

JUNCTION CITY PLANNING COMMISSION

AGENDA ITEM SUMMARY



City Process to Fill Vacancies & Expired Terms for Commissions & Subcommittees

Meeting Date: February 18, 2015
Department: Planning
www.junctioncityoregon.gov

Agenda Item Number: 6a
Staff Contact: Jordan Cogburn
Contact Telephone Number: 541-998-4763

ISSUE STATEMENT

At the January 20, 2015 Planning Commission standing meeting, the Commission directed Staff to bring back information on required processes to fill Planning Commission vacancies and expired terms at the next available meeting.

BACKGROUND

The Planning Commission requested for clarification on the notification and appointment process for the Planning Commission in light of City Code requirements, the Planning Commission By-Laws, and Resolution 1013, which proves for notice and application requirements for membership on City commissions and committees.

Article IV of the Planning Commission By-Laws, states the Mayor, with Council approval, appoints members of the Planning Commission. The Junction City Municipal Code Section 2.50.010 provides for appointments to committees and commissions. It states vacancies are filled by the Mayor with approval from Council.

At their March 23, 2010 meeting, the City Council passed Resolution 1013 which defined the recruitment process by which board, committee, sub-committee and commission vacancies are filled. Section 2 of Resolution 1013 provides for the content of the vacancy notice. Among the requirements is a 60 day advertising period, "...the application due date which shall be sixty (60 days from the date that the notice is first posted and/or published, unless otherwise directed by the Mayor and/or Council..." Section 5 contains provision for Planning Commission review of application and recommendation to Council.

RELATED CITY POLICIES

Planning Commission By-Laws Article IV: Membership and Voting

Section 1. "... seven other members who shall be appointed by the mayor with the approval of the council..."

Section 3. Members shall be appointed for 4-year terms, renewable upon appointment by the Mayor and with the approval by the council.

Section 4. The Planning Commission shall review applications for membership to the commission and make recommendations concerning the filling of vacancies on the commission to the mayor and city council. Any vacancy shall be filled upon appointment by the Mayor for the unexpired term of the predecessor in office.

Junction City Municipal Code, Section 2.50.010 Established.

There is hereby created a planning commission for the city of Junction City, the membership, term of office, termination of their office and the filling of vacancies of which shall be as follows:

A. "...seven other members who shall be appointed by the mayor, with the approval of the council..."

D. Any vacancy shall be filled by the mayor for the unexpired portion of the term.

Resolution 1013, Section 2, Notice of Vacancy. *"...the application due date which shall be sixty (60 days from the date that the notice is first posted and/or published, unless otherwise directed by the Mayor and/or Council..."*

PLANNING COMMISSION OPTIONS

1. Direct Staff to prepare information for Council consideration.
2. Direct Staff to gather additional information as specified by the Commission and bring the additional information back to the Commission at a date certain.
3. No additional action.

ATTACHMENTS

- A. Planning Commission By-Laws
- B. Junction City Municipal Code Chapter 2
- C. City Council Resolution 1013

FOR MORE INFORMATION

Staff Contact: Jordan Cogburn
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Staff E-Mail: jcplanning@ci.junction-city.or.us

PROCEDURES AND BY-LAWS
OF THE
JUNCTION CITY PLANNING COMMISSION
Adopted by the Planning Commission December 1989
Amended September 21, 1999; October 21, 2009;
October 18, 2011; June 17, 2014; January 20, 2015

ARTICLE I: ESTABLISHMENT

The Junction City Planning Commission was established in 1939 (Ordinance No. 220 as amended) and is appointed by the Mayor with Council approval in conformance with ORS 227.010 through 227.300, which sets forth the state requirements for establishing city planning commissions.

ARTICLE II: PURPOSE AND OBJECTIVES

- a. To keep current the Junction City Comprehensive Plan, functional plans and refinement plans for the City adopted by the Council as official guides to public and private uses of land.
- b. To prepare city legislation that will implement the purposes of the Junction City Comprehensive Plan.
- c. To keep current zoning, subdivision and sign code ordinances and to make amendments consistent with required findings and the purposes of the Junction City Comprehensive Plan.
- d. To hold hearings pertaining to minor partitions, major partitions, and subdivisions, and to approve or deny them on the basis of their consistency with the provisions set forth in the Junction City Subdivision Ordinance.
- e. To recommend and make suggestions to the council and to all other public authorities concerning laying out, widening, extending and locating of streets and parking areas, sidewalks, bikeways and boulevards, and for relief of traffic congestion, betterment of housing and sanitation conditions and establishment of zones or districts limiting use, height, area and bulk of buildings and structures (ORS 227.090).
- f. To recommend to the council and all other public authorities plans for regulation of the future growth, development, and beautification of the municipality 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 transportation facilities (ORS 227.090).
- g. To study and propose in general such measures as may be advisable for promotion of environmental quality as well as the public interest, health, morals, safety, comfort, convenience, and welfare of the city and of the area of influence (ORS 227.090).

ARTICLE III: OFFICERS

Section 1. The officers of this commission shall consist of a chair and vice chair.

Section 2. The chair and vice chair shall be elected from the voting membership of the commission at its first regular meeting in October of each year. The term of office shall be one year. In case of vacancy of chair or vice chair occurring in any office, the commission may fill the same by an election at its earliest opportunity.

Section 3. It shall be the duty of the chair to preside at all meetings of the commission; to enforce observance of the rules of procedure; to sign necessary Planning Commission correspondence and business; to decide all questions of order; offer for consideration all motions regularly made; apportion duties of the members of the commission; call special meetings; appoint all necessary committees; appoint advisory committees with the consent of the commission; and perform such other duties as the Chair's office may require. The chair shall make no motion or amendment.

Section 4. In the absence of the chair the vice chair shall perform the duties of the chair.

Section 5. In the absence of the chair and the vice chair, the commission shall elect a chair Pro Tem for the particular meeting in question.

Section 6. The commission may employ a Secretary of the Planning Commission. The secretary shall be responsible for keeping the records of the commission, arranging for meetings, preparing agendas, and performing such other services for the commission as are customary in that role.

ARTICLE IV: MEMBERSHIP AND VOTING

Section 1. The planning commission shall consist of the mayor and City building official, both of whom shall serve as ex officio nonvoting members; seven other members who shall be appointed by the mayor with the approval of the council, and two alternate members who shall sit as voting members only when there are absent members at a meeting of the commission. At least three of the seven members appointed by the mayor shall reside inside the city limits; an additional two members may reside anywhere in the urban growth boundary, and the remaining two members may reside anywhere in the area defined by the 97448 zip code. These restrictions apply only to the composition of the planning commission as appointed by the mayor; they are not intended to apply to the voting membership in attendance at a given meeting.

Section 2. No more than two members shall be engaged principally in buying, selling, or developing of real estate for a profit as individuals or be members of any partnership, or officers

or employees of any corporation that is engaged principally in buying, selling, or developing real estate for a profit. No more than two members shall be engaged in the same kind of business, trade or profession (ORS 227.030).

Section 3. Members shall be appointed for 4-year terms, renewable upon appointment by the Mayor and with the approval by the council.

Section 4. The Planning Commission shall review applications for membership to the commission and make recommendations concerning the filling of vacancies on the commission to the mayor and city council. Any vacancy shall be filled upon appointment by the Mayor for the unexpired term of the predecessor in office.

Section 5. Each member of the commission shall be entitled to vote at all regular and special meeting of the commission, except that a member shall not vote or take part in discussion as a member when there is a conflict of interest; i.e., when the action to be taken can confer a significant economic benefit or impose a significant economic loss on the individual member. For example, a member of the commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or his or her spouse, brother, sister, child, parent, father-in-law, mother-in-law, and business in which he or she is then serving or has served within the previous two years, or any business with which he or she is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at each meeting of the commission where the action is being taken (ORS 244.135).

Section 6. If a member wishes to abstain in a situation where there is no direct pecuniary conflict of interest, but where the public might construe that such a conflict exists, or if a member has a conflict deriving from a relationship with the person involved or an extreme bias, the member may request the commission to allow that member to abstain. If the commission says "no," the member must vote. This provision is intended to relate to close relatives and to professional relationships, as well as to friendships.

Section 7. Any time a member present at a meeting does not record his vote, it is automatically recorded as a vote with the majority; and abstention must be entered as such in the minutes, with the reason recorded.

Section 8. Commission members shall receive no compensation, but shall be reimbursed for duly authorized expenses.

Section 9. Any member who misses more than three consecutive regular meetings without having been given a leave of absence by the commission shall be notified by registered mail of possible removal from the commission for further consecutive unexcused absences. Upon the fourth consecutive unexcused absence the commission shall recommend the removal of the absent member to the city council. The city council shall appoint another member to complete the unexpired term of any removed member.

Section 10. Alternate members shall sit as voting members only when there are absent members at a meeting of the commission. If members of the commission are late, alternates shall sit as voting members for the duration of the meeting.

ARTICLE V: MEETINGS

Section 1. Regular meetings of the commission shall be held the third Wednesday of each month at 6:30 p.m. in the Council Chambers. Special meetings can be called by the chair or vice chair with 24 hours notice.

Section 2. A majority of the members of the commission, excluding vacant positions, shall constitute a quorum. Except as otherwise provided by law, all actions of the Commission shall require the vote of the majority of those members present not abstaining.

Section 3. An abstention is not considered a position for the purposes of determining a majority vote.

Section 4. If a member of the commission is unable to attend a meeting, said member is expected to notify the chair and/or the secretary to the commission.

Section 5. Commissioners shall prepare for participation at a meeting by fully reviewing the staff report and materials provided by the Director. If a Commissioner is unable to attend a hearing on an application that is continued to another hearing, the Commissioner shall not take part in the continuance hearing unless the Commissioner:

1. Reviews the staff report and materials provided by the Director as well as:
 - a. all materials submitted at the hearing, and
 - b. any additional materials prepared by the planning staff applicable to the application, and
 - c. Listen/view the audio/video recording of the hearing and review the draft minutes of the hearing.
2. Declares on the record at the continuance hearing that they are prepared to participate.

Section 6. All commission members shall be sent advance written notice of regular meetings or special meetings where action is to be taken. Notification for study sessions may be made at regular meetings or by telephone at least 24 hours in advance of the meeting time. The place and/or hour of any meeting may be changed by affirmative vote of the commission, and the hour of meeting may be changed by the chair; if adequate notice can be given to the public and all interested parties (ORS 192.640).

Section 7. Action may be postponed at the first hearing on any land use application where the applicant (or appellant) or a representative is not present. A written explanation for absence, coupled with a request that action not be delayed, may be honored, if the commission has sufficient information to proceed. If the commission agrees to postpone the application to a subsequent hearing date, at the request of the applicant, the applicant may be responsible for additional costs incurred by the city in meeting public notice requirements. It is the duty of the City Recorder, or such other Person designated by the City, to notify applicants at the time of initial application that they may be responsible for these additional costs.

Section 8. All meetings shall adjourn by 9:00 p.m. unless the commission, by majority vote, decides to extend business beyond that or continue the discussion to a later date. No new public hearing agenda item shall be considered for decision after 9:00 p.m.

Section 9. Public hearings shall begin at 6:30 p.m. in their order of public notice.

Section 10. Except as otherwise provided by the chair, Robert's Rules of Order shall apply to the procedures of all commission meetings. However, the commission has an obligation to be as clear and simple in its procedures as possible, and therefore should avoid the finer points of parliamentary rules, which may only obscure the issues.

Section 11. A planning commission member who attends a meeting of the city council as a representative of the commission should follow the following guidelines:

- a. The representative should answer questions about commission actions if these are addressed to him or her by the council.
- b. The representative should state the commission's majority report and should not present his/her own point of view nor that of the minority, unless specifically asked.

Section 12. The planning commission may hold executive sessions subject to the requirements of ORS 192.610 to 192.690.

ARTICLE VI: PUBLIC HEARINGS

Section 1. The commission may retain a hearings officer to prepare staff reports, conduct public hearings and to create findings of fact documents. All staff reports furnished to the commission shall be considered as part of the record at the meeting and incorporated in the minutes thereto as if actually included. All staff reports shall be made available to applicants prior to the public hearing.

Section 2. The secretary to the commission shall tape record all public hearings and meetings and retain these records for a period of time not less than two years from the date of that hearing.

Section 3. In the interest of avoiding the appearance of bias, no individual planning commission member will discuss (ex parte contact) with the applicant for a specific land use, or others interested in the application, any request that is to be heard by the commission and on which he or she will vote, except that answering questions relating to time, place, and commission procedures will not be considered as violations of this rule. Any such ex parte contact shall be divulged on the record, by the affected commission member, at the beginning of the public hearing to which the contact pertains. The commission member shall state the name of the party or parties with which he or she had the contact, explain the nature of the pre-hearing discussion and state whether that contact has caused the commission member to become biased in voting upon the matter. A request for abstention shall be determined by the procedures set out in Section 6 of ARTICLE IV of these bylaws.

Section 4. Any interested parties may appear for themselves or be represented by a person of their choosing. Any persons speaking at a public hearing shall first identify themselves by name and address, and, if appearing in a representative capacity, identify whom they represent.

Section 5. Procedure for all matters considered by the commission shall be as follows:

- a. The chair or hearings officer will present the matter, action and considerations required of the commission by law, and any other information deemed necessary to establish appropriate consideration prior to public discussion or hearing.
- b. The chair or hearings officer shall ask for a declaration of ex parte contacts and potential conflicts of interest. Members who are excused from voting because of an ex parte contact or potential or actual conflict of interest shall remove themselves from the dais and refrain from participating as a member of the commission during the public hearing.
- c. The chair or hearings officer shall provide the audience an opportunity to challenge the jurisdiction of the Planning Commission and/or the impartiality of any commission member.

- d. (Open public hearing, if applicable) The proponents of the matter shall, before the commission, present their case.
- e. Opponents of the matter shall present their case.
- f. Proponents shall then have an opportunity to rebut any new matters presented by the opponents.
- g. Staff members and representatives of other public agencies shall, subject to the public's right of rebuttal, be afforded an opportunity to make presentations, furnish information and comment on implications of suggested actions prior to the close of the hearing.
- h. Planning Commission discussion and action.
- i. Persons with lengthy testimony are encouraged to submit it in advance of the public meeting.
- j. The chair or hearings officer may limit testimony to a specific amount of time in order to hear all persons desiring to testify.
- k. Continuance of applications pursued with due course to a later date should be made when:
 - 1. Further deliberation on the item may be necessary, including the request for new information by the commission, or
 - 2. Newly submitted evidence dictates further technical review and analysis, or
 - 3. Preliminary to commission action, staff preparation and review of findings and conditions are necessary.

l. Relevant pertinent information to a commission member should be introduced through the staff or during the testimony portion of the public hearing. All information thus presented is available for rebuttal.

Section 6. Following the rendering of a decision the chair or hearings officer shall advise interested parties as to their appeal rights under the Junction City Zoning Ordinance (Ordinance No. 950).

Section 7. No quasi-judicial decision of the planning commission shall be final until the adoption of supporting findings of fact.

ARTICLE VII: SPECIAL RECORDS

Section 1. Special Reports: All reports made by the hearings officer, the planning staff, planning commission, committees of the commission, individual staff or commission members, or other interested parties, shall be filed and made available to the public.

Section 2. Policy Statements: All policy statements of the commission shall be recorded and shall be made available to the public.

Section 3. Planning Commission Interpretations: When the Planning Commission is required or requested to make a policy interpretation concerning any ordinance, either text or map, such interpretation shall be reduced to writing and placed in a special file entitled "Ordinance Text and Map Interpretations" and shall be made available to the commission at all meetings and to the public. In the case of map interpretations, the official zoning maps shall be changed to reflect such interpretations.

Section 4. All public documents of the commission shall be located in City Hall and shall be available to the public during normal business hours.

ARTICLE VIII: SUBCOMMITTEES

Section 1. The Chair shall appoint subcommittees as needed.

Section 2. The Chair may appoint a chairperson for each subcommittee or may serve in this capacity.

Section 3. The Chair is an ex officio member of all subcommittees.

ARTICLE IX: ADVISORY COMMITTEES

Advisory committees to the commission may be appointed by the chair with the concurrence of the commission members.

ARTICLE X: AMENDMENT TO BYLAWS

These bylaws may be amended by an affirmative vote of a majority of members present at any regular meeting, providing notice of such amendment is given at a preceding regular meeting.

Sections:

- [2.50.010](#) Established.
- [2.50.020](#) Powers and duties.
- [2.50.030](#) Secretary of the planning commission.
- [2.50.040](#) Duties of secretary of the planning commission.

2.50.010 Established.

There is hereby created a planning commission for the city of Junction City, the membership, term of office, termination of their office and the filling of vacancies of which shall be as follows:

A. The membership shall consist of the mayor and city building official, both of whom shall serve as ex officio nonvoting members; seven other members who shall be appointed by the mayor, with the approval of the council; and two alternate members who shall sit as voting members only when there are members absent from a meeting of the commission. At least three of the seven members appointed by the mayor shall reside inside the city limits; an additional two members may reside anywhere in the urban growth boundary; and the remaining two members may reside anywhere in the area defined by the 97448 Zip Code. These restrictions apply only to the composition of the planning commission as appointed by the mayor; they are not intended to apply to the voting membership in attendance at a given meeting.

B. No more than one voting member of the commission may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.

C. Members of the commission shall hold office for four years.

D. Any vacancy shall be filled by the mayor for the unexpired portion of the term.

E. A planning commission member position shall be deemed vacant upon the incumbent's death, incompetence, conviction of felony, resignation or absence from the city for 30 days without the consent of the mayor; upon the incumbent's ceasing to possess the qualifications necessary for membership on the commission; or upon the failure of the person to qualify therefor within one week from the time for his term to commence; and upon his absence from meetings of the planning commission for four consecutive meetings without the consent of the planning commission as described in the planning commission bylaws. [Ord. [1072](#) § 1, 1999; Ord. [1069](#) § 1, 1999; Ord. [794](#) § 1, 1980; Ord. [786](#) § 1, 1979; Ord. [220](#) § 1, 1939.]

2.50.020 Powers and duties.

Said planning commission shall be organized in the manner prescribed by the general law of the state of Oregon governing city planning commissions and shall be bound by and governed by all the rules and regulations prescribed by such general law. Also its powers and duties shall be the same as are prescribed by law pertaining to such city planning commissions. [Ord. [220](#) § 2, 1939.]

2.50.030 Secretary of the planning commission.

The mayor may, with the consent of the council, appoint a secretary of the planning commission, who shall serve until the mayor, with the consent of the council, sees fit to dispense with his or her services, or until his or her successor is appointed. [Ord. [868](#) § 1, 1984; Ord. [213](#) § 21, 1939.]

2.50.040 Duties of secretary of the planning commission.

In addition to those duties specially prescribed in other ordinances or by law, the secretary of the planning commission shall attend all planning commission meetings as an ex officio nonvoting member, and arrange for the preparation of minutes of its meetings; shall maintain the records and make reports about land use and development applications; and interpret the provisions of JCMC Title [17](#) as prescribed by that title. [Ord. [868](#) § 1, 1984; Ord. [213](#) § 22, 1939.]

RESOLUTION NO. 1013

A RESOLUTION DEFINING THE PROCESS BY WHICH BOARD, COMMITTEE, SUB-COMMITTEE, AND COMMISSION VACANCIES WILL BE RECRUITED.

WHEREAS, the City of Junction City has created numerous boards, committees, commissions, and sub-committees (to be collectively referred to as "Groups" in the remainder of this resolution) and will continue to create them on an as needed basis; and

WHEREAS, the creation process shall specify the name and purpose of the group. The number of positions, with a minimum of three, shall also be determined upon creation of the group. All positions will be voluntary and be filled by Mayoral or Council appointment; and

WHEREAS, each position has a limited service term and vacancies are created when service terms end and/or when members resign prior to the end of their position's service term; and

WHEREAS, it is in the City's best interest to fill vacant positions as soon as possible using a fair and consistent application and appointment process; now, therefore

THE CITY OF JUNCTION CITY DOES RESOLVE AS FOLLOWS:

Section 1. Staff Lead. Each group will be assigned a staff lead. The City Recorder, with assistance from each staff lead, will develop and maintain a membership roster for all active groups. When it is determined that one or more vacancies exist, the recruitment process, as outlined in the following sections of this resolution, will begin.

Section 2. Notice of Vacancy. The staff lead, or designee, will draft a "Notice of Vacancy". The notice of vacancy will contain at a minimum the name of the board, committee, sub-committee, or commission; a brief description of the group's function; the proposed or current meeting schedule; the number of vacant positions, the vacant position(s) number; the service term of the vacant position(s); where an application can be obtained; the minimum eligibility requirements; the application due date which shall be sixty (60) days from the date that the notice is first posted and/or published, unless otherwise directed by the Mayor and/or Council; and instructions on how to submit the application.

Section 3. Posting and Advertising. The staff lead, or designee, will be responsible for the posting and advertising described in this Section 3. The notice of vacancy will be physically posted at all City facilities at which citizen foot traffic normally occurs and electronically posted on the City's website. An abbreviated version of the notice shall be placed once in a Junction City or Eugene newspaper. Abbreviated versions of the notice can also be included in City publications, City water, sewer, and garbage bills, announced at public meetings, and shared in conversations with citizens when appropriate.

Section 4. Community Outreach. Staff leads working with the City Recorder will make reasonable efforts to contact existing local community groups to develop and maintain a list of groups interested in receiving the City's Notices of Vacancies on a regular basis. Staff leads will send notices electronically to the City Recorder who will distribute via email to all of the interested groups. The burden of providing active and accurate email addresses will lie with the community groups.

Section 5. Application Processing. Completed applications will be date stamped with the date received and given to the appropriate staff lead. The staff lead will make a copy of each application for their use. The original will be given to the City Recorder.

Once the deadline is passed the staff lead, in most cases, will prepare an Agenda Item Summary (AIS), white out the applicant's contact information and signature on each application, attach the applications to the AIS, and present to the City Council for consideration and appointment at one of their future meetings. In some cases, the staff lead will first present the applications to a committee or commission. The staff lead will then include the committee's or commission's recommendation in the AIS for the presentation to the City Council.

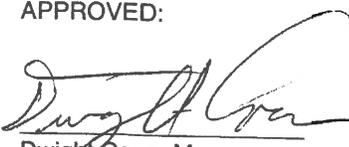
Passed by the Council this 23rd day of March 2010.

Approved by the Mayor this 23rd day of March 2010.

ATTEST:


Kitty Vodrup, City Recorder

APPROVED:


Dwight Coon, Mayor