HLB reviewed and combined its existing Bylaws to form to the new Bylaw template and unanimously approved the newly-revised Bylaws (Exhibit A) at its meeting held on January 28, 2020; and

WHEREAS, Exhibit A prescribes the HLB's duties and responsibilities.

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

Section 1. The City Council hereby amends Forest Grove Code of Ordinances Title III (Administration) §35.065 through §35.070, titled Historic Landmarks Board, as set forth in Exhibit A.

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PASSED the second reading this 26th day of May, 2020.

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APPROVED by the Mayor this 26th day of May, 2020.

Peter B. Truax, Mayor

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EXHIBIT A

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HISTORIC LANDMARKS BOARD

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(F) Role of Council Liaison:

(1) The Council Liaison shall be appointed by the Mayor, with the consent of the City Council, and shall be a non-voting member.

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(a) Orient newly-appointed members prior to the first meeting on the duties and responsibilities of being a HLB.

(b) Review the agenda in consultation with the HLB Chair. The agenda shall follow a standard template provided by the City.

(c) Prepare, post and distribute the HLB packet at least five (5) days prior to the meeting. Post the final agenda on the bulletin board at the meeting location.

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(3) All bylaws or rules, including changes, must be approved by the City Council.

(4) Bylaws shall follow a standard template provided by the City.

Date: May 11, 2020

Agenda Item: 6.

Subject: PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2020-02 AMENDING FOREST GROVE CODE OF ORDINANCES, TITLE III (ADMINISTRATION), CHAPTER 35 (CITY ORGANIZATIONS), §35.065 THROUGH §35.070, RELATING TO AMENDING HISTORIC LANDMARKS BOARD BYLAWS

CITY COUNCIL MEETING

Request to Testify at Public Hearing

Public Hearings – Public hearings are held on each matter required by state law or City policy. Anyone wishing to testify should sign-in for the Public Hearing prior to the meeting. The Mayor or presiding officer will review the complete hearing instructions prior to testimony. The Mayor or presiding officer will call the individual or group by the name given on the sign-in form. When addressing the Mayor and Council, please move to the witness table (center front of the room). Each person should speak clearly into the microphone and must state their first and last name and provided a mailing address for the record. All testimony is electronically recorded. In the interest of time, Public Hearing testimony is limited to three minutes unless the Mayor or presiding officer grants an extension. Written or oral testimony is heard prior to any Council action.

Please sign-in below to testify:

PROPONENTS: (Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:

OPPONENTS: (Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:

OTHERS: (Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:

Please continue on Page 2:

Date: May 26, 2020

Agenda Item: 6

Subject: CONTINUE PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 2020-02 AMENDING FOREST GROVE CODE OF ORDINANCES, TITLE III (ADMINISTRATION), CHAPTER 35 (CITY ORGANIZATIONS), §35.065 THROUGH §35.070, RELATING TO AMENDING HISTORIC LANDMARKS BOARD BYLAWS

CITY COUNCIL MEETING

Request to Testify at Public Hearing

Public Hearings – Public hearings are held on each matter required by state law or City policy. Anyone wishing to testify should sign-in for the Public Hearing prior to the meeting. The Mayor or presiding officer will review the complete hearing instructions prior to testimony. The Mayor or presiding officer will call the individual or group by the name given on the sign-in form. When addressing the Mayor and Council, please move to the witness table (center front of the room). Each person should speak clearly into the microphone and must state their first and last name and provided a mailing address for the record. All testimony is electronically recorded. In the interest of time, Public Hearing testimony is limited to three minutes unless the Mayor or presiding officer grants an extension. Written or oral testimony is heard prior to any Council action.

Please sign-in below to testify:

PROPONENTS: *(Please print legibly)*

First & Last Name:

Address:

City, State & Zip Code:

OPPONENTS: *(Please print legibly)*

First & Last Name:

Address:

City, State & Zip Code:

OTHERS: *(Please print legibly)*

First & Last Name:

Address:

City, State & Zip Code:

Please continue on Page 2: