CITY OF WILSONVILLE
29799 SW TOWN CENTER LOOP E
WILSONVILLE OREGON
503 682-1011
www.ci.wilsonville.or.us

WELCOME PACKET

DEVELOPMENT REVIEW BOARD MEMBERS

Planning Division
503 682-4960
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   - Comprehensive Plan
   - Land Use Development Code
   - Water System Master Plan
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   - Bicycle & Pedestrian Master Plan
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   - Transit Master Plan
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   - Guidelines for WaterWise Landscaping

2019 Scheduled Meeting Dates
## City of Wilsonville
### 2019 Scheduled Meeting Dates
#### DEVELOPMENT REVIEW BOARD – PLANNING COMMISSION

<table>
<thead>
<tr>
<th>Development Review Board Panel A</th>
<th>Development Review Board Panel B</th>
<th>Planning Commission Committee for Citizen Involvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 14, 2019</td>
<td>January 28, 2019</td>
<td>January 9, 2019</td>
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<tr>
<td>February 11, 2019</td>
<td>February 25, 2019</td>
<td>February 13, 2019</td>
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<tr>
<td>March 11, 2019</td>
<td>March 25, 2019</td>
<td>March 13, 2019</td>
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<tr>
<td>April 8, 2019</td>
<td>April 22, 2019</td>
<td>April 10, 2019</td>
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<tr>
<td>May 13, 2019</td>
<td>May 27, 2019*</td>
<td>May 8, 2019</td>
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<tr>
<td>June 10, 2019</td>
<td>June 24, 2019</td>
<td>June 12, 2019</td>
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<td>July 8, 2019</td>
<td>July 22, 2019</td>
<td>July 10, 2019</td>
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<td>August 12, 2019</td>
<td>August 26, 2019</td>
<td>August 14, 2019</td>
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<td>September 9, 2019</td>
<td>September 23, 2019</td>
<td>September 11, 2019</td>
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<td>October 14, 2019</td>
<td>October 28, 2019</td>
<td>October 9, 2019</td>
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<tr>
<td>November 11, 2019*</td>
<td>November 25, 2019</td>
<td>November 13, 2019</td>
</tr>
<tr>
<td>December 9, 2019</td>
<td>December 23, 2019</td>
<td>December 11, 2019</td>
</tr>
</tbody>
</table>

*City Holiday – alternate hearing dates may be scheduled.

### Panel A Board Members
- Fred Ruby
- Joann Linville
- Jennifer Willard
- Daniel McKay
- Angela Niggl

### Panel B Board Members
- Richard Martens
- Shawn O’Neil
- Samy Nada
- Tracy Meyer
- Ellie Schroeder

### Planning Commissioners
- Jerry Greenfield
- Peter Hurley
- Kamran Mesbah
- Phyllis Millan
- Eric Postma
- Simon Springall
- Ron Heberlein

### Planning Staff:
- Chris Neamtu, Community Development Director, 503 570-1574, neamtu@ci.wilsonville.or.us
- Miranda Bateschell, Planning Manager, 503-570-1581, bateschell@ci.wilsonville.or.us
- Daniel Pauly, Senior Planner, 503 570-1536, pauly@ci.wilsonville.or.us
- Kim Rybold, Associate Planner, 503-570-1583, rybold@ci.wilsonville.or.us
- Charles Tso, Assistant Planner, 503-570-1573, tso@ci.wilsonville.or.us
- Tami Bergeron, Admin Assistant, 503 570-1571, bergeron@ci.wilsonville.or.us
- Shelley White, Admin Assistant, 503 570-1575, swhite@ci.wilsonville.or.us
Resolution No. 83. Development Review Board Resolution adopting Rule of Procedure for Continuance of Public Hearings
Resolution No. 83

A DEVELOPMENT REVIEW BOARD RESOLUTION ADOPTING A RULE OF PROCEDURE FOR CONTINUANCE OF PUBLIC HEARINGS.

WHEREAS, pursuant to Wilsonville Code 2.332, the Development Review Board is empowered to adopt rules of procedure for the conduct of Development Review Board meetings and quasi-judicial hearings, and

WHEREAS, there have been several occasions and will likely be future occasions where applicants for quasi-judicial hearings will request a continuation of a hearing resulting in a noticed Development Review Board agenda with no public hearings, and

WHEREAS, it is in the public interest for efficiency and fiscal economics to administratively continue hearings for which substantive business is lacking.

NOW, THEREFORE, the Development Review Board, Panel A and Panel B, resolves that:

1. When requests for continuation of noticed public hearings(s) have been received, and no other items on an agenda need to be considered at the subject Development Review Board meeting, and no majority of the board members object, staff may administratively continue the public hearing to the next available hearing date and time certain, and shall post and send appropriate notice of the continued hearing.

Bryan Smith, Chair Panel A
Kristin Koetz
Eric Postma
Sukhwant Jaaj
John Schenk
Phyllis Straight-Millan, Chair, Panel B
Monica Keenan
Al Levit
Bernard Smith
Jim Sandlin

Attest:

Sally Hartill
Planning Project Coordinator
Wilsonville Code Sections pertaining to Development Review Board
(e) Consider and make recommendations to the City Council on proposed amendments to the text of Chapter Four of the Wilsonville Code and the text of the Comprehensive Plan, including sub elements and facility plans.

(f) Consider and make recommendations to the Wilsonville Urban Renewal Agency Board on proposed redevelopment plans.

(g) Review and make recommendations to the City Council on all Petitions or Applications that are determined to be legislative land use proposals, including proposed policies, code amendments and Comprehensive Plan amendments that are legislative in nature. Before taking final action on any such matters, the City Council shall carefully consider the reports and recommendations of the Planning Commission.

(3) The Planning Commission shall conduct its meetings and deliberations in accordance with the laws of the State of Oregon and the Wilsonville Code. All recommendations made to the City Council by the Planning Commission shall be in writing, except under emergency circumstances, in which case the Planning Director, or the Director’s designee, shall be authorized to convey such recommendations orally.

(4) The Planning Commission shall have all the powers which are now or may hereafter be given to it to perform legislative functions under the laws of the State of Oregon and the Wilsonville Code.

(5) The Planning Director shall be responsible for determining whether a petition or application for a land use proposal is quasi-judicial or legislative in nature, after consultation with the City Attorney.

(Section added by Ord. 453, dated March 18, 1996, effective May 1, 1996.)

2.323 Planning Commission Expenditures.

(1) The Planning Commission shall have no authority to make any expenditures on behalf of the City, or to obligate the City for the payment of any sums of money.

(2) Planning Commission members shall receive no compensation but shall be reimbursed for expenses.

(Added by Ord. 453, dated March 18, 1996, effective May 1, 1996.)

2.330 Development Review Board Purpose and Members.

(1)(a) There is hereby created a Development Review Board for the purpose of reviewing, and taking action on, quasi-judicial land use applications. In the interest of efficiency, the Development Review Board shall sit as two separate panels, each of which is hereby empowered to sit separately and make decisions or recommendations on applications. Each panel of the Development Review Board shall consist of five (5) members who are not elected officials or
employees of the City. One member of each panel shall be designated as a liaison to attend City Council meetings and represent the Development Review Board when applications previously reviewed by the Board require City Council action. The liaison position may be rotated among the Board Members.

(b) Except as provided in this subsection, members of the Development Review Board shall be residents of the City who are appointed by the Mayor with the consent of the City Council and may be removed by the Mayor with the consent of the City Council. Provided, however, that for the purpose of encouraging participation by the Wilsonville business community, not more than one member of each Development Review Board panel may be appointed who does not reside within the City of Wilsonville if he/she is a property owner, or actively engaged in business or employment in the City.

(Amended by Ord. 518, adopted April 17, 2000)

(c) Not more than one member of each Development Review panel shall be engaged principally in the buying, selling or developing of real estate for profit as an individual, or be a member of any partnership or officer or employee of any corporation engaged principally in the buying, selling or developing of real estate for profit. Not more than one voting member of each panel shall be engaged in the same kind of business, trade or profession.

(2) Development Review Board members shall make every effort to attend all meetings of their respective panels and to notify the chair to prearrange absences other than emergencies. Unexcused absences from three meetings in any calendar year may be grounds for removal.

(3) The members of one panel of the Development Review Board may replace absent members of the other panel at any meeting in order to assure that a quorum is present to conduct business. Three (3) members shall constitute a quorum for each panel.

(4) Each panel of the Development Review Board shall annually elect a person to chair meetings and a vice-chair, who shall be voting members. This election shall take place at the first regular meeting each year.

(5) Notwithstanding the provision of two panels in Section 2.330(1) above, if the Planning Director and the Chair of each panel determine that a development application is of such a large scale that the public interests will be better served by combining the panels, the chairs may call the two panels together, en banc, to hear the application. Six members shall constitute a quorum when the two panels convene jointly.

(Section added by Ord. 453, dated march 18, 1996, effective May 1, 1996.)

2.331 Development Review Board Terms of Office.

Each member of the Development Review Board shall serve a two-year term, or until a successor is appointed. Provided, however, that the terms of two (2) of the members of each panel shall expire at the end of calendar year 1996, and the terms of three (3) members of each panel shall expire at the end of 1997. Any vacancy shall be filled for the unexpired term of the predecessor
in the office. No member shall hold appointment for more than three (3) full consecutive terms, but any person may be appointed again to the Board after an interval of one (1) year. However, an appointee may subsequently be appointed to a maximum of three consecutive two-year terms after completing the unexpired term of another board member.  

*(Section added by Ord. 453, dated March 18, 1996, effective May 1, 1996.)*

### 2.332 Development Review Board Powers and Duties.

(1) Except as otherwise provided by law, it shall be the duty of the Development Review Board, and it shall have power to take action on all quasi-judicial land use applications assigned for review to the Planning Commission or Design Review Board in Chapter Four of this Code.

(2) Applications to be reviewed by the Development Review Board typically include: subdivisions and major partitions, other than those processed as “expedited land divisions”, planned developments, site level review of specific development proposals, design review applications, street naming and vacations, zoning variances and conditional use permits, and quasi-judicial amendments to Comprehensive Plan designations or zoning.

(3) The Development Review Board shall conduct its meetings and deliberations in accordance with the laws of the State of Oregon and the Wilsonville Code.

(4) All recommendations made to the Council by the Development Review Board shall be in writing, except under emergency circumstances, in which case the Planning Director, or the Director’s designee, shall be authorized to convey such recommendations orally. Before taking final action on any such matters, the City Council shall carefully consider the reports and recommendations of the Development Review Board.

(5) The Development Review Board shall have all the quasi-judicial powers which are now or may hereafter be given to land use hearings officers or planning commissions under the laws of the State of Oregon and the Wilsonville Code.

(6) The Planning Director shall be responsible for determining whether an application is quasi-judicial or legislative in nature, after consultation with the City Attorney.  

*(Section added by Ord. 453, dated March 18, 1996, effective May 1, 1996.)*

### 2.333 Development Review Board Expenditures.

(1) The Development Review Board shall have no authority to make any expenditures on behalf of the City, or to obligate the City for the payment of any sums of money.

(2) Development Review Board members shall receive no compensation but shall be reimbursed for expenses.  

*(Section added by Ordinance 453, dated March 18, 1996, effective May 1, 1996.)*
2.338 Referee Selection for Appeals of Expedited Land Division Decisions.

The Planning Director shall maintain a list of persons whom the Director has pre-qualified as having the requisite training, education, and experience to serve as referees for appeals of decisions on expedited land divisions, as provided in ORS 197.375. The rate of compensation shall also be established and listed by the Planning Director. Upon filing of an appeal of a decision on an expedited land division, the Planning Director shall select the referee to perform the personal hearing services at the established rates and at such times and places as the Planning Director shall determine. The list of referees and rates shall be reviewed at least annually by the Planning Director to provide current information.

(Section added by Ordinance 453, dated March 18, 1996, effective May 1, 1996.)

2.350 Library, Library Board and Library Endowment Fund Established

(1) The Wilsonville Public Library, a municipal public library in and for the City of Wilsonville, Clackamas County, State of Oregon, is hereby established under the applicable provisions of ORS Chapter 357.

(2) The Wilsonville Public Library as established by paragraph 1 shall be governed by a Library Board consisting of five (5) persons who are at least 18 years of age, and who are not officials or employees of the City. In addition, one member of the City government, the Mayor or his designee, may sit with the Library Board as an ex officio member to provide liaison with the Council.

2.352 Library Board Members

(l) Members of the Library Board shall be appointed by the Mayor with consent of the Council and may be removed by the Mayor with the consent of the Council. Any vacancy, unless caused by expiration of a term of office, shall be filled by the Council for the unexpired term of the predecessor in the office; and at the expiration of the term of any member, the City Council shall appoint a new member or may reappoint a member for a term of four (4) years. No member shall hold appointment for more than two (2) full consecutive terms, but any person may be appointed again to the Board after an interval of one (1) year.

(2) Library Board members shall make every effort to attend all meetings. In the event that a member is absent from three meetings in any calendar year without either a pre-arranged excuse or an emergency, the Library Board may recommend removal of said member. Removal must be approved by the Council.

2.354 Library Board Powers and Duties
Rosters

City Council
Development Review Board Panel A
Development Review Board Panel B
Planning Commission
City Council

Tim Knapp, Mayor
Susie Stevens
Charlotte Lehan
Kristin Akervall
Ben West

Development Review Board, Panel A

Fred Ruby
Joann Linville
Jennifer Willard
Daniel McKay
Angela Niggli

Development Review Board, Panel B

Richard Martens
Shawn O’Neil
Samy Nada
Tracy Meyer
Ellie Schroeder

Planning Commission

Peter Hurley
Phyllis Millan
Jerry Greenfield
Eric Postma
Simon Springall
Kamran Mesbah
Ronald Heberlein
Informational Pages from City's Annual Budget
City Council Goals 2017-19
City Information and Statistics
City of Wilsonville
Mission Statement

To protect and enhance Wilsonville’s livability by providing quality service to ensure a safe, attractive, economically vital community while preserving our natural environment and heritage.

City of Wilsonville
Key Performance Areas

These Key Performance Areas are over-arching precepts to guide the achievement of the City’s mission.

Quality Education: Wilsonville creates a life-long learning environment that prepares productive, successful citizens.

Fiscal Discipline: Wilsonville exercises fiscal discipline through strategic investments, adequate reserves, sound financial plans and policies with innovative service delivery.

Environmental Stewardship: The most important things for life are clean air, water and soil. Seven generations from now the people living in Wilsonville are thankful that prior decisions and actions preserved these elements as well as our natural systems.

Clear Vision and Community Design: Wilsonville’s clear vision and community design engages citizens to ensure a cohesive community with a high quality of life, physically, economically and socially.

Thoughtful Land Use: Wilsonville balances land uses to create a sense of community that preserves our historical identity.

Well-Maintained Infrastructure: Wilsonville is innovative in proactively building and maintaining clean, attractive and cost effective infrastructure.

Community Amenities and Recreation: Wilsonville has opportunities and facilities for leisure activities, entertainment and social interaction that interest people of all ages.

Welcoming Engaged and Satisfied Residents: The City of Wilsonville embraces diversity and engages and communicates with residents, and responds to changing expectations as technology evolves.

Multi-Modal Transportation Network: Wilsonville’s multi-modal transportation network is safe, inviting and easy to navigate, connecting the City’s neighborhoods to each other and to its commercial areas, employment centers and public and recreational facilities.

Safe, Healthy and Aesthetically Pleasing Community: The ideas of public safety, healthy living and aesthetic values are intertwined in all decision making.

Economic Development: Wilsonville’s economic development promotes an environment that enables existing and new business – small, medium and large – to flourish!

Regional Awareness and Influence: Wilsonville is proactively involved at county, regional, state and federal levels to influence decisions that impact the City.
Council Goals 2017-19

These Council Goals reflect policy-level actions for the City to undertake over the next two years to help the City Council, City Boards and Commissions, City Administration and City staff achieve the City’s mission. These goals provide the next level of specificity to the Key Performance Areas.

• Revise the Development Code to streamline and modernize it.
• Promote stronger connectivity and access to the Willamette River.
• Enhance tourism, recreation, resiliency, redundancy, economic development, and connectivity.
• Promote and make available numerous options for convenient sustainable choices.
• Create a parks and recreation system, in conjunction with partners, that includes high-capacity use, multi-use facilities, and revenue generating capabilities.
• Pursue a balanced housing mix with a variety of choices to meet the needs of current and future residents of varying financial levels.
• Develop a robust, attractive, and viable commercial center with amenities to serve the community.
• Promote vibrant arts, cultural, and heritage programs and facilities.
• Build fully interconnected and effective transportation modes enabling all kinds of movement among neighborhoods, commercial/employment areas, schools, parks, library, and government.
• Promote farm and forest land protection.
• Promote a healthy urban forest.
• Enable and promote healthy living.
• Embrace technology proactively in future planning, operations, and customer service.
The City of Wilsonville celebrates 50 years of incorporation in 2018. In 1968, the Motor Trend car of the year was the Pontiac GTO, “Hey Jude” by the Beatles was the number one song, and the Boone Bridge over the Willamette River was only 14 years old. Wilsonville’s population was about 1,000 people.

Wilsonville’s population is now estimated to be 24,315. It is located along Interstate 5, mid-way between the State’s largest city, Portland – 20 miles to the north, and the State’s capital Salem – 30 miles to the south. Wilsonville has benefited from its location between these two cities and from having easy access to a major interstate. The City has a diverse economy, stable assessed valuation, and a mix of housing choices.

The City has seen substantial growth in its tax base over its 50 years. Since the year after incorporation – 1969 – until the year of this Proposed Budget, Fiscal Year (FY) 2018-19, Wilsonville’s assessed valuation is estimated to have grown by a multiple of 423 – by roughly $3.8 billion. In fiscal year 1969-70, Wilsonville’s assessed valuation was just below $9 million, at $8,998,980, and FY 2018-19 is estimated to be just over $3.8 billion, at $3,813,846,841.

The property tax rate applied to the assessed valuation varied until Measure 50 passed in 1997. Prior to the passage of Measure 50, Wilsonville’s property tax levy was based on its budget need. For example, in FY 1970-71, the first year the City recorded a property tax rate, the City estimated its need to be about $16,000 from property taxes. (Compared to FY 2018-19, where property taxes are estimated to be $7.5 million.) This $16,000 was divided by the assessed valuation of $9.6 million, to come up with a rate of $1.67 per thousand of assessed value. This tax rate varied, up to $3.80 per $1,000 of assessed value in FY 1973-74, and a low of $0.82 per $1,000 of assessed value in FY 1979-80. In 1997, voters passed Measure 50, which among other things established permanent property tax rates. After 1997, Wilsonville’s permanent property tax rate is $2.5206 per $1,000 of assessed value.

To compare Wilsonville’s assessed valuation, population and tax rates to other neighboring jurisdictions over time, please see the statistical tables following this Reader’s Guide introduction.

Oregon is one of only three states of the contiguous United States to have a coastline on the Pacific Ocean, shared with Washington to the north and California to the south. The Columbia River outlines much of Oregon’s northern boundary, and the Snake River covers much of the eastern boundary. Oregon’s ideal Pacific Coast location contains 23 public ports which provides easy access between U.S., Asian, and European markets, making it appealing to a wide range of businesses focused on international trading.

Wilsonville is located in two counties – on the western edge of Clackamas County and southeastern edge of Washington County. As mentioned above, it is located along Interstate 5, allowing residents, businesses and industries to connect with the region and to regional ports. The Portland International Airport is located about 30 miles to the north of Wilsonville, and the Port of Tillamook Bay, on the Oregon Coast, is about 85 miles to the west.

Under Oregon law, each of the state’s cities and metropolitan areas has created an urban growth boundary around its perimeter. The City of Wilsonville is included as part of the Portland metropolitan area’s urban growth boundary. This urban growth boundary constrains growth south of the Willamette River. The City is pursuing annexation of land within the urban growth boundary area in the northeast quadrant of the City, referred to as Frog Pond West. To expand the City boundary further to the east, the urban growth boundary must be modified, and the City is working with the regional government Metro to have this occur.
The City is separated north and south by the Willamette River, with the City’s first master-planned development, Charbonneau, located south of the river. Of historical note, the I-5 Bridge over the river is named the Boones Bridge after Alphonso Boone (grandson of Daniel Boone) and his son Jesse, who started a river crossing ferry in 1847, which operated for 107 years until the bridge was completed. This ferry provided an opportunity for the community of Boones Landing to form, which eventually became named Wilsonville after the first postmaster, Charles Wilson, on June 3, 1880. Wilsonville went on to grow with a railroad bridge built over the Willamette in 1908 to allow service to Salem, the state’s capital. And, in 1954, Baldock Freeway, now known as I-5, was completed to include the Boones Bridge over the Willamette River providing transportation from the Mexican and Canadian borders.

Today, the City of Wilsonville has outstanding transportation accessibility and networks linking its citizens to the greater Portland area and to Salem. Despite its close proximity to Portland, however, the City should not be termed a bedroom community since its employment base tends to be as large as its population. The City is home to its own dynamic, growing, and diversified economy. The City’s mix of businesses includes established international and regional employers. In addition, the City has a large base of small businesses, in a wide range of industries.

Wilsonville is home to a number of high-tech businesses and is perfectly situated for warehouse and distribution centers as the southern gateway into the Portland metropolitan area along the Interstate 5 (I-5) corridor. Several large companies have made Wilsonville their corporate headquarters. Among the larger are Mentor Graphics and Flir Systems, Inc. Three other large companies, SYSCO, Coca-Cola Bottling Co. of the Northwest, and Rite-Aid, have selected Wilsonville for regional warehouse, bottling, and distribution centers, respectively. The City, however, is not dependent upon any one company for economic vitality. Currently, an estimated 20,000 people are employed at locations throughout the City. Please see the statistics on the following pages for the City’s top 10 employers as of the last audited fiscal year.

PROFILE OF THE GOVERNMENT:
The City operates under the Council Manager form of government. Policy making and legislative authority are vested in the City Council which consists of a Mayor and four Council members. The governing Council is elected to four-year staggered terms by the citizens in a general election. The City Council is responsible for passing ordinances, resolutions, adopting the budget, and hiring the City Manager and City Attorney among other things. The City Manager is responsible for carrying out the policies and ordinances of the Council, managing the day-to-day government operations, and appointing department heads. The Mayor and Council members are non-partisan and serve a four-year term.

PROFILE OF THE BUDGET:
The City prepares its annual budget in accordance with Oregon budget law, the policies and priorities set forth in the City’s Comprehensive Plan, City Council Goals, the needs of the community, and federal and state laws. The budget provides the financial framework for implementing and focusing on these goals, objectives, and performance areas established by the City Council for the coming year.

Oregon local budget law is set out in Oregon Revised Statutes 294.305 to 294.565. The City’s budget is presented by fund. Budgetary control is at the department level or at the major object category if only one department exists in a fund. Ongoing review and monitoring of revenues and expenditures is performed by the Finance Department and the appropriate operating departments.

The City of Wilsonville’s budget document is divided into eight major sections outlined below:

1. Readers Guide - This section contains narrative, various statistics and analysis, budget policies and describes the basis of budgeting. It also provides a calendar of the City’s budget process, a description of the budget amendment procedures that the City must follow, and a listing of the Council goals.

2. Fund Summaries - This section includes a series of financial tables of revenues and expenditures, a program budget matrix, and summaries by fund.

3. Revenues - This section provides summary and detail information about each fund and revenue source.
4. Program Expenditures - This section includes proposed expenditures for each department within each program and staffing summary schedules. Department goals, as well as performance measures are provided for each department’s budget with summaries for each program.

5. Capital Projects - This section includes narrative descriptions as well as budgeted financial information regarding the City’s major capital projects. This section is segregated into nine categories: sewer, water, planning, streets, streetscapes, stormwater, transit, facilities, information systems, and parks projects.

6. Debt & Other - This section includes information on all outstanding debt of the City. Other information in this tabbed section includes information on the City’s assigned fund balances.

7. Urban Renewal Agency - This section includes proposed appropriations and explanatory materials for the Urban Renewal Agency. The Urban Renewal Agency is a separate governmental agency from the City of Wilsonville and is required to submit its own budget for adoption by the Urban Renewal Agency Board.

8. Appendix - The appendix contains a variety of other budget-related information to assist the reader’s understanding such as the City’s Fiscal Management Policies and glossary of terms used in the budget document.
City History Timeline

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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<tbody>
<tr>
<td>1968</td>
<td>Wilsonville incorporates on October 17, 1968.</td>
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<tr>
<td>1969</td>
<td>Wilsonville citizens vote to adopt the City’s first charter.</td>
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<tr>
<td>1970</td>
<td>Developers announce plans for a major residential subdivision known as “Charbonneau.”</td>
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<tr>
<td>1971</td>
<td>Population approximately 1,000.</td>
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<tr>
<td>1972</td>
<td>Charbonneau is annexed into Wilsonville. At build-out, it will have 1,700 housing units and 3,500 residents.</td>
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<tr>
<td>1973</td>
<td>City Council adopts a “General Plan” for growth.</td>
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<td>1974</td>
<td>Marge Heintz, City Recorder, is hired as Wilsonville’s first full-time employee.</td>
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<tr>
<td>1975</td>
<td>Oregon enacts SB 100, a sweeping reform of land-use law.</td>
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<tr>
<td>1976</td>
<td>Tektronix selects Wilsonville as its corporate HQ. The city will eventually be home to more than 700 businesses, including some of Oregon’s largest companies.</td>
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<tr>
<td>1977</td>
<td>“City Hall” moves to a trailer on Parkway Avenue.</td>
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<tr>
<td>1978</td>
<td>Construction begins on Inza R. Wood Middle School.</td>
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<tr>
<td>1979</td>
<td>City signs first contract with Clackamas County Sheriff’s Office for police services.</td>
</tr>
<tr>
<td>1981</td>
<td>Population: 2,920</td>
</tr>
<tr>
<td>1982</td>
<td>Voters approve Wilsonville’s first tax base: $300,000.</td>
</tr>
<tr>
<td>1983</td>
<td>The current city hall building opens at Wilsonville Road and Town Center Loop.</td>
</tr>
<tr>
<td>1984</td>
<td>Voters approve a tax base amendment to incorporate a serial levy for senior services into the base.</td>
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<tr>
<td>1985</td>
<td>Pete Wall is hired as Wilsonville’s first city manager.</td>
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<tr>
<td>1986</td>
<td>Voters approve a bond measure to pay for a new library and park improvements.</td>
</tr>
<tr>
<td>1987</td>
<td>Recession ends, bringing an unprecedented boom in housing and population.</td>
</tr>
<tr>
<td>1988</td>
<td>Wilsonville becomes Oregon’s fastest-growing city.</td>
</tr>
<tr>
<td>1989</td>
<td>New library opens.</td>
</tr>
<tr>
<td>1990</td>
<td>Census population: 7,705</td>
</tr>
<tr>
<td>1991</td>
<td>Wilsonville High School opens.</td>
</tr>
<tr>
<td>1992</td>
<td>Arlene Lobel hired as City Manager.</td>
</tr>
<tr>
<td>1993</td>
<td>Wilsonville Area Rapid Transit becomes SMART (South Metro Area Regional Transit)</td>
</tr>
<tr>
<td>1994</td>
<td>Incredible Universe opens, pushing traffic to levels projected for the year 2010.</td>
</tr>
<tr>
<td>1995</td>
<td>Charlotte Lehan elected Mayor.</td>
</tr>
<tr>
<td>1996</td>
<td>City implements development limits in the form of a public facilities strategy as officials try to get a handle on traffic.</td>
</tr>
<tr>
<td>1997</td>
<td>City Council imposes moratorium on new development approvals until new, long-term water supply is identified.</td>
</tr>
<tr>
<td>1998</td>
<td>The State of Oregon sites its new women’s prison complex in northwest Wilsonville.</td>
</tr>
<tr>
<td>1999</td>
<td>Wilsonville becomes Oregon’s fastest-growing city.</td>
</tr>
<tr>
<td>2000</td>
<td>New library opens.</td>
</tr>
<tr>
<td>2001</td>
<td>In an effort to get a handle on growth, City Council adopts a precedent-setting growth management ordinance.</td>
</tr>
<tr>
<td>2002</td>
<td>Wilsonville’s water treatment plant becomes operational.</td>
</tr>
<tr>
<td>2003</td>
<td>Expanded library opens.</td>
</tr>
</tbody>
</table>
City History Timeline

2003

- The opening of Argyle Square greatly expands Wilsonville’s retail sector with Costco and Target as the anchor stores.

2004

- The newly constructed SMART Operations Center and Fleet facility opened in January.

2005

- Property acquired for future multi-modal transportation center. This land will become the southern terminus of the proposed commuter rail, Trimet’s WES Train.

2006

- Construction begins at Villebois with 60 homes. When finished, it will boast 2,700 homes as well as parks and retail space.

- Population: 16,510 (PSU Center for Population Research)

2007

- Murase Plaza opens with water feature and new park with rolling hills, unique play structures and restrooms.

- New City Hall opened.

- Public Works and Police Department relocated to the remodeled old City Hall building.

2008

- Tim Knapp elected Mayor.

- Local voters approved the creation of a county library district.

2009

- WES Commuter Rail begins Operations.

2010

- Fred Meyer/Old Town Square development broke ground in the Spring. Completion scheduled for 2011.

- Population: 19,525 (PSU Center for Population Research)

2011

- Fred Meyer’s 210,000 square foot shopping center opens.

2012

- Oregon Institute of Technology opens its Wilsonville campus in a previously vacant office building.

- Lowrie Primary School K-5 opens for the 2012/2013

2014

- Wastewater Treatment Plant upgraded and expansion is completed.

- Substantial work is underway on the Basalt Creek Concept Plan and Frog Pond Area Plan.

- The 2000 voter approved $4 million library expansion bond was paid in full in December 2015.

- Advisory vote to form the Coffee Creek Urban Renewal Area passes and work is underway to draft the plan and form the district.

2015

- 360 new homes built within the city.

- TVWD and the City of Hillsboro partner to extend Willamette River water into Washington County.

2016

- Meridian Middle School broke ground. Completion scheduled before the start of the 17/18 school year.

- Population: 23,740 (PSU Center for Population Research)

2017

- 5th Street/Kinsman Road extension began near Fred Meyer, formerly known as “The Old Town Escape”.

- Wilsonville begins expansion of connector streets to relieve City congestion by (1) unanimously approving the Boones Ferry to Brown Road alignment; and, (2) beginning work on the Kinsman Road extension from Boeckman to Barber Roads.

- Meridian Middle School broke ground. Completion scheduled before the start of the 17/18 school year.

- Population: 23,740 (PSU Center for Population Research)

2018

- Meridian Creek Middle School’s 97,000 sq. ft. facility opened for the 2018-19 school year with a full capacity of 700 students.

- The Council approved a $1,054,000 major remodeling project for the Wilsonville Public Library. The renovation will include remodeled/reconfigured spaces, ADA-compliant restrooms, a completely upgraded HVAC system, and new furniture and carpet.

- 5th Street/Kinsman Road extension, which connects Barber Street to Boeckman Road, was completed five months early and on budget.

- Population: 24,315 (PSU Center for Population Research)
### About Wilsonville

#### City Statistics - Services

<table>
<thead>
<tr>
<th>Description</th>
<th>Base Year 2010</th>
<th>Year 2017</th>
<th>% Change</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Culture and recreation:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Libraries</td>
<td>1</td>
<td>1</td>
<td>0%</td>
<td>City Library</td>
</tr>
<tr>
<td>Parks/open space acreage</td>
<td>201</td>
<td>215</td>
<td>7%</td>
<td>Parks Department</td>
</tr>
<tr>
<td>Parks</td>
<td>11</td>
<td>12</td>
<td>9%</td>
<td>Parks Department</td>
</tr>
<tr>
<td>Picnic shelters</td>
<td>9</td>
<td>10</td>
<td>11%</td>
<td>Parks Department</td>
</tr>
<tr>
<td>Water features</td>
<td>3</td>
<td>4</td>
<td>33%</td>
<td>Parks Department</td>
</tr>
<tr>
<td>Soccer fields</td>
<td>3</td>
<td>3</td>
<td>0%</td>
<td>Parks Department</td>
</tr>
<tr>
<td>Baseball fields</td>
<td>5</td>
<td>5</td>
<td>0%</td>
<td>Parks Department</td>
</tr>
<tr>
<td>Tennis courts</td>
<td>2</td>
<td>2</td>
<td>0%</td>
<td>Parks Department</td>
</tr>
<tr>
<td>Playgrounds</td>
<td>9</td>
<td>10</td>
<td>11%</td>
<td>Parks Department</td>
</tr>
<tr>
<td>Docks (city property)</td>
<td>1</td>
<td>1</td>
<td>0%</td>
<td>Parks Department</td>
</tr>
<tr>
<td>Community centers</td>
<td>1</td>
<td>1</td>
<td>0%</td>
<td>Community Services</td>
</tr>
<tr>
<td>Golf Courses (private)</td>
<td>1</td>
<td>1</td>
<td>0%</td>
<td>Business license</td>
</tr>
<tr>
<td>Movie screens (private)</td>
<td>9</td>
<td>9</td>
<td>0%</td>
<td>Business license</td>
</tr>
<tr>
<td>Amusement centers (private)</td>
<td>1</td>
<td>1</td>
<td>0%</td>
<td>Business license</td>
</tr>
<tr>
<td>Restaurants (private)</td>
<td>54</td>
<td>67</td>
<td>24%</td>
<td>Business license</td>
</tr>
<tr>
<td><strong>City utilities:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Water:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Production capacity</td>
<td>10 mgd</td>
<td>15 mgd</td>
<td>50%</td>
<td>Public Works</td>
</tr>
<tr>
<td>Peak capacity demand</td>
<td>6 mgd</td>
<td>12 mgd</td>
<td>100%</td>
<td>Public Works</td>
</tr>
<tr>
<td>Storage capacity</td>
<td>10.2 mg</td>
<td>10 mg</td>
<td>-2%</td>
<td>Public Works</td>
</tr>
<tr>
<td>Number of reservoirs</td>
<td>4</td>
<td>4</td>
<td>0%</td>
<td>Public Works</td>
</tr>
<tr>
<td>Miles of water pipeline</td>
<td>83</td>
<td>119</td>
<td>43%</td>
<td>Public Works</td>
</tr>
<tr>
<td>Customers</td>
<td>4,731</td>
<td>6,412</td>
<td>36%</td>
<td>Utility Billing</td>
</tr>
<tr>
<td><strong>Wastewater:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Treatment design capacity</td>
<td>2.25 mgd</td>
<td>4 mgd</td>
<td>78%</td>
<td>Public Works</td>
</tr>
<tr>
<td>Average daily treatment</td>
<td>2.0 mgd</td>
<td>2.1 mgd</td>
<td>5%</td>
<td>Public Works</td>
</tr>
<tr>
<td>Miles of sewer pipeline</td>
<td>72</td>
<td>83</td>
<td>15%</td>
<td>Public Works</td>
</tr>
<tr>
<td>Biosolids, tons/day</td>
<td>1.0</td>
<td>1.2</td>
<td>20%</td>
<td>Public Works</td>
</tr>
<tr>
<td>Lift Stations</td>
<td>8</td>
<td>9</td>
<td>13%</td>
<td>Public Works</td>
</tr>
<tr>
<td><strong>Stormwater:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average rainfall, inches</td>
<td>42</td>
<td>37</td>
<td>-12%</td>
<td><a href="http://www.countrystudies.us">www.countrystudies.us</a></td>
</tr>
<tr>
<td>Miles of storm sewers</td>
<td>65</td>
<td>75</td>
<td>15%</td>
<td>Public Works</td>
</tr>
<tr>
<td>Stormwater catch basins</td>
<td>1,823</td>
<td>2,200</td>
<td>21%</td>
<td>Public Works</td>
</tr>
<tr>
<td>Manholes</td>
<td>1,723</td>
<td>2,151</td>
<td>25%</td>
<td>Public Works</td>
</tr>
<tr>
<td>Detention Ponds</td>
<td>10</td>
<td>10</td>
<td>0%</td>
<td>Public Works</td>
</tr>
<tr>
<td><strong>Street lights:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of lights</td>
<td>2,206</td>
<td>2,839</td>
<td>29%</td>
<td>Public Works</td>
</tr>
<tr>
<td>Number of streetlight poles</td>
<td>2,050</td>
<td>2,383</td>
<td>16%</td>
<td>Public Works</td>
</tr>
<tr>
<td><strong>Public Safety:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police calls</td>
<td>5,803</td>
<td>8,053</td>
<td>39%</td>
<td>Clackamas Co Sheriff</td>
</tr>
<tr>
<td>Citations issued</td>
<td>3,470</td>
<td>2,620</td>
<td>-24%</td>
<td>Municipal Court</td>
</tr>
<tr>
<td>Number of sworn officers</td>
<td>17</td>
<td>20</td>
<td>18%</td>
<td>Clackamas Co Sheriff</td>
</tr>
<tr>
<td>Fire stations</td>
<td>2</td>
<td>2</td>
<td>0%</td>
<td>Fire District</td>
</tr>
</tbody>
</table>

12  City of Wilsonville Adopted Budget FY 2018-19
## About Wilsonville

### City Statistics - Services

<table>
<thead>
<tr>
<th>Description</th>
<th>Base Year 2010</th>
<th>Year 2017</th>
<th>% Change</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public Transportation:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>City operated:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fixed routes (daily)</td>
<td>7</td>
<td>8</td>
<td>14%</td>
<td>City Transit</td>
</tr>
<tr>
<td>Demand based trips (annually)</td>
<td>17,703</td>
<td>14,090</td>
<td>-20%</td>
<td>City Transit</td>
</tr>
<tr>
<td>Number of riders (annually)</td>
<td>306,721</td>
<td>304,976</td>
<td>-1%</td>
<td>City Transit</td>
</tr>
<tr>
<td>Miles driven (annually)</td>
<td>667,161</td>
<td>530,233</td>
<td>-21%</td>
<td>City Transit</td>
</tr>
<tr>
<td><strong>Inter-City Connections:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Canby - local trips (daily)</td>
<td>8</td>
<td>12</td>
<td>50%</td>
<td>City Transit</td>
</tr>
<tr>
<td>City of Salem - local trips (daily)</td>
<td>8</td>
<td>8</td>
<td>0%</td>
<td>City Transit</td>
</tr>
<tr>
<td>Tualatin P&amp;R - daily round trips</td>
<td>N/A</td>
<td>35</td>
<td>100%</td>
<td>City Transit</td>
</tr>
<tr>
<td>Barbur TC-daily round trips</td>
<td>35</td>
<td>25</td>
<td>-29%</td>
<td>City Transit</td>
</tr>
<tr>
<td>TriMet - rail stations</td>
<td>1</td>
<td>1</td>
<td>0%</td>
<td>City Transit</td>
</tr>
<tr>
<td>TriMet - rail passengers (annually)</td>
<td>304,800</td>
<td>443,408</td>
<td>45%</td>
<td>City Transit</td>
</tr>
<tr>
<td><strong>Streets:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lane miles of paved</td>
<td>65</td>
<td>78</td>
<td>20%</td>
<td>Public Works</td>
</tr>
<tr>
<td>Signal lighted intersections</td>
<td>24</td>
<td>27</td>
<td>13%</td>
<td>Public Works</td>
</tr>
<tr>
<td>Freeway interchanges</td>
<td>3</td>
<td>3</td>
<td>0%</td>
<td>Public Works</td>
</tr>
<tr>
<td>Bridges (excluding interstate)</td>
<td>4</td>
<td>4</td>
<td>0%</td>
<td>Public Works</td>
</tr>
<tr>
<td>Foot bridges</td>
<td>1</td>
<td>1</td>
<td>0%</td>
<td>Public Works</td>
</tr>
<tr>
<td>Street trees</td>
<td>8,000</td>
<td>10,000</td>
<td>25%</td>
<td>Public Works</td>
</tr>
<tr>
<td>Signs</td>
<td>N/A</td>
<td>5,200</td>
<td>N/A</td>
<td>Public Works</td>
</tr>
<tr>
<td><strong>Public Schools:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elementary schools</td>
<td>2</td>
<td>3</td>
<td>50%</td>
<td>School District</td>
</tr>
<tr>
<td>Middle schools</td>
<td>1</td>
<td>2</td>
<td>100%</td>
<td>School District</td>
</tr>
<tr>
<td>Charter schools</td>
<td>1</td>
<td>1</td>
<td>0%</td>
<td>School District</td>
</tr>
<tr>
<td>High schools</td>
<td>1</td>
<td>1</td>
<td>0%</td>
<td>School District</td>
</tr>
<tr>
<td><strong>Building Permits:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial, units</td>
<td>212</td>
<td>313</td>
<td>48%</td>
<td>Building Dept.</td>
</tr>
<tr>
<td>Commercial, value</td>
<td>$19 mil</td>
<td>$51 mil</td>
<td>253%</td>
<td>Building Dept.</td>
</tr>
<tr>
<td>Residential, units</td>
<td>40</td>
<td>334</td>
<td>735%</td>
<td>Building Dept.</td>
</tr>
<tr>
<td>Residential, value</td>
<td>$7 mil</td>
<td>$73 mil</td>
<td>1000%</td>
<td>Building Dept.</td>
</tr>
</tbody>
</table>

mg = million gallons
mgd = million gallons per day
mil = millions

### Principal Employers

<table>
<thead>
<tr>
<th>Employer</th>
<th>Type of Business</th>
<th>Number of Employees</th>
<th>Percentage of total City employment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mentor Graphics Corporation</td>
<td>CAD software systems</td>
<td>986</td>
<td>5.9%</td>
</tr>
<tr>
<td>Xerox Corporation</td>
<td>Copiers and printers</td>
<td>687</td>
<td>4.1%</td>
</tr>
<tr>
<td>Sysco Portland Inc.</td>
<td>Warehouse &amp; distribution center</td>
<td>545</td>
<td>3.3%</td>
</tr>
<tr>
<td>Rockwell Collins</td>
<td>Aerospace technology</td>
<td>475</td>
<td>2.9%</td>
</tr>
<tr>
<td>Coca Cola Bottling Company</td>
<td>Beverage distribution</td>
<td>366</td>
<td>2.2%</td>
</tr>
<tr>
<td>Precision Interconnect</td>
<td>Medical &amp; Technical Equipment</td>
<td>359</td>
<td>2.2%</td>
</tr>
<tr>
<td>Costco</td>
<td>Wholesale retail</td>
<td>292</td>
<td>1.8%</td>
</tr>
<tr>
<td>Southern Wine &amp; Spirits</td>
<td>Beverage distribution</td>
<td>283</td>
<td>1.7%</td>
</tr>
<tr>
<td>Fred Meyer</td>
<td>Superstore</td>
<td>261</td>
<td>1.6%</td>
</tr>
<tr>
<td>OptiMim LLC</td>
<td>Manufacturing</td>
<td>255</td>
<td>1.5%</td>
</tr>
</tbody>
</table>

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>4,509</td>
<td>27.2%</td>
</tr>
</tbody>
</table>

---

2017-18
Wilsonville’s demographics are unusual in that home values and education levels are higher than national or regional averages. In addition, average wages exceed those of the metropolitan tri-county area. Wilsonville is a relatively wealthy community with a vibrant business community and is both a great place to raise a family and a great place in which to retire.

Except as noted, the statistics below are from the 2010 U.S. Census.

### Incorporated
- **1968**

### Area in square miles
- **7.6**

### Government
- Council/Mgr

### Registered voters 2016
- **13,634**

### Voted in November 2016
- **83%**

### Population (July 2017)
- **24,315**

### Median home cost:
- **2000 census**
  - $227,900
- **2014 (zillow.com)**
  - $336,200
- **2015 (zillow.com)**
  - $369,900
- **2016 (zillow.com)**
  - $402,000
- **2017 (zillow.com)**
  - $416,800
- **2018 (zillow.com)**
  - $418,600

### Assessed values (November 2017):
- **Residential**
  - 49%
  - $1,773mil.
- **Multi-family**
  - 12%
  - $484 mil.
- **Commercial**
  - 13%
  - $941 mil.
- **Industrial**
  - 26%

### Income - Households:
- **Less than $25,000**
  - 18%
- **$25,000 to $49,999**
  - 29%
- **$50,000 to $74,999**
  - 20%
- **$75,000 to $99,999**
  - 15%
- **$100,000 or more**
  - 18%

### Local businesses:
- **Licenses issued (7/2017)**
  - 1,045
- **Employees (est.)**
  - 16,589
- **Annual payroll (est.)**
  - $978 mil.

### Households:
- **Total Households**
  - 5,937
  - 8,405
- **with individuals <18 yrs**
  - 32%
  - 28%
- **with individuals >64 yrs**
  - 23%
  - 25%
- **Average household size**
  - 2.34
  - 2.31

**Sources:** U.S. Census Bureau, Census 2000 & 2010 / Portland State University Population Research Center
Documents relative to "Statement of Economic Interest" filers
Frequently Asked Questions Regarding the Annual Statement of Economic Interests

The League of Oregon Cities has prepared this list of frequently asked questions to assist city officials with annual SEI filing requirements. These FAQ’s are intended to be a starting point in understanding the SEI filing requirements and are not intended as a substitute for obtaining guidance from your city attorney or the Oregon Government Ethics Commission (OGEC). Public officials are reminded that they may contact the OGEC staff at 503-378-5105 or ogec.mail@state.or.us.

Q: What forms do I need to file?
A: Public officials are required to file only the Annual Statement of Economic Interests.

Q: When is the next filing due?
A: The filing deadline is April 15. Any public official who holds office on April 15 is required to file an Annual Statement of Economic Interests even if the public official did not hold office during the previous calendar year. In years where April 15 falls on a weekend, the OGEC will shift the filing date.

Q: What time periods do the forms cover?
A: Annual Statements of Economic Interests are like your taxes – they disclose information regarding the previous calendar year. For example, the 2019 Annual Statement of Economic Interests will need to disclose the economic interests you held between January 1, 2018 and December 31, 2018.

Q: Where can I get a blank Annual Statement of Economic Interest?
A: Forms for annual filings are personalized and will be issued to you by the OGEC prior to the required filing date. A sample form is available on the OGEC Web Site at:

http://www.gspc.state.or.us/OGEC/forms_publications.shtml

Q: The form is due tomorrow. Do I have to drive to Salem to drop it off?
A: No. Statements of Economic Interest postmarked on or before the due date will be accepted as filed on the due date. Although not required, you may wish to send the form to OGEC by certified mail because a certified mail receipt will assure that you will not be penalized if your completed form is lost in the mail. Finally, you should make a copy of a completed form and retain it for your records and to provide to OGEC if your form is lost in the mail.

Q: What do I have to disclose on my Annual Statement of Economic Interests?
A: You must disclose information about:
• businesses in which you or a member of your household were an officer or director;
• businesses under which you or a member of your household did business;
• sources of income received by your or a member of your household that produce 10 percent or more of the total annual household income;
• all real property (residential, commercial, vacant land, etc. other than your principal residence) in which you or a member of your household had any ownership interest, any option to purchase or sell, or any other right of any kind in real property, including a land sales contract if the real property is located within the geographical boundaries of your city;
• any compensated lobbyist who was associated with a business with which you or a member of your household was also associated;
• the amount of any expenses with an aggregate value exceeding $50 provided to you when you participated in a convention, mission, trip or other meeting if you delivered a speech, made a presentation, participated on a panel or represented your city provided that the payment was made by the federal government, a state or local government, a Native American tribe that is recognized by federal law or formally acknowledged by a state, a membership organization to which your city pays membership dues or a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code (you are not required to report expenses paid by your city);
• the amount of any expenses with an aggregate value exceeding $50 provided to you when you participated in a mission or negotiation or economic development activity as a representative of your city (you are not required to report expenses paid by your city);
• all honoraria exceeding $15 received by you or a member of your household; and
• for individuals or businesses that (1) have a legislative or administrative interest; or (2) did business with, or reasonably could be expected to do business with your city you must disclose information about:
  a. debts of $1,000 or more owed by you or a member of your household to any person other than loans from state or federally regulated financial institutions (banks) or retail credit accounts;
  b. businesses in which you or a member of your household had a personal, beneficial or investment interest with a value of more than $1,000;
  c. each person for whom you performed a service for a fee of more than $1,000 unless prohibited from doing so by law or a professional code of ethics; and
  d. income earned by you or a member of your household if the amount of the income exceeded an aggregate amount of $1,000 or more in the previous calendar year.
Q: Am I required to declare the value of each business investment I own on my Annual Statement of Economic Interests?
A: No. You are required to report only the name, address and business description of any business in which you or a member of your household holds an investment with a value in excess of $1,000 if the business (1) has a legislative or administrative interest; or (2) did business with, or reasonably could be expected to do business with your city. You are not required to disclose the amount invested.

Q: Am I required to list on my Annual Statement of Economic Interests the individual investments held by a mutual fund in which I hold shares?
A: No. You are not required to detail the investments held by a mutual fund even if the fund holds an investment in a company that (1) has a legislative or administrative interest; or (2) did business with, or reasonably could be expected to do business with your city.

Q: Do I have to disclose information about nonprofit organizations on whose board of directors my spouse serves in a volunteer capacity?
A: No. For the purposes of the form, a business includes any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain. It does not include not-for-profit corporations that are tax exempt under section 501(c) of the Internal Revenue with which a public official or relative of a public official is associated in a non-compensated capacity.

Q: Do I have to disclose the amount of money I or a member of my household made last year on my Annual Statement of Economic Interests?
A: No. Income you receive must be reported in two ways. First, you must report sources of income received by your or a member of your household that produce 10 percent or more of your total annual household income. Second, you are required to report the name of each person for whom you performed a service for a fee of more than $1,000 or otherwise received income of more than $1,000, if the person (1) has a legislative or administrative interest; or (2) did business with, or reasonably could be expected to do business with your city. You are not required to report anywhere on the form either the total amount of income you or a member of your household received last year or the amount received from any specific source.

Q: Do I have to report the name of a corporation for which I provided a service?
A: Possibly. For the purposes of the form, a person includes any individual, corporation, partnership, joint venture and any similar organization or association. Accordingly, you are required to report the corporation’s name on your Annual Statement of Economic Interests if you provided services for a fee of more than $1,000 to the corporation or you received income in the aggregate of $1,000 or more from the corporation, and the corporation (1) has a legislative or administrative interest; or (2) did business with, or reasonably could be expected to do business with your city.
Q: My family owns rental property in another city. Do I have to disclose this information on my Annual Statement of Economic Interests?
A: No. You are required only to disclose interests in real property located within the geographical boundaries of the city in which you serve on the city council. You may be required to disclose information regarding the source of the rental income you receive from this property if, for example, the income from the rental property produces 10 percent or more of your total annual household income.

Q: Do I have to disclose my personal residence on my Annual Statement of Economic Interests?
A: No. Although you must disclose interests in real property located within the city in which you serve on the city council, you do not have to disclose the address of your personal residence.

Q: Do I have to declare the amount of the debts I owe on my Annual Statement of Economic Interests?
A: No. You are only required to report the name of the creditor, the date of the loan and the interest rate of the loan. In addition, you are required to report this information only if you or a member of your household owed a debt in the previous year of $1,000 or more to a person who (1) has a legislative or administrative interest; or (2) did business with, or reasonably could be expected to do business with your city. You are not required to report any information regarding credit card debt or mortgages or loans from federally regulated banks or credit unions.

Q: What happens if I fail to file a report?
A: Failure to complete and file an Annual Statement of Economic Interests Form by the final date for filing may subject you to an automatic civil penalty of $10 for each of the first 14 days the statement is late and $50 for each day thereafter, up to a maximum penalty of $5,000. Before OGEC can impose such penalties, OGEC must provide a public official with notice of the failure to file and give the public official not less than 15 days to comply with the filing requirements.

In addition to the monetary penalty described above, the Commission may notify your city of your failure to file and from that date forward (1) preclude your city from paying you any compensation, if you receive any, and (2) prohibit you from taking any official action.

Q: Is it a class C felony for failing to file?
A: No. It is not a felony of any kind if you fail to file or if you file late. But it is a class A misdemeanor false swearing violation to sign and certify an Annual Statement of Economic Interests if you know that the statement contains information that is false.
Q: Where should I go if I have additional questions?
A: You should the OGEC for assistance. State ethics laws provide a “safe harbor” from penalties for a public official that acts in accordance with formal opinions or staff advice issued by the OGEC. Please keep in mind that this provision only provides protection if you supply ALL of the pertinent information regarding your situation. You can reach OGEC staff at 503-378-5105 or ogec.mail@state.or.us

You may also wish to consult with your city attorney or your private legal representative before calling the OGEC for assistance. In addition, you may contact the League’s Office of General Counsel at (503) 588-6550 which works to educate the League’s members on their obligations under Oregon law.

This document was prepared by the League of Oregon Cities to provide general assistance to our members. This document should not serve as a substitute for competent legal counsel. Please consult with your city attorney or private legal counsel to ensure that you comply with the requirements of Oregon’s ethics laws.

Information for this document was gathered from the 2010 Oregon Revised Statutes Chapter 244 and OGEC Administrative Rules OAR 199-005-0005 through 199-005-0035. To the extent that there is any discrepancy between this document and these laws, the laws prevail.
Training - Land Use Decision Making
MEMORANDUM

To: Planning Commissioners and Development Review Board Members
From: Paul A. Lee, Assistant City Attorney
Date: April 28, 2008
Re: Training – Land Use Decision Making

I. Introduction.

This memo treats a potpourri of recurrent issues in land use decision making: 1) characterizing decisions as quasi-judicial vs. legislative, 2) legislation pointers, 3) the ten commandments of quasi-judicial decision making, 4) handling conflicts of interest and ex parte contacts, 5) new ethics laws 6) interpretation, and 7) making motions.

II. Types of Land Use Decisions

In general, there are three categories of land use decisions. Each category requires more exercise of discretion than the preceding category, with implications for the nature of the decision maker and the kind of procedures to apply.

Ministerial Decisions: A ministerial, or administrative, decision is one involving little or no discretion on the part of the decision maker – where a decision is routine and there are clear standards that apply or the application of criteria is mechanical. Some examples of ministerial decisions are the issuance of building permits and approval of final plats for subdivisions. Staff makes many ministerial decisions, which the DRB occasionally reviews upon appeal.

Quasi-Judicial Decisions: Quasi-judicial refers to a process of decision that resembles what judges do. Judges have laws to guide them, take evidence from affected parties, hear arguments, and make decisions about what should be done. Quasi-judicial decisions involve the application of predetermined policies or standards to facts to arrive at a decision.

The DRB reviews and takes action on quasi-judicial land use applications in Wilsonville. In the process of decision making, the panels apply the standards set out in the development code and pursue a procedure that endeavors to be fair – i.e., notice to parties, unbiased decision makers, a decision confined to the record, and findings (see the ten commandments for q-j decisions, below). There are no policy judgments.
involved. These policy decisions, and the discretion that may be exercised, are reserved for the Planning Commission and City Council, which brings us to the next category.

**Legislative Decisions:** A legislative decision is made when the Planning Commission recommends the adoption of text amendments to the comprehensive plan or the development code. Legislative decisions make policy. These legislative decisions affect the community as a whole, rather than a small, localized segment. Beyond compliance with statewide goals or other applicable elements of the comprehensive plan, legislative decisions have few guidelines or limitations, and are reflections of the city’s “public interest”. Such decisions are generally attended by notice in the newspaper and more open hearing and findings requirements.

**Characterizing Decisions:** The kind of land use decision dictates 1) who makes the decision, 2) what criteria apply, and 3) what procedures are followed. A mischaracterization has significant repercussions. Calling a decision legislative, only to be told by a reviewing body that the decision is quasi-judicial, and that one or more of the “ten commandments” were broken, requires the decision to be done all over again. The courts have developed a multi-part test for distinguishing between legislative and quasi-judicial land use decisions: 1) whether the process is bound to result in a decision, 2) whether the decision must apply preexisting criteria to concrete facts, and 3) whether the action is directed at a closely circumscribed factual situation or a relatively small number of persons. The more these questions are answered in the affirmative, the more likely the decision is quasi-judicial in nature. You can see where a plan map amendment affecting, say, 5% of the city, could, depending on the circumstances, go either way. In Wilsonville, the Planning Director, in consultation with the City Attorney, makes the initial determination of q-j vs. legislative, and routes applications accordingly. For planning officials, the distinction is important in deciding whether input from citizens outside a hearing (ex parte contacts, described below) should be encouraged (legislative decisions) or discouraged (q-j decisions). For the official’s purposes, a simple rule of thumb is to ask yourself whether the nature of the process as either rule making (legislative) or rule applying (q-j). If this doesn’t net a clear answer, consultation with staff is advised.

**III. Legislation Pointers**

All of the actors in the land use planning arena, from staff, to DRB, to Planning Commission, City Council and concerned citizens – should be knowledgeable about the legislative process and what makes good plan and code writing. Briefly, the following legislative pointers should be considered so that we don’t find ourselves asking: “who wrote this dang code, anyway?”

1) Correctly identify the applicable guidelines. Local governments are required to legislate in compliance with applicable provisions of their acknowledged plans and state law. Before we go off codifying an expedient fix to an emergent problem, we need to identify the greater sources of policy guidance. Statewide Goals may be applicable to a
plan amendment. Regional plans and standards may impose strictures. And most always, there is some guidance in the city’s comprehensive plan.

2) If it ain’t broke, don’t fix it. Legislating consumes resources and should be reserved for the big ticket items. Consideration should be given to whether non-legislative remedies may solve the problem. Consider also the scope of the legislation’s effect – the longer the problem would persist, and the greater the impact of inaction, the more likely the proposal deserves legislative attention.

3) What if? Unintended consequences . . . unwritten exceptions . . . square peg/round hole applications. These things plague many a law. The more we engage in “what if” questions to ourselves, the more useful and effective the legislation will be.

4) “What’s the yardstick?” Be certain to identify the approval standard. We are trying to clearly help the public and ourselves make land use decisions. When we call a provision a “guideline,” or state that certain activities are “encouraged,” or have a purpose section that states that regulations are “designed “ to achieve a certain goal, we have to know that reviewing bodies commonly find that these are not approval standards for land use decisions. (They can, however, direct discretionary interpretation, as discussed below.) We also need to know that when we adopt language that requires that a use “not adversely affect” or “have no impacts on” neighboring properties, that the language imposes a very stringent approval standard, requiring a strong showing to support a finding that the criterion is met.

5) The interpretation problem. On the one hand, standards can be objective, and on the other, can admit to reasonable interpretation. There is a place for both types of standards, depending on the rigidity or flexibility desired.

The planned development process in the Wilsonville development code is an example of the latter type. It has lead to Wilsonville being viewed as a "well-planned community". The standards in that process are designed to be responsive to the particulars of the site, design alternatives, and variable ways to achieve the regulatory intent. Still, the “discretion” in interpreting and applying the planned development standard cannot be unfettered, and the way terms are defined, construed or interpreted must not be arbitrary. Consequently, care should be taken to be as clear as possible in providing the guides to direct discretion and other parameters to be followed in the application of the legislation.

6) The KISS Principle. We should endeavor to keep it simple. And understandable. Drafting legislation as if our audience were unschooled in the art of land use planning is helpful to the uninitiated, those of us who know less than we think we do, and those with a penchant for forgetting what we know.
IV. The Ten Commandments for Land Use Decisions

The courts, the legislature, and local ordinances have established rules by which land use
decisions must be made. It is a very formal system, and a violation of the rules can result
in the decision being reversed on appeal. These rules ultimately are based on the "due
process" clause of the constitution and revolve around the simple precept that parties to a
land use decision should be treated fairly. The following rules primarily apply to quasi-
judicial decisions.

- **Parties must be notified of pending land use decisions.** The city must notify
  applicants and affected persons when a land use action is pending. Notices are in writing,
published in a newspaper, and/or posted on the property. The type of notice given
depends upon the kind of decision being made. Notice of some legislative measures need
only be placed in the paper. Other legislative actions, such as a limitation upon uses
allowed in any particular zone, require mailed notice to all property owners within the
zone (so-called "Measure 56" notice). Quasi-judicial actions must be preceded by mailed
notice to a defined set of affected property owners. If notice has not properly been given,
the Board should set a new date for the hearing to allow proper notice to be given. "I
didn't get notice" is not determinative, though. State statute provides that failure of a
property owner to receive notice does not invalidate the proceeding if the city can
demonstrate by affidavit that notice was sent to the person. ORS 197.763(8).

- **Parties must have an opportunity to be heard.** An opportunity to be heard generally
  means a public hearing. The notice states the time and place of the hearing and provides
that written comments may be received prior to the hearing. As long as interested parties
have a meaningful ability to express their views, the hearings body has the discretion to
set time limits on presentations and to ensure that the people who speak stick to the issues
that are relevant to the proceeding.

- **Land use decisions must be based upon standards.** An applicant and other interested
  parties have the right to know what criteria will be applied to a proposed land use action.
Notices and staff reports contain the approval criteria. With limited exceptions, criteria
adopted after an application is filed do not apply to that application.

- **Land use decisions must be based on the evidence in the record.** The decision maker
  usually receives a packet prior to a hearing that contains the application and a staff
analysis of the land use action. At the hearing, parties and other citizens may present
testimony and submit exhibits or statements. The decision maker must make its decision
based on evidence that is a part of the public record before the body. It is improper to
rely upon undisclosed information gained outside of the public hearing.

If a member of the decision-making body misses part of the public hearing on a quasi-
judicial matter, then he or she is ineligible to vote on the matter unless the record is
reviewed, and this includes listening to the audio tape. Once one is familiar with the
entire record, a member can vote even though he or she was not present at the original
hearing. It is not legally necessary to listen to tapes to establish eligibility for participation in legislative hearings.

The reason for limiting the basis for the decision to evidence in the record is to assure that all interested persons have an opportunity to review the evidence and to rebut it. The quantum of evidence must be “substantial.” Substantial evidence consists of any evidence which a reasonable mind could accept as adequate to support the conclusion.

- **The burden of proof is on the proponent of a change.** The "burden of proof" concept is identical to that used in a court of law. In a quasi-judicial hearing, each side is entitled to submit evidence for consideration. Applicant has the burden of providing substantial evidence that the approval criteria are met. Opponents can affect the balance of the evidence by showing that the proponent’s facts are incorrect or that the applicant has not introduced all of the facts necessary to satisfy the burden of proof. If insufficient evidence is presented, the decision maker must deny the proposed change because the applicant failed to carry its burden of proof.

One note of caution should be mentioned: when evidence is evaluated, it does not matter how many people testify or how much paper is submitted. The decision maker should look at the type and quality of the evidence submitted, not the quantity. If there is competing expert testimony, it is sufficient if a reasonable person could accept the testimony the Board chooses to credit.

- **Quasi-judicial decisions must be made impartially.** In quasi-judicial hearings, the parties are entitled to an impartial tribunal who will give them a fair hearing without bias. There are two types of bias – financial and judicial.

This will be explained further below, but briefly, a person has a financial bias when he or she has a conflict of interest in the subject matter of the hearing. The state ethics laws provide that a decision maker may vote after declaring a potential conflicts of interest but must refrain from participating in decisions presenting an actual financial conflict of interest.

A person has a judicial bias if he or she has prejudged the application prior to the hearing. If a person's mind is made up due to a strong ideology, then it is unfair for the parties to present evidence when the deck is stacked against them. This does not mean that a person's general opinions and values must be discounted, but the decision maker must be willing to listen to all the evidence presented before rendering a decision.

- **Undisclosed ex parte contacts are prohibited.** "Ex parte" is a Latin phrase that simply means one side only. An ex parte contact is a conversation or communication outside the hearing concerning the merits of a development proposal. This rule is related to the impartial tribunal rule and prevents one side from trying to influence the decision maker without the other parties having an opportunity to rebut them. As discussed below, a decision may be overturned on appeal if there have been significant ex parte contacts that the parties have not had the opportunity to rebut. It is important to
remember that this rule, like the impartial tribunal rule, only applies to quasi-judicial settings.

This rule prohibits anyone from trying to influence the decision maker outside of the hearing, but it does not prohibit constituents from asking about procedural matters -- where they can find more information about a development or how they can present their opinion on the issue. These people can be referred to the staff or invited to come to the hearing. They can also be advised to put their comments in a letter.

- **Land use decisions must be supported by findings of fact.** Adopting proper findings have been one of the most difficult problems for local governments in making land use decisions. A finding is the written legal reasoning that supports the decision to approve or deny a land use action. The findings are contained in a document that becomes a part of the permanent record of the deliberation. Findings consist of three parts:

  - The criteria that apply to a decision;
  - The facts relied on in the decision; and
  - A conclusion that justifies the land use decision in light of the facts and criteria.

Criteria. The decision maker is required to identify the criteria on which it will base its decision in advance of the decision. The land use regulations, comprehensive plan, and other ordinances contain the substantive policies and standards used to judge development proposals.

Facts. Facts are found in the application submittal, staff report and evidence submitted at the hearing, including the testimony presented. If there are facts that the decision maker believes are important, they should be stated during deliberations so that the minutes of the meeting will reflect the basis of the decision.

Conclusions. Conclusions tie the facts and the criteria together and express the decision maker's judgment on the merits of the case. There is a separate conclusion for each criterion that must be addressed. The decision maker should explain how the criteria were met or what the applicant must do to gain the approval in reasonably clear and understandable terms. If there is evidence in the record on a point that both supports and conflicts with a criterion, the decision maker must indicate which evidence it finds most persuasive.

The purpose of findings is to explain to the parties why the decision was made as it was and to allow the Land Use Board of Appeals (LUBA) to look at the decision to review it on the record. If there is substantial evidence that supports the findings, even if LUBA would come to a different conclusion on the evidence, then LUBA will approve the decision. If there are no findings and LUBA can only speculate what the decision maker wanted or meant, then the decision will be remanded back to make proper findings. Findings have other purposes. They allow the decision maker to focus on the relevant
criteria and can assist in the decision-making process. The process of developing findings ensures that the decision is solidly based, credibly made, and acceptable to the community.

A practical observation: the staff report usually states the applicable approval criteria, summarizes the facts, and analyzes whether an application should be approved or denied. Adopting the staff report as part of the Board's action is usually all that is necessary to make proper findings. When, however, the Board disagrees with staff's recommendations, it is incumbent upon the Board to create adequate findings by articulating the alternative facts and conclusions supporting its decision.

- **Pre-hearing announcements and other statutory requirements must be met.** ORS 197.763 requires that at the commencement of quasi-judicial land use hearings, there be a statement listing the approval criteria, directing testimony to these criteria, stating the requirement that issues be “raised or waived” on appeal, and announcing the right to request a continuance or an open record period. Staff has taken over the statement of criteria by referring to the standards listed in the staff report. The presiding officer's opening script takes care of the rest.

The statute further requires that if a party requests an opportunity to present additional evidence, the hearings body must grant the request by continuing the hearing to a time and date certain for live testimony or leaving the record open for at least seven days for additional written evidence. A request for rebuttal of new evidence offered during an initial open record period must be met with an additional open record period. This requirement, and the right of the applicant to rebut and make final argument, has resulted in the staff working out a schedule for the open record period that involves successive seven day periods, followed by time for rebuttal and argument.

Lastly, staff notes a statutory "hair shirt" that requires that quasi-judicial applications be processed and final action taken (including appeals to council) within 120 days from the date the application is complete. (ORS 227.178, the so-called "120-day rule.") Failure to comply with the rule exposes the City to a mandamus petition directing approval of the application. Without a waiver by the applicant to grant more time, this rule may preclude the taking of more time to decide. Staff will advise when the city has a 120 day problem.

- **Conditions of approval cannot include the applicant giving up her first born.** Conditions of approval are requirements, acts, or occurrences attached to land use approvals. Conditions are appropriate to ensure that approval criteria are met. Indeed, if criteria will be met only if certain conditions are imposed, then the condition must be imposed.

It is improper to impose conditions that do not relate to and ensure that the approval criteria are met. Sometimes there is a tendency to impose conditions that address private matters between the applicant and an objecting neighbor, or to “fix” a problem related to a previous permit granted the applicant.
Staff endeavors to recommend conditions of approval that are appropriate, but whenever the hearing body develops additional conditions, it should be aware of other guidelines:

1) Conditions should be capable of being performed by the party on whom the conditions are imposed.

2) Conditions cannot be imposed based upon speculation about future development that is not the subject of the application.

3) Conditions should not have the effect of limiting use of the property to one particular owner, tenant, or singular business.

4) Conditions should be described with such specificity and narrowness as not to require further interpretation in the administration of the land use approval.

5) Conditions must be constitutional. Conditions that require the dedication of land for public use in exchange for a permit or governmental benefit are called “exactions.” The Nollan and Dolan line of cases teaches us that an exaction must be related by its nature and extent to the impacts of the development. Not only must the government show a relationship between the required dedication and the goal sought to be achieved, it must also demonstrate a “rough proportionality” between the condition and the developmental impacts. When there are issues raised about whether a condition is an unconstitutional “taking,” the hearings body is well advised to request relevant staff to demonstrate the basis for the condition.

V. The Impartial Tribunal - Ex Parte Contacts, Bias and Conflicts of Interest

A. Ex Parte Communications and Bias

Quasi-judicial decision makers act like land use judges when deciding to grant or deny permit applications. Given the interests involved, participants in this process are accorded certain rights and procedural safeguards. One such right that parties to a quasi-judicial land use decision are entitled to is an impartial tribunal. Fasano v. Washington Co. Comm., 264 Or 574, 588 (1973). Financial and other interests can threaten the ability to judge fairly, but the more common concern of local governments in this area of law involves ex parte contacts.

As alluded to above, ex parte contacts refer to off-the-record communications between an interested party and a member of an administrative body before whom the party's action is pending, or before whom it may likely come in the future. These communications occur outside of the formal proceedings and concern the merits of the proposed quasi-judicial land use action. 1000 Friends of Oregon v. Wasco Co. & Knapp, 14 Or LUBA 315, 321 (1986). In a quasi-judicial setting, where set policies or criteria are applied to specific individuals or situations (e.g., subdivisions, small area plan and zone changes,
etc.), ex parte contacts could jeopardize a proceeding if they deny the decision maker the benefit of both sides of the issue. If approached by a party who attempts to communicate on the merits of an application outside of the formal hearing, an official may politely remind the party that the official does not want to prejudge the matter, and urge the person to testify at the hearing.

The “merits” of the application do not include general matters of procedure or facts in the public record. Constituents are not prohibited from asking where they can find out more information about a development or how they can participate in the decision making procedure. These people can be referred to staff, advised to come to the hearing or to submit their comments in a letter for the record.

Some ex parte contacts are unavoidable. Should one occur, the contacted member must take proper action to maintain the validity of the official's action or decision. Proper action includes placing on the record the substance of any written or oral ex parte communications concerning the decision and publicly announcing the content of the communication. ORS 227.180(3)(a). Any party then has a right to rebut the substance of the communication at the first hearing following the communication where action will be considered or taken on the subject. ORS 227.180(3)(b).

Before leaving the particular subject of ex parte contacts, a few points are in order. We have noted that the restrictions against ex parte contacts are not applicable in legislative-type decisions, because such a restriction might actually hinder the process of policy proceedings. Second, communications with city staff are not ex parte contacts since the staff are not parties to the hearing. ORS 227.180(4). Third, a word about site visits. As a general rule, decision makers in a quasi-judicial setting may tour or inspect the site involved and may use the information in making their decision. There must be disclosure at the hearing of all information on which the decision maker will rely so as to give interested parties an opportunity to rebut. Lastly, personal knowledge (e.g. long-standing familiarity with the area) may support a decision if it likewise is disclosed on the record.

The "impartial tribunal" requirement also prohibits bias in land use decision making. If an official has prejudged the matter, or is so personally interested in the case to the extent that he or she is incapable of making an impartial decision on the basis of evidence and argument ("judicial bias," above), the official should state this fact on the record and abstain. This is a personal call. Whether it is the result of an ex parte contact, financial interest or other association with the proposal, the official should evaluate whether a decision can be reached by applying the standards to the evidence presented and act accordingly.

A member of a decision-making body should refrain from expressing a personal judgment on a quasi-judicial matter prior to the hearing. If the member tells a constituent "I am going to vote for it," then the member has revealed a bias prior to hearing any of the testimony. If a party opposed to a view heard or learned of the disclosure, they could seek to disqualify the member from considering the case.
B. Conflicts of Interest

Government Standards and Practices Act, ORS chapter 244, applies to all public officials. The term “public official” is defined broadly and includes all land use decision makers. Public Officials are required not to take official action that would result in financial gain or detriment to that individual or a relative\(^1\), or to a business with which the official or relative is associated\(^2\).

There are **potential** conflicts of interest and **actual** conflicts of interest. A potential conflict of interest arises when a public official takes official action that could financially impact the public official, the official’s relatives, or a business with which the public official or a relative is associated. An actual conflict of interest arises when a public official takes official action that would financially impact the official, a relative or an associated business.

The distinction is important because in the first case, the official is required to disclose the potential conflict of interest, but may take action on the issue. In the second case, the official must both disclose the actual conflict of interest and refrain from taking official action.\(^3\)

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1. ORS 244.020(14) defines "relative" as the spouse or domestic partner of the public official, any children of the public official or of the public official's spouse; siblings, spouses of siblings or parents of the public official/official's spouse, any individual for whom the official has a legal support obligation, or any individual for whom or from whom the official provides or receives benefits of employment.

2. ORS 244.020(3) defines "Business with which the person is associated" as:

   
   "(a) Any private business or closely held corporation of which the person or the person's relative is a director, officer, owner or employee, or agent or any private business or closely held corporation in which the person or the person's relative owns or has owned stock, another form of equity interest, stock options or debt instruments worth $1,000 or more at any point in the preceding calendar year;
   
   "(b) Any publicly held corporation in which the person or the person's relative owns or has owned $100,000 or more in stock or another form of equity interest, stock options or debt instruments at any point in the preceding calendar year;
   
   "(c) Any publicly held corporation of which the person or the person's relative is a director or officer; or
   
   "(d) For public officials required to file a statement of economic interest under ORS 244.050, any business listed as a source of income as required under ORS 244.060 (3)."

3. A parallel statute, applicable only to planning commissioners, has slightly different standards. ORS 244.135 provides:
There are exceptions, and thus no need for an announcement if: 1) the conflict arises from a membership or interest held in a particular business that is a prerequisite to the office, 2) the impact of the action would impact the official to the same degree as other members of an identifiable group or class, and 3) if the conflict arises from a position or membership in a tax-exempt nonprofit corporation.

There is also a court-recognized exception to mandatory disqualification for a conflict of interest. Where there is no one else to act in the place of the disqualified person, and the decision maker’s vote is required to achieve a quorum and reach a decision on the matter, the “Rule of Necessity” applies to enable participation by that individual.

C. Selected Applications

The courts and the Attorney General have rendered opinions on a number of bias and conflict of interest situations.

One case involved a city councilor's active membership in a church that had a land use application before council. When asked whether this was a potential conflict of interest under ORS 244.020, the Attorney General was of the opinion that even though the official's action could benefit the church, there was no "private pecuniary benefit or detriment" to the official or official's household, nor was the church a "business" within the meaning of the statute. With variations of the question, the AG found no conflict of interest if the member was a land use planning consultant for the church, or testified in an individual capacity in favor of the church's land use position before the governing body and later becomes a voting member of the governing body. Assuming that the professional relationship between the church and the consultant had terminated, the AG saw no potential for financial gain or loss to the councilor or the councilor's household. The same is true of the individual testifying in an individual capacity.

Courts have not readily disqualified members of a quasi-judicial tribunal for bias, given that it is such a drastic step, and instead look for a clear showing of actual prejudice. In *Eastgate Theatre v. Bd. Of County Comm'r's*, 37 Or App 745 (1978), the court found that the interests of two of the Board members, one as a director of a regional government seeking to purchase the subject property, and the other as chairman of a neighborhood...
organization recommending approval of the land-use change, were related to public involvement on behalf of other governmental organizations, and did not endanger the impartiality requirements. Involvement on behalf of non-governmental entities may present a clearer case for disqualification.

These cases do not inquire into the actual effect that the outside activities had on the decision maker. They only held that an association will not, per se, result in disqualification. Again, it is the facts concerning the individual official and his or her activities that will provide evidence of bias. Some organizations, such as churches and fraternal groups, might elicit strong emotional commitment on the part of the individual public official in question and could be a factor a court will consider in determining whether the official should be disqualified from participating in a proceeding involving the group or organization. Of course, if an official knows that such attachments rob him or her of objectivity, the choice is to abstain.

VI. Ethics and Statements of Economic Interests

Beyond pointing you in the direction of Oregon Government Ethics Commission Guides to Public Officials, I cannot treat this subject in any detail other than to highlight a few elementary points:

A. Use of Office. Public officials are prohibited from using or attempting to use their positions to gain a financial benefit or to avoid a financial cost for themselves, a relative or their business if the opportunity is available only because of the position held by the public official. ORS 244.040 (1).

B. "Legislative or Administrative Interest." This phrase is key to how ethics laws apply in many circumstances, such as in reporting requirements and the receiving of gifts; Legislative or administrative interest means an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals or other matters subject to the action or vote of a person acting in the capacity of a public official. ORS 244.020 (8). (e.g., a business or person who sells services or products to the government, submits bids for a government's requests for proposals, is regulated or licensed by the government, is a permit applicant, etc., may have a legislative or administrative interest).

C. Gifts. Things of value given to the official, relative, member of household not available to members of public:
   - from those who have a legislative/administrative interest
   - only available because of official's position
   - can't exceed $50 in aggregate value in any calendar year from any single source

D. SEIs. What is and what is not reported:
   - Names of business in which an interest is held.
   - Sources of income only – not amount
   - Names of relative only – not addresses/financial info
- No relatives or household member under the age of 18 are listed
- Real property (not principle residence) located within city boundaries
- Do not list mortgage loan, personal bank accounts, retail credit accounts.
- Do not detail investments held in a mutual fund.

Obviously, the above is subject to all kinds of nuance and distinctions you should look to the statutes, OGEC website and publications or our office to parse.

VII. Interpreting Local Plans and Code

Plan and Code provisions may be vague and ambiguous. Whether and how such provisions apply is determined through interpretation.

Ultimately, the Land Use Board of Appeals (LUBA) or the appellate courts may settle the meaning of ambiguous ordinance provisions. Therefore, how these bodies review interpretations is the best guidance for construing the plan or code.

Oregon State statute is the first place to start. LUBA’s scope of review states well established principles of statutory and ordinance interpretation.

ORS 197.829 provides:

"(1) The Land Use Board of Appeals shall affirm a local government’s interpretation of its comprehensive plan and land use regulations, unless [LUBA] determines that the local government’s interpretation:

"(a) Is inconsistent with the express language of the comprehensive plan or land use regulation;

"(b) Is inconsistent with the purpose for the comprehensive plan or land use regulation;

"(c) Is inconsistent with the underlying policy that provides the basis for the comprehensive plan or land use regulation; or

"(d) Is contrary to a state statute, land use goal or rule that the comprehensive plan provision or land use regulation implements."

It is also important to understand how LUBA reviews the local interpretation. In this connection, there has been some tightening up of the standard for review and level of deference given a governing body’s interpretation of its own code. Until recently, as long as a governing body’s interpretation was not “clearly wrong” or “so wrong as to be beyond colorable defense,” it would be sustained. See, e.g. Zippel v. Josephine County, 128 Or App 458 (1994). However, in Church v. Grant County, 187 Or App 518 (2003), the court restated the standard for review, declaring that “LUBA is to affirm the [government’s] interpretation of its own ordinance unless LUBA determines that the [government’s] interpretation is inconsistent with the express language of the ordinance or its apparent purpose or policy.” The court went on to say that while local government’s interpretations are still entitled to deference, review of the interpretation will employ general rules of statutory construction.
Since the courts will be guided by rules of statutory construction, so should the City’s Boards, Commissions and Council. Therefore, whenever there is a need to construe the meaning of an ambiguous local provision, the following principles should be applied:

- In construing the plan or code, the interpreting body should look first to the express language of the provision. If the terms admit to but one meaning, that meaning should be followed.

- Where the terms are subject to alternative constructions, the intent behind the provision – its underlying policy - should be the primary guide. Comprehensive plan language, purpose sections of the ordinances, legislative findings and history are sources of intent or policy.

- The terms should be read in their context, meaning that the terms should be read in relation to the entire provision, the entire enactment of which it is a part, and other related and similar provisions.

- Precedent also serves a purpose here. While a body is not bound by past interpretations, such actions can, depending on the circumstances, inform a body as to the proper construction.

- Where there is no “legislative history” to tell the interpretive body where the words came from, the body should attempt to determine how the City Council would have intended the provision to be applied had it considered the issue.

- There are accepted aids in construction: 1) use ordinary meaning unless the term has a well defined legal meaning or is a term of art, 2) avoid interpretations that result in absurd results, 3) inclusion of a specific matter implies an intent to exclude related matters not mentioned and 4) a specific provision controls over a general provision.

- Finally, the interpreting body should be guided by the rule of reason. Reasonable interpretations of an enactment are largely defensible.

The following examples are illustrative. Recently, DRB panel A considered W.C. 4.116 (.10) D., which requires no setback for commercial developments “except when the side yard abuts a more restrictive district,” in which case the setback is 1½ times the setback required for the abutting district. The Board queried whether that section applied to increase the setback of the subject property (service station) if a vacant portion of a neighboring commercial parcel could be used for a less intensive use (e.g., parking lot, motel, etc.). In this instance, the Board noted that 1) the Code language did not contemplate greater setbacks for hypothetical future uses, and 2) the word “use” did not appear in the language at all, meaning that the express terms of the provision did not require a greater setback for a more restrictive abutting use. In this context, the Board also noted that the word “district” was a term of art in planning parlance and was used in
other parts of the code to refer to the base zones on the Official Zoning Map. The Board therefore construed the code section to apply to increase the setback on the subject property only when a commercially zoned use abutted a residential (or other more restrictive) zone. In doing so, it employed several of the principles noted above, followed the apparent intent of Council and rendered an interpretation that is reasonable and defensible.

In another case, the Development Review Board considered whether to grant an extension of a development approval. Specified approvals are valid for two years unless, under W. C. 4.032 (.01) A., a time extension is granted for “good cause.” Recognizing that the Council intended that approvals be extended when conditions warranted, the Board construed “good cause” to mean those circumstances of the permit or the applicant (such as the prevailing market conditions, construction realities and obstructions to due diligence), that reasonably excused commencement of development within the time limits. Based upon this interpretation, the Board found that good cause was demonstrated by the applicant’s letter of request and granted the extension.

Before closing, we would add one last thing about interpretations. It is helpful for the body doing the interpretation to explain the basis for the interpretation on the record and, if necessary, make findings to that effect. This facilitates review by the Council or appellate bodies and enables them to understand and hopefully affirm what the Board or Commission did.

VIII. Motion Practice

“It’s a dangerous business going out your door, Frodo Baggins....”

One of the ways we have made the journey less dangerous is to adopt rules of procedure. The Commission and Board have adopted Parliamentary Procedure to guide the deliberative process. These rules are all about meeting management – to expedite business, maintain order, ensure justice and make sure that the will of the group is accomplished properly and fairly. It is beyond the scope of this memo to discuss the details of Robert’s Rules of Order, so we will hit the high points of making and acting upon motions.

I. Once you have a quorum and have moved to the part of the agenda where an action is proposed, a motion must be made. Before a member can make a motion, the member must be recognized by the chair. Only one member can speak at a time. Once recognized, the member makes a motion by stating, “I move ...” (avoid: “I want to ...” or “I think we should ...” or “So moved”). Clearly thought-out motions save time, because they are less likely to be amended, clarified or withdrawn to start over again.

Clear motions also help the beleaguered secretary make minutes and third parties reviewing the minutes to know what the heck happened. Complex cases involving multiple requests and a number of modifications in the process of the decision can be
challenging, but that doesn’t mean we go all mushy. The following is an outline of how motions can be made less painless:

1). Take two steps.
Board decisions involve adoption of a Resolution, which in turn adopts the staff report as findings and conditions of approval. In the rare case there are no changes to the staff report, the Board need only adopt the Resolution. However, the staff report and the findings and conditions therein are almost always amended, through errata caught by staff, modified conditions sought by the applicant and changes made by the Board. In these cases we recommend, as first step, a motion (and action) to adopt amendments to the staff report. Then, as a second step, we recommend adoption of the Resolution. Because staff has created a Resolution form that adopts the staff report, “as amended,” adoption of the Resolution adopts all the amendments to the staff report the Board approved with its first motion.

2). Have someone prepare the motion for delivery.
The City Council is a good model. The Council President does a great job of making the motion, having kept track of each and every amendment to the thing adopted, articulating them clearly and doing so in a way that is clear to the audience. In some cases, the motion is written out and shared with the City Recorder.

The Board may want to discuss ahead of time who the motion maker for the particular agenda item will be. In the motion adopting amendments to the staff report, staff recommends the maker of the motion clearly articulate all the amendments. If the motion cannot be written out, the verbal rendition should rely on written tabulation of the various amendments. Stating the entire text of the amendment is preferable. An acceptable alternative to articulating lengthy text would be reference to a writing in the record (e.g., specified paragraphs of the applicant’s suggested changes to approval conditions). Where a lengthy reading of edited text has been articulated clearly into the record, and the secretary/transcriptionist has recorded the statement, reference can be made to the amendments “as read into the record by _____.” For an example of a motion incorporating these concepts, please see Attachment 1 to this memo.

II. Once the motion is made, another member “seconds” the motion without waiting for recognition. This means that another person thinks the subject is important enough for discussion and vote. If a motion isn’t seconded, it isn’t discussed.

III. The chair states the question: “It is moved and seconded that . . . .” However, before a motion has been restated by the chair, the maker has the right to modify his or her motion or to withdraw it entirely. After it has been restated by the chair, however, the motion may be modified only by means of an amendment.

IV. The chair opens the matter for debate, and the member who made the motion speaks to the question. Debate ensues.
V. When the chair senses that debate has ended, the chair may ask whether the group is ready for the question. Then the chair states: “the question is on the adoption of the motion to . . . .”

VI. Once the vote is taken the chair announces the result of the vote. Abstentions do not count as a yes or no vote, so the member should be aware that an abstention yields permission to the will of the majority.

The forgoing is a bare bones treatment of the manner of making motions. Attachment 2 to this memo is a longer and fuller outline on the use of Roberts Rules. While a rudimentary knowledge of the rules is invaluable, we shouldn’t be a slave to them. As the author of the rules said:

“In enforcing the rule there is a need for the exercise of tact and good sense. In small assemblies, and especially when the members are unfamiliar with parliamentary procedure, a strict enforcement of the rules is unwise. “It is usually a mistake to insist upon technical points, so long as no one is being defrauded or his rights and the will of the majority is being carried out. The rules and customs are designed to help and not to hinder business.”

IX. Conclusion

This memo is offered in appreciation for the sacrifices land use officials make in serving the city. I hope the forgoing assists in making that work easier. Should the need arise, our office is ready to assist on any questions that you may have on these subjects.

pal:dp
Roberts Rules of Parliamentary Procedures
Roberts Rules Of Parliamentary Procedures

I. PARLIAMENTARY PROCEDURE-ITS PURPOSE AND USE

Parliamentary law is a system of maintaining order in organizations. It provides an approved and uniform method of conducting meetings in a fair, orderly, and expeditious manner.

Respect for law is a basic characteristic of democratic government. This respect is clearly shown by a willingness to practice an orderly method of procedure in organizations so as to follow the will of the majority, to protect the rights of the minority, and to protect the interests of those absent.

The use of parliamentary procedure in itself, however, does not insure that these ideals will be met. Everyone involved with an organization must also work to create an atmosphere of trust, mutual respect, and shared purpose.

Robert's Rules of Order was written by General Henry M. Robert, a U.S. Army engineer, and published in 1876. His work is still regarded as the basic authority on the subject of parliamentary law. The most recent edition of the work, Robert's Rules of Order Newly Revised (1970), is the accepted authority for almost all organizations today. This pamphlet, Fundamentals of Parliamentary Procedure, is based on that book.
II. GENERAL PRINCIPLES OF PARLIAMENTARY PROCEDURE

Every member of an organization should be familiar with the following simple rules and customs:

- All members have equal rights, privileges, and obligations; rules must be administered impartially.
- The minority has rights which must be protected.
- Full and free discussion of all motions, reports, and other items of business is a right of all members.
- In doing business the simplest and most direct procedure should be used.
- Logical precedence governs introduction and disposition of motions.
- Only one question can be considered at a time.
- Members may not make a motion or speak in debate until they have risen and been recognized by the chair and thus have obtained the floor.
- No one may speak more than twice on the same question on the same day without permission of the assembly. No member may speak a second time on the same question if anyone who has not spoken on that question wishes to do so.
- Members must not attack or question the motives of other members. Customarily, all remarks are addressed to the presiding officer.
- In voting, members have the right to know at all times what motion is before the assembly and what affirmative and negative votes mean.

III. PARLIAMENTARY TERMS

Addressing the Chair: Getting the chair's attention by saying, e.g., "Madam Chairwoman," "Mr. Chairman," "Madam President," or "Mr. Moderator."

Agenda: Order of business; program of a business meeting.

Ad Hoc Committee: Committee established for a specific purpose, for a particular case.

Adjourn: To end a meeting.

Announcing the Vote: In announcing the vote on a motion, the chair should:
(1) report on the voting itself, stating which side has prevailed;
(2) declare that the motion is adopted or lost; and
(3) state the effect of the vote or order its execution.

For a voice or rising vote in which no exact count is taken, the chair might say, for example, "The ayes have it, the motion carries, and the brochure will be published." For a vote in which an exact count is taken, the chair might say, "There are 14 in the affirmative and 15 in the negative. The negative has it and the motion is lost. No additional funds will be spent on publicity this semester."

Ballots: Slips of paper for voting.

Carried: Passed or adopted; used in referring to affirmative action on a motion.

Caucus: Private session in advance of a scheduled meeting.

Chair: the Chair, Chairman, Chairwoman: To preside over; the presiding officer.

Chairman/Chairwoman Pro Temp: Presiding officer for the time being.

Commit: To refer to a committee.
Committee of the Whole: Designation of all of the members of an assembly present at a meeting as members of an ad hoc committee; working as a committee of the whole allows an assembly to function informally (e.g., to have unlimited debate).

Convene: To open a session.
Division of the Assembly; a Division: A vote retaken for the purpose of verifying a voice vote or show of hands; a division may be ordered by the chair or by a single member.
Division of the Question: A motion to divide a pending motion into two or more separate questions in order that they may be considered separately.
Election by Acclamation: Election by unanimous consent; used when only one person has been nominated for an office.
Ex-officio: By right of office.
Expunge: To eliminate part of a motion by crossing out or drawing a line around words; one never erases, since the original text may be needed for the minutes.
Germane: Closely related, relevant; amendments and debate must be germane to the question at hand.
Having the Floor: Having been recognized by the chair to speak.
Immediately Pending Question: The last motion stated by the chair.
In Order: Correct according to rules of parliamentary procedure.
Main Motion: A motion which brings before the assembly some new subject upon which action of the assembly is desired.
Majority: More than half of the votes cast by persons legally entitled to vote, excluding abstentions.
Minutes: Written records of business transacted.
Motion: A proposal by a member, in a meeting, that the assembly take a particular action.
Nominate: To propose an individual for office.
Obtaining the Floor: Securing permission to speak.
Orders of the Day: Agenda for a meeting.
Parliamentarian: Parliamentary adviser to the presiding officer.
Pending Question: A motion awaiting decision.
Plurality: In an election, the largest number of votes given a candidate when three or more candidates are running; a plurality that is not a majority never elects anyone to office except by virtue of a special rule previously adopted.
Point of Information: Request for information concerning a motion.
Precedence: Take Precedence: Priority in rank; to outrank.
Previous Question: Motion which, if adopted, orders an immediate vote.
Proxy: A person authorized to vote for another.
Question of Privilege: A device that permits a request or main motion relating to the rights and privileges of the assembly or any of its members to be brought up for immediate consideration because of its urgency, e.g., a motion to turn the air conditioner up or a motion to close the windows so that people can hear.
Quorum: The minimum number of members who must be present at a meeting for business to be legally transacted.
Recess: A short intermission.
Recognize: To allow someone to obtain the floor in order to speak.
Rescind: To repeal, annul, cancel, or revoke formally.
Resolution: Motion used to express the sentiment of a group, usually beginning with the words "resolved that...."
Rising Vote: A vote taken by having members stand.
Roll Call Vote: A procedure by which the vote of each member is formally recorded in the minutes.
Second: To indicate support for consideration of a motion by saying: "I second the motion."
Slate: List of candidates.
Unanimous (or General) Consent: A means of taking action on a motion without a formal vote. When a presiding officer perceives that there is little or no opposition to a motion before the assembly, business can often be expedited by the chair's simply calling for objections, if any. If no objection is heard, the motion is adopted; if even one member objects, the motion is brought to a formal vote by the usual procedure.
Voice Vote: A vote taken by having members call out "aye" or "no" at the chair's direction.
Yield: To give the floor to the chair, to another speaker, or to a motion taking precedence over that being considered.

IV. A STANDARD AGENDA

If an organization's established rules do not specify an order of business, parliamentary law provides the following standard agenda for a meeting:

- Call to order
- Reading and approval of minutes
- Reports of officers and standing committees
- Reports of ad hoc committees
- Unfinished business
- New business
- Announcements H. Adjournment

V. TRANSACTING BUSINESS AT A MEETING

A. Quorum:

- A quorum is the minimum number of members who must be present at a meeting for business to be legally transacted.
- An organization, in its established rules, may define its own quorum.
- In the absence of such a provision, the quorum is a majority of the entire membership.

B. Obtaining the Floor:
• Before a member in an assembly can make a motion or speak in debate, he or she must obtain the floor; that is, the member must be recognized by the chair as having the exclusive right to be heard at that time.

• If two or more members rise to seek recognition at the same time, the member who rose and addressed the chair first after the floor was yielded is usually entitled to be recognized. A member cannot establish "prior claim" to the floor by rising before it has been yielded.

C. Introducing Business (Making Motions):

• Business may be introduced by an individual member or by a committee.

• Business is always introduced in the form of a motion.

D. Seconding a Motion:

• After a motion has been made, another member, without rising and obtaining the floor, may second the motion.

• A second merely implies that the seconder agrees that the motion should come before the assembly and not that he or she necessarily favors the motion.

• A motion made by a committee requires no second, since its introduction into the assembly has been approved by a majority of the committee.

• The purpose of a second is to prevent time from being consumed by the assembly having to dispose of a motion that only one person wants to see introduced.

E. Placing a Motion Before the Assembly:

• After a motion has been made and seconded, the chair repeats the motion verbatim, thus placing it before the assembly for debate and action.

• During the brief interval between the making of a motion and the time when the chair places it before the assembly by restating it, the maker of a motion may modify or withdraw it simply by stating the intention to do so; after the motion has been restated by the chair, it is officially before the assembly and must be dealt with appropriately (e.g., adopted, rejected, postponed).

F. Debate:

• Every member of the assembly has the right to speak on every debatable motion before it is finally acted upon; this right cannot be interfered with except by a motion to limit debate.

• All discussion must be confined to the immediately pending question and to whether or not it should be adopted.

• While debate is in progress, amendments or other secondary motions can be introduced and disposed of accordingly.

• In an organization that has no special rule relating to the length of speeches, a member can speak no longer than 10 minutes unless he or she obtains the consent of the assembly; such permission can be given by unanimous consent or by means
of a motion to extend debate. Likewise, debate may be curtailed by a motion to limit debate.

- No member may speak twice on the same motion at the same meeting as long as any other member who has not spoken on the motion desires to do so.
- Unless the rules are suspended, a member who has spoken twice on a particular question on the same day has exhausted his or her right to debate that question for that day.
- During debate, no member can attack or question the motives of another member.
- The maker of a motion, although allowed to vote against it, is not allowed to speak against it.

G. Amendments:

- As noted above, before a motion has been restated by the chair, the maker has the right to modify his or her motion or to withdraw it entirely. After it has been restated by the chair, however, a motion may be modified only by means of an amendment.
- There are six ways to amend a motion: a. Add words, phrases, or sentences at the end of a motion; b. Insert words, phrases, or sentences; c. Strike words, phrases, or sentences; d. Strike and insert words, phrases, or sentences; e. Strike and add words, phrases, or sentences; and f. Substitute whole paragraphs or an entire text.
- Only two amendments (primary and secondary) may be pending on a main motion at any time.
- Discussion of an amendment must relate only to the amendment, unless the whole motion is involved by substitution.
- An amendment must be germane to the question under consideration.

H. Voting:

- Unless special rules apply, a majority decides. A majority is more than half of the votes cast by persons legally entitled to vote, excluding blank ballots or abstentions.
- Unless otherwise provided for, voting is by voice vote.
- If the presiding officer is a member of the assembly, he or she can vote as any other member does when the vote is by ballot. In other cases, the presiding officer, if a member of the assembly, can (but is not obliged to) vote whenever his or her vote will affect the result; i.e., he or she can vote either to break or to create a tie.
- A member has no right to explain his or her vote during voting since that would be the same as debate at such a time.
- Any member may request a division of the assembly if there is uncertainty as to the true result of the vote.

I. Announcing a Vote:
In announcing the vote on a motion, the chair should: a. report on the voting itself, stating which side has prevailed; b. declare that the motion is adopted or lost; and c. state the effect of the vote or order its execution.

For a voice or rising vote in which no exact count is taken, the chair might say, for example, "The ayes have it, the motion carries, and the brochure will be published." For a vote in which an exact count is taken, the chair might say, "There are 14 in the affirmative and 15 in the negative. The negative has it and the motion is lost. No additional funds will be spent on publicity this semester."

J. Adjournment:

- A motion to adjourn may be made by any member. It may be made during the consideration of other business, although it may not interrupt a speaker.
- A motion to adjourn is not in order when the assembly is engaged in voting or verifying a vote.
- If the motion to adjourn is voted down, it may be made again only after the disposition of some business.
- The motion to adjourn is out of order when the assembly is arranging for the time and place of the next meeting.
- When it appears that there is no further business to be brought before the assembly, the chair, instead of waiting for a motion, may simply adjourn the meeting.

VI. SUMMARY OF STEPS IN HANDLING A MOTION

- A member rises and addresses the presiding officer.
- The presiding officer recognizes the member.
- The member states the motion.
- Another member seconds the motion.
- The presiding officer restates the motion, thus placing it before the assembly for consideration.
- The assembly may discuss the motion if it is debatable and amend the motion if it is amendable.
- The presiding officer takes the vote.
- The presiding officer announces the result.

VII. TYPES OF MOTIONS--DEFINITIONS AND EXAMPLES

A. Privileged Motions: Motions which do not relate to the pending question but have to do with matters of such urgency or importance that, without debate, they are allowed to interrupt the consideration of anything else.

- Adjourn: Terminates the meeting. "I move that we adjourn."
- Recess: Permits a short intermission in a meeting. "I move that we recess for 10 minutes" or ". . . until 2:00" or ". . . until called to order by the chair."
• Raise a question of privilege: Permits a request or main motion relating to the rights and privileges of the assembly or any of its members to be brought up for immediate consideration because of its urgency. "I rise to a question of privilege affecting the assembly."

• Call for the orders of the day: Requires that the adopted agenda or order of business be followed. "Mr. Chairman, I call for the orders of the day" or "Madam President, I demand the regular order."

B. **Subsidiary Motions:** Motions which assist the assembly in treating or disposing of a main motion. They have the effect of hastening action upon, delaying action upon, or modifying the main motion.

• Lay on the table: Lays a pending question aside temporarily when something more urgent has arisen. "I move to lay the question on the table" or "I move that the motion be laid on the table."

• Previous question: Ends debate and orders an immediate vote. "I move the previous question" or "I move we vote immediately on the motion."

• Limit or extend debate: Modifies debate by limiting or extending the number or length of speeches. "I move that debate be limited to one speech of two minutes for each member" or "I move that the speaker's time be extended three minutes."

• Postpone to a certain time: Defers consideration to a definite day, meeting, or hour, or until after some particular event. "I move that the question be postponed until the next meeting" or "I move to postpone the motion until after the address by our guest speaker."

• Refer to a committee: Gives a motion more detailed attention or permits it to be handled in privacy. "I move to refer the matter to the Program Committee."

• Amend: Modifies a main motion by inserting, adding, striking, striking and inserting, striking and adding, or substituting some specific language. "I move to amend by adding the words . . ." or "by striking . . ." or "I move to substitute for the pending motion the following: ...."

• Postpone indefinitely: Disposes of a question without bringing it to a direct vote. "I move that the motion be postponed indefinitely."

C. **Main Motion:** A motion which brings business before the assembly and which can be made only while no other motion is pending. "I move we have a banquet."

D. **Motions that Bring a Question Again Before the Assembly:** Motions which bring up a previously considered question.

• Reconsider: Allows a question previously disposed of to come again before the assembly as if it had not previously been considered. The motion to reconsider can be made only by a member who voted on the prevailing side and only on the same day the original vote was taken. The motion is debatable only if the motion to be reconsidered is itself debatable. "I move to reconsider the vote on the motion relating to the annual banquet."
- **Discharge a committee**: Takes a matter out of a committee's hands and places it again before the assembly as a whole. "I move that the committee considering what band to hire for the benefit dance be discharged."

- **Rescind a motion previously adopted**: Voids a motion previously passed. "I move to rescind the motion passed at the last meeting relating to where we will go on the ski trip."

- **Take from the table**: Allows the assembly to resume consideration of a motion previously laid on the table. "I move to take from the table the motion relating to presenting plaques to graduating members."

**E. Incidental Motions**: Motions which deal with questions of procedure and arise out of another pending motion or item of business. With the exception of the motion to appeal from the ruling of the chair, they are not debatable.

- **Point of information**: Inquires as to the facts affecting the business at hand and is directed to the chair or, through the chair, to a member. "I rise to a point of information" or "A point of information, please."

- **Parliamentary inquiry**: Requests the chair's opinion—not a ruling—on a matter of parliamentary procedure as it relates to the business at hand. "I rise to a parliamentary inquiry" or "A parliamentary inquiry, please."

- **Division of the assembly**: Calls for a verification when a member doubts the accuracy of a voice vote or show of hands. "Division!" or "I call for a division."

- **Division of a question**: Permits a motion to be divided into two or more parts in order that they may be considered separately. "I move to divide the motion so that the question of purchasing decorations can be considered separately."

- **Withdraw a motion**: Permits a member to remove his or her question from consideration even after the motion has been restated by the chair. "Mr. Chairman, I move that I be allowed to withdraw the motion."

- **Objection to consideration**: Suppresses business that is undesirable or that might prove damaging to the organization. "Madam President, I object to the consideration of the question."

- **Suspend the rules**: Temporarily sets aside a rule to permit the assembly to take an action it could not otherwise take. "I move to suspend the rules which interfere with considering the motion to hold a get-acquainted happy hour for new members."

- **Appeal from the ruling of the chair**: Challenges a ruling of the chair. A majority vote sustains the ruling. "I appeal from the decision of the chair."

- **Point of order**: Challenges an error in procedure and requires a ruling by the chair. "I rise to a point of order" or "Point of order!"

**VIII. PRECEDENCE OF MOTIONS**

Since only one question may be considered at a time, the sequence in which motions may be taken up is fixed by parliamentary law.
The main motion is the basic motion and all other legitimate motions are taken up and acted upon before the main motion is finally disposed of. Any privileged motions introduced are of such urgency or importance that they must be promptly acted upon. Subsidiary and incidental motions which are introduced must be given priority so that the action finally taken on the main motion will accurately reflect the will of the assembly.

Motions that bring a question again before the assembly are similar in status to main motions in that they can be considered only when no other business is pending.

Privileged and subsidiary motions have the highest status and are arranged in an explicit order of precedence. Privileged motions come first in the order of precedence and among themselves have the following ranking: (1) adjourn, (2) recess, (3) raise a question of privilege, and (4) call for the orders of the day. Subsidiary motions follow in the order of precedence and have the following ranking among themselves: (5) lay on the table, (6) previous question, (7) limit or extend debate, (8) postpone to a certain time, (9) refer to a committee, (10) amend, and (11) postpone indefinitely.

Incidental motions are not ranked in the formal order of precedence. Since they arise out of--are "incidental" to--some other pending question, the incidental motions are decided as they arise. An incidental motion would be out of order, however, if it were not legitimately related to the business at hand.

IX. OTHER RULES GOVERNING THE CONSIDERATION OF MOTIONS

Not all motions require recognition or a second. Not all motions are debatable or amendable. Some motions do not require a vote or permit reconsideration. The following table summarizes the rules related to each of the types of motions defined in Part VII.

RULES GOVERNING THE CONSIDERATION OF MOTIONS

<table>
<thead>
<tr>
<th>Name of Motion</th>
<th>Requires Recognition?</th>
<th>Requires a Second?</th>
<th>Debatable?</th>
<th>Amendable?</th>
<th>Vote Required?</th>
<th>May Be Reconsidered?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Privileged Motions:(1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Adjourn</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>majority</td>
<td>no</td>
</tr>
<tr>
<td>2. Recess</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
<td>yes</td>
<td>majority</td>
<td>no</td>
</tr>
<tr>
<td>3. Raise a question of privilege</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>--</td>
<td>no</td>
</tr>
<tr>
<td>4. Call for the orders of the day</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>2/3(2)</td>
<td>no</td>
</tr>
<tr>
<td>Subsidiary</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motions: (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td>5. Lay on the table</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>majority</td>
<td>no</td>
</tr>
<tr>
<td>6. Previous question</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>2/3</td>
<td>yes</td>
</tr>
<tr>
<td>7. Limit or extend debate</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
<td>yes</td>
<td>2/3</td>
<td>yes</td>
</tr>
<tr>
<td>8. Postpone to a certain time</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>majority</td>
<td>yes</td>
</tr>
<tr>
<td>9. Refer to a committee</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>majority</td>
<td>yes</td>
</tr>
<tr>
<td>10. Amend</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>majority</td>
<td>yes</td>
</tr>
<tr>
<td>11. Postpone indefinitely</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
<td>majority</td>
<td>aff.(3)</td>
</tr>
</tbody>
</table>

| Main Motions                                    | yes  | yes  | yes  | yes  | majority | yes  |

<table>
<thead>
<tr>
<th>Motions that Bring a Question Again Before the Assembly:</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Reconsider</td>
<td>no</td>
<td>yes</td>
<td>yes(4)</td>
<td>no</td>
<td>majority</td>
</tr>
<tr>
<td>Discharge a committee</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>maj. or 2/3(5)</td>
</tr>
<tr>
<td>Rescind</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>maj. or 2/3(5)</td>
</tr>
<tr>
<td>Take from the table</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
<td>no</td>
<td>majority</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Incidental Motions:</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Point of information</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>--</td>
</tr>
<tr>
<td>Parliamentary inquiry</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>--</td>
</tr>
<tr>
<td>Division of the assembly</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>--</td>
</tr>
<tr>
<td>Division of a question</td>
<td>yes</td>
<td>yes</td>
<td>no</td>
<td>yes</td>
<td>majority</td>
</tr>
</tbody>
</table>
### Withdraw a motion

<table>
<thead>
<tr>
<th></th>
<th>yes</th>
<th>yes</th>
<th>no</th>
<th>no</th>
<th>majority</th>
<th>negative(6)</th>
</tr>
</thead>
</table>

### Objection to consideration

<table>
<thead>
<tr>
<th></th>
<th>no</th>
<th>no</th>
<th>no</th>
<th>no</th>
<th>2/3</th>
<th>negative(6)</th>
</tr>
</thead>
</table>

### Suspend the rules

<table>
<thead>
<tr>
<th></th>
<th>no</th>
<th>no</th>
<th>no</th>
<th>no</th>
<th>2/3</th>
<th>no</th>
</tr>
</thead>
</table>

### Appeal from the chair's ruling

<table>
<thead>
<tr>
<th></th>
<th>no</th>
<th>yes</th>
<th>yes</th>
<th>no</th>
<th>maj. or tie</th>
<th>yes</th>
</tr>
</thead>
</table>

### Point of order

<table>
<thead>
<tr>
<th></th>
<th>no</th>
<th>no</th>
<th>no</th>
<th>no</th>
<th>--</th>
<th>no</th>
</tr>
</thead>
</table>

**Note 1:** In order of precedence.

**Note 2:** Must be enforced on the demand of one member unless it is set aside by a two-thirds vote.

**Note 3:** Only an affirmative vote may be reconsidered.

**Note 4:** The motion to reconsider is debatable only if the motion to be reconsidered is itself debatable.

**Note 5:** Requires either a simple majority (with prior notice), or a two-thirds vote, or a majority of the entire membership.

**Note 6:** Only a negative vote may be reconsidered.

### X. TIPS ON PARLIAMENTARY PROCEDURE

A. Since the secretary is responsible for keeping accurate records of business transacted, the chair may require that main motions, amendments, or instructions to a committee be in writing.

B. It is a general rule that no member should be present in the assembly when any matter relating to himself or herself is under consideration.

C. A question cannot be postponed beyond the next regular meeting.

D. Calls of "Question! Question!" by members from their seats are not motions for the previous question and are simply informal expressions of individual members' desires to proceed to a vote; these calls are disorderly if made while another member is speaking or seeking recognition.

E. A question laid on the table remains there until taken from the table or until the close of the next regular meeting. If not taken up by that time, the question dies.

F. Abstentions do not count in tallying the vote; when members abstain, they are in effect only attending the meeting to aid in constituting a quorum.

G. Working as a committee of the whole enables the full assembly to give detailed consideration to a matter under conditions of freedom.
approximating those of an ad hoc committee. In such a committee, the results of votes taken are not final decisions of the assembly but are taken up by the assembly as committee recommendations. The proceedings of a committee of the whole are not entered in the minutes of the assembly.

H. Motions are out of order that present essentially the same question as a motion already considered at the same meeting.

I. All persons present at a meeting have an obligation to obey the legitimate orders of the presiding officer. Members, however, can appeal from the decision of the chair, move to suspend the rules, or move a reconsideration—depending on the circumstances of the chair's ruling. A member can make such an appeal or motion whether or not the order involved applies to him or her personally.

XI. COMMITTEES

A. While committees are not necessarily limited as to membership, most committees are composed of from five to nine members. When the committee is small, formal parliamentary procedure is abandoned in doing the group's business. That is, during a committee meeting, a formal motion, a second, formal debate, and a vote are not necessary since decisions can often be reached quickly by unanimous consent. However, even in a committee meeting, if a subject is controversial and spirits rise, the chair may resort to using formal procedure in order to facilitate the committee's work.

B. Characteristics of an Informal Committee Meeting

- Recognition is not required in order to speak.
- The presiding officer participates as freely as any other member.
- Committee business is discussed without any motions.
- Discussion is neither limited nor suppressed.
- Most decisions are made by consensus, though votes may be taken.
- Formal procedure is invoked when necessary.

C. Types of Committees

- Standing committees are permanently established and may be composed of appointed, elected, or ex-officio members.
- Special committees or ad hoc committees are temporarily established for a special purpose or to complete a particular task. Members may be appointed, elected, designated to serve ex-officio, or named in the motion which creates the committee.

D. Duties of the Presiding Officer

1. The person who presides at a committee meeting is responsible for helping the committee organize itself and for seeing that its work is accomplished. To meet that responsibility, he or she should:
• Bring the tools the committee needs to do its work—a copy for each member of a list of committee members with addresses and phone numbers; a concise statement of the committee's task, its duties and powers, or a statement of its instructions from the organization or its president; a copy of rules or policies of the organization which apply to the committee's work; and reports of previous committees or any other materials which will be useful;
• Call meetings to order on time;
• Start discussion with a few comments on the nature of the committee's task;
• Keep the discussion on track by following an agenda and avoiding irrelevant topics;
• Draw quiet members into the discussion;
• Avoid the temptation to dominate the discussion or to dictate what should be done—committees are created because a group decision is desired;
• Divide the work or appoint subcommittees when necessary, giving everyone a job;
• Encourage members to share in preparing the committee's report and, if a formal report is required, have them vote on it at a meeting;
• Submit formal committee recommendations separately from the report;
• Help members enjoy working on the committee by getting things done and leaving everyone with a sense of accomplishment; and
• Share the credit for what the committee has done with everyone who has helped by publicly recognizing members' contributions.

2. The person who presides over a committee is also responsible for reporting on the committee's work to the rest of the organization. Such a report can be given orally or in writing and usually contains both a description of the committee's work and a statement of its findings. The report is usually accompanied by a statement of the committee's recommendations, if any, which can then be taken up by the whole assembly.

XII. ELECTIONS

An organization's established rules normally set forth the date for elections, the method of nominating candidates, the procedure for voting, the votes required to elect, and the terms of office. In general, however, the following procedures are accepted:

• Nominations may be offered from the chair, from the floor, by a committee, or by write-in ballot.
• Nominations may be closed by the chair when it appears that no more nominations will be offered, or they may be closed by a two-thirds majority vote. A motion to close nominations is in order only after a reasonable opportunity to make nominations has been given.
• Voting is usually done by voice, by roll call, by ballot, or by "acclamation" (when only one candidate has been nominated).
Making Motions: A Sample Motion
MEMORANDUM

TO: Planning Commissioners and DRB Board Members
FROM: Barbara A. Jacobson, Assistant City Attorney
DATE: April 8, 2013 Training Session
RE: Making Motions - a Refresher

I. Introduction

Below is a recap of basic parliamentary procedure, along with sample motions to cover most everything you may encounter at a public hearing.

II. Basic Meeting and Motion Procedure

- The Chair calls the meeting to order (see the attached script for more detail).
- The Chair reads the prehearing statements about the hearing and testimony.
- Only those who are recognized by the Chair may speak during the hearing. The Chairperson is generally addressed as Mr. Chairman, Madam Chairwoman, or other proper title, where preference is expressed.
- In order to discuss something, a motion must be made. The Chair asks, “Do I have a motion?”
- After being recognized, the DRB member who wishes to discuss a topic should state: “I move that ___________ (description of desired action).” If there is a motion and there is no second, the motion dies. If seconded, Parliamentary Rules require that the Chair re-state the motion and then call for discussion. (Prior to the Chair’s restatement of the motion, the motion maker may amend the motion.)
- Once the motion is restated, the motion is discussed and voted on. If any member wants to modify the original motion, that member must move to amend the original motion (“I move that the current motion be amended to . . . .”) If the amending motion fails to get a second, it dies.
Because our decision making bodies are not so procedure bound, the bodies have often discussed the motion after it is seconded, without a restatement by the Chair. This enables the motion maker to withdraw and remake the seconded motion, or accept an amended motion without the formal amendment process discussed above. This is a matter of group preference. Therefore, staff recommends that for motions that are likely to change with discussion, debate occur after the initial motion is seconded.

If debate has been exhausted, the Chair may ask, “Is there any further discussion?” and/or “Are you ready for the question?” If there is no further discussion, the Chair will restate the motion (“The motion before the Board is to ______.”). [Note: Chairs will obviously have to take notes sufficient to restate the motion for the benefit of the body and the transcriptionist. All members should also have notes in order to correct any error or discrepancy.] The Chair then calls for the vote (“All in favor, say aye; all opposed, nay.”).

The Chair announces the vote, and follows with post-hearing statements (e.g., announcing appeal process – see script).

At the end of the meeting, the Chair asks for a “motion to adjourn.”

III. Sample Motions

The following are examples of common motions to be made, based upon what happens during testimony.

1. If staff announces any proposed corrections or changes to the staff report: If, as often happens, staff announces changes or corrections to the staff report, then you will say, “I move to amend the staff report as read into the record by Sylvester Staffer.”

2. If there is a change captured by a new exhibit: If a party (usually a proponent) modifies the proposal by way of a new exhibit to be entered into evidence, then the movant states: “I move to amend the staff report description of the proposal on page ___ of ___ as provided by Exhibit __.” If new conditions or findings are similarly incorporated in an exhibit, make the same kind of motion. (“I move to amend Finding / PF Condition ___ on page ___ of ___ of the staff report to incorporate Finding / Condition ___ on Exhibit ___ to read __________.” — or — “I move to amend condition of approval PF ___ on page ___ of ___ of the staff report to read __________.”) Be sure to state page numbers, making clear whether the page numbers refer to the staff report or the new exhibit.

3. If a change is verbalized at the meeting and is relatively complex: If the City Attorney or another staff member has clearly read into the record the substance of amendments to the proposed enactment, condition, or finding, then the movant should state: “I move to amend Finding ___ on page ___ of ___ of the staff report as read into the record by the City Attorney.” If the change is easy to state in its entirety, please do so yourself. For example, “I move to replace the word ‘may’ on line ___ of the proposed resolution with the word ‘must.’”
4. *If there is a proposed change after the Chair restates the motion:* If the Chair has restated the motion and someone wants to change it further, then the movant states: "I move to amend the main motion by adding ______ / deleting ______." If the amending motion is seconded, the Chair will restate the amended motion. Following discussion, the Chair will call for a vote.

IV. *Tips*

1. It is helpful, as a matter is brought forward, for members to decide who will be making the motion. Too often, the Chair asks for a motion and nobody has kept careful notes of the changes or can articulate the desired motion. All members should be following the discussion and noting the proposed changes, but the actual motion maker must track all the elements of the motion. Preferably, he or she writes the motion prior to making it. Keep in mind that if the motion is not completely clear to the Board, then any changes that are to be made by a motion can be misinterpreted. Note that the Chair of the DRB is empowered to make a motion, as are all DRB members.

2. All remarks should be addressed to the Chair or the body as a whole, not to individual DRB members, except for specific questions to the staff, applicant, City Attorney, or person providing testimony.

3. Keep remarks brief, specific, and germane to the pending question.

4. Members are required to be impartial and courteous.

5. Voting is a duty of every DRB member. Absent compelling circumstances, including but not limited to conflict of interest, members should not abstain from voting.

6. *Tip for making clear motions:* The most common motion is to adopt a staff report and to approve the resolution proposed by the staff report. However, in the course of the presentation, the staff report may have changed. Therefore, the following is suggested as the clearest way to make a motion that first amends the staff report and then passes the Resolution:

   The first motion is a motion to amend the staff report. Following passage of the motion to amend the staff report, a member should make a motion to adopt the Resolution. Because the Resolution language adopts the staff report *as amended*, the second motion is simply: "I move to adopt Resolution No. ___."
MOTION MAKING PRACTICE

I. Introduction. The commission has just heard testimony at its public hearing on the proposed "Private Streets" code amendment. Assume the staff report is the one presented at the March 2010 work session on the topic. Assume further that there is a draft resolution that adopts the staff report and recommends the council hold a public hearing and adopt the proposal as reviewed and amended by the Planning Commission.

What follows are different scenarios that may occur during the public hearing. Questions follow for discussion and, where requested, Commission members will be asked to articulate a proper motion.

II. Scenarios

A. Staff Amendments, small and large. Surprise, surprise -- staff member Wally Woonerf alerts the Commission to a number of typos and reads them into the record. In addition, "Citizens for Segways," a radical, mostly elderly group of individuals dedicated to enhancing this emergent travel mode, convinces staff to modify staff report findings on Transportation Plan compliance and in response, staff suggests new findings appearing at paragraph XX on page YY of the staff report with a hand out marked exhibit AA.

What is a proper motion?

B. Interested Party Amendments. The spokesperson for Citizens for Segways proposes an amendment to W. C. Section 4.177 (.01) J. as shown on page 31 of 41 of the staff report in the March 10, 2010 packet to read:

J. Residential Private Access Drives –
1. Shall provide primary vehicular and segway access to no more than four (4) residential dwelling units.

Commissioner Lipshitz makes a motion to amend the proposed text to include the language. It is seconded. However, before anything further happens, it occurs to Commissioner Lipshitz that she wants to add "golf carts" to the sentence.

Can the Commissioner restate the motion?

C. Changes mid-stream. What if, in the above situation, Commissioner Lipshitz's decision to change the motion occurs after the chair has restated the motion, what would the motion be? What happens when that motion is acted on? What if, after all this, the Assistant City Attorney wakes up and advises that the Oregon Vehicle Code allows golf carts, but not segways, on the right-of-way of private streets? Assuming the advice is well taken, what is the appropriate motion?

D. Wrap up. Assume the staff report and the proposal have been modified to the Commission's satisfaction. What is the most appropriate action now?
MAKING MOTIONS: A SAMPLE MOTION

The scene: It’s 11:30 PM. Following a long but erudite discussion of the interrelationships between foot candles, color palettes, fascia design, internal illumination methods, fenestration and glare, the Development Review Board falls quiet. The uninitiated observer might think exhaustion has taken hold. But no. Sensing that the Board has discussed matters sufficiently to entertain a motion, the Chair person asks for one. A Board member clears his throat. All the restless rustle has left the room. Staff, the applicant, the consultant team, council liaison, and other interested parties with nothing better to do on a Monday night lean forward in their chairs, intent on hearing the crucial motion.

The opaque motion:

Board member Lipschitz: I would like to motion that we approve this based upon what the applicant said on this date certain, especially the stuff about the CMUs, but only if measured at breast height, otherwise we deny it based upon a Fasano.

Chair Person: “Hmmmm. Would you like to re-phrase that?”

Board member Lipschitz: “Yes, sorry. I have my notes now. I will re-state my motion.”

The clear motion:

“I move to amend the staff report in Case files DB- 2006-08-00007, 8, 9, and 24 as follows:

1. The first sentence of Conclusionary finding number 2 on page 4 of 502 is amended to read: “The applicant has modified its proposed Stage I Preliminary Plan with the addition of a storage area as shown on Exhibit EE.” (note: this incorporates a modification of the proposal that was accepted in due course).
2. Condition of approval DRB 3 on page 303 or 502 is amended to read. “The cementitious appearance of the CMUs comprising the parapet must be scored to align with true north, rather than magnetic north.” (note: this incorporates a full and clear statement of what several board members tried to establish in English but succeeded only via sign language).
3. Finding 13 on page 488 of 502 is amended as read into the record by Board member Schadfly. (note: this incorporates a modified finding, the text for which was read clearly into the record and recorded verbatim by the transcriptionist).
4. PF Conditions 17, 19 and 20, pages 33 and 34 of 502 are stricken and replaced with the language proposed by the applicant for these conditions in Exhibit FF. (note: this incorporates changes spelled out in a record Exhibit that received a clear consensus. A such, it is properly incorporated in the motion by reference).
5. Such corrections of errata as were made to the report by Planner Wally Woonerf.
(note: this reflects the reality of late arriving material, recalcitrant word processors, and mortal frailties).

**Board member Schadfly:** I second the motion. The motion is summarily restated. Deliberations... (blah, blah, blah). Vote. Motion passes. Board moves on to the adoption of the Resolution. That passes. Its 11:45 PM. On to Board Member Concerns. Member Cheney had entertained airing his ideas about the use of the LEC property, but thinks better of it. Staff is darned if it is going to report anything under Staff Communications.

The agenda, and everything else in the room is exhausted. Finally, the moment is at hand. And *everyone* is a parliamentarian now, since we all know: a motion to adjourn is *always* in order.
Elements of a Staff Report
ELEMENTS OF A STAFF REPORT
DRB TRAINING

DEVELOPMENT REVIEW BOARD RESOLUTION:

· The document, once adopted by the DRB, that approves, approves with conditions (or denies) the application(s) and adopts that staff report (with any amendments to it during the public hearing) including the findings and conditions of approval it contains.

· This also adopts the exhibits (as may be modified) entered into the record unless removed from the record by the applicant.

STAFF REPORT

YELLOW PAGES

PROJECT INFORMATION:

· Who the property owner is.

· Who the consultant(s) is (are): In many cases it is often a consultant or contractor who acts as the applicant and who will supply the application materials.

· What is being proposed: brief overview of what the applicant is proposing and what permit types (Stage 1, Site Design Review, etc.) the applicant/owner is requesting approval of.

· Where the project is: Vicinity map.

APPLICABLE CRITERIA:

· What Development Code and Comprehensive Plan criteria staff has determined are applicable to the proposed application. Only section numbers are listed on this page. An expanded list (with titles) of the applicable criteria may be found at the end of the staff report.

SUMMARY/ISSUES:

· Applicant's description of request. Narratives supporting applications come in wide variety of formats. If the applicant has provided a succinct summary of the project, staff provides it in the staff report. Otherwise staff will refer you to the summary contained in the applicant's narrative.

· Staff Summary: a summary of issues as identified by staff.
STAFF RECOMMENDATION:

· Staff recommendation for the applicant's request(s).

PROPOSED CONDITIONS OF APPROVAL:

· These are the conditions of approval staff is proposing that would bring the proposed request/project into compliance with the City's adopted master plans and codes.

· The City's Building, Engineering, and Natural Resources Divisions will often provide conditions for the proposed application. These conditions will be prefaced BD, PF and NR respectively.

EXHIBITS – Staff, applicant's, public testimony and other.

WHITE PAGES – FINDINGS: What Development Code and Comprehensive Plan criteria the DRB must consider in approving or denying a site development permit or sign permit.

Findings of Fact

Conclusionary Findings
Chart of Typical Development Review Process and Duration
City of Wilsonville Planning Division

Typical Development Review Process and Overall Duration

Abbreviations:  DRB = Development Review Board  CC = City Council  LUBA = Oregon Land Use Board of Appeals

Note: All durations are approximate; 120 days = 17 wks + 1 day

Preapplication Conference
2 - 3 weeks overall

Application Preparation and Submittal
1 week (suggested minimum)

Completeness Review
Staff will confirm whether complete, or detail deficiencies, in writing.
4 weeks

If not complete, prepare revisions; take up to 5 months

Process Application
(Administrative)
3 weeks

Appeal Period
2 weeks

DRB Hearing (evidentiary)
4 weeks

DRB Continuance
If needed, and requested by applicant.
4 weeks
(Applicant must agree to waive the 120-day period)

Appeal Period
2 weeks

CC Hearing
4 weeks

CC Continuance (if necessary)
2 weeks

Appeal Period to LUBA
3 weeks

LUBA Appeal Hearing Duration Undeterminable

After deemed complete, local decision required to be completed within 120-days, per ORS 227.178, as illustrated between these two points.
Reading Plans
READING PLANS

• HOW TO USE ARCHITECT'S AND ENGINEER'S SCALES

HOW TO READ:

• SITE PLAN
• GRADING PLAN
• UTILITY PLAN
• LANDSCAPE PLAN
• TOWNSHIP GRIDS, SECTIONS AND TAX LOTS
Construction plans are drawn to scale so that the boundaries of the building site and all views of the building and its parts can appear on a set of plans. A scale drawing must be in exact proportion to the actual size of the building and its parts. Generally speaking, the larger the size of an object, the smaller the scale will be. For example, a smaller scale is used for site plans that show the full size of a lot. A larger scale can be used for the different plan views of a building. Individual detail drawings take up less space and can be drawn to the largest scale. The scale used will always be identified below or next to a drawing.

The three types of rules used to draw plans to scale are the architect's scale, engineer's scale, and metric scale. The rules are available in flat or triangular shapes. Persons reading the plans can use these rules to check or find dimensions omitted from the drawings. (See Figure 4-1).

**ARCHITECT’S SCALE**

The triangular architect’s scale is used to scale plans drawn to English measurement. The ten choices of scale shown on it follow:

- $\frac{3}{32}'' = 1'-0''$
- $\frac{1}{8}'' = 1'-0''$
- $\frac{3}{16}'' = 1'-0''$
- $\frac{1}{4}'' = 1'-0''$
- $\frac{3}{8}'' = 1'-0''$
- $\frac{1}{2}'' = 1'-0''$
- $\frac{3}{4}'' = 1'-0''$
- $1'' = 1'-0''$
- $1\frac{1}{2}'' = 1'-0''$
- $3'' = 1'-0''$

**ARCHITECT’S SCALES**

**ENGINEER’S SCALE**

**METRIC SCALE**

Figure 4-1.
The three types of scale rulers used for drawing linear measurements on construction plans are the architect's scale, engineer's scale, and metric scale. (Drawings here are enlarged slightly for easier reading.)
Figure 4–2b.
The 1/8", 1/4", 1/2" and 1" scale on the architect's scale ruler are used here to measure 4'-6".
As an example, on the 1/4" scale, each one-fourth of an inch in the drawing represents 1 foot (1'-0") of the actual building size. This scale is written as 1/4" = 1'-0" and will usually appear directly below the drawing. The 1/8" scale is often used on plot plans that show the size of a full lot. Floor plans and elevations are often drawn to 1/4" scale. Detail drawings are usually proportionately larger and may be drawn to 1/2", 3/4", or 1" scale.

The faces of the architect's scale rule contain scales at the upper and lower edges. Each edge has two scales. One scale begins from zero and reads from the left to right. A second scale that is twice as large begins from zero and reads from right to left. For example, the upper edge of one face shows a 1/8" scale reading from left to right, and a 1/4" scale reading from right to left.

The closer graduations to one side of the zero marks show inches and fractions of an inch. The divisions vary with the scaling size. For example, there is room for only six marks to the left of the zero mark on the 1/8" scale. There is room for 48 marks to the right of the zero mark of the 1" scale. Therefore, each graduation represents one-fourth of an inch. (See Figure 4-2a & b). Scale can also be found mathematically. (See Unit 28 for math procedures and exercises.)

**Engineer's Scale**

The engineer's scale is used most often for dimensions covering a broader area such as site (plot) plans, survey plans, subdivision maps, and landscape plans. The different faces of the engineer's scale show inches divided into decimal parts. The six choices shown on it follow:

- 1" = 10'
- 1" = 20'
- 1" = 30'
- 1" = 40'
- 1" = 50'
- 1" = 60'

For example, on the 1" = 10' scale, each inch is equal to 10 feet, with each division of the inch representing 1 foot. The 10 feet can also be read as 100 feet, with each division representing 100 feet. As another example, the 1" = 50' scale means that each inch on the rule equals 50 feet, with each division representing 1 foot. The 50 feet can also be read as 500 feet, and each division would then represent 10 feet. (See Figure 4-3.)

The face of an architect's scale rule contains readings at the two edges. Each edge has two scales. One reads from left to right, and the other reads from right to left.

- Figure 4-2a.

Measuring with the architect's scale ruler.
**Figure 4-3.**
The 1" = 10' scale on the engineer's scale rule can also be read as 1" = 100", and 1" = 1000'. The measurement shown above is 18.00' when the scale is 1" = 10'.

**Metric Scale**

The metric scale is used when construction plans are drawn with metric linear measurements. Some metric drawings express longer measurements in meters carried out to three decimal places and millimeters for smaller section-view and detail drawings. However, the usual method is to show all linear measurements in millimeters. (A meter contains 1000 millimeters.) Following are some commonly used metric-scale ratios:

1:20
1:25
1:50
1:75
1:100
1:125

For example, the length of a wall drawn to a 1:20 scale means that 1 millimeter on the drawing is equal to 20 millimeters of the actual size of the wall. The length of a wall drawn to 1:125 scale means that 1 millimeter on the drawing is equal to 125 millimeters of the actual size of the wall; therefore, this scale would be used for drawings covering a much wider area than those using the 1:20 ratio. (See Figure 4-4.)

**Figure 4-4.**
Both of these metric scales are measuring 2600 millimeters. The 1:20 ratio is used for drawing larger details and section views. The 1:125 ratio is used for plans that cover a large area such as site plans, foundation plans, and floor plans. (The 1:125 scale has been enlarged here for easier reading.)
**Symbols and Abbreviations**

**Survey and Site Plans**

### Plan View Symbols

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>W</strong></td>
<td>Water Main</td>
</tr>
<tr>
<td><strong>S</strong></td>
<td>Sewer Line</td>
</tr>
<tr>
<td><strong>G</strong></td>
<td>Gas Line</td>
</tr>
<tr>
<td><strong>E</strong></td>
<td>Electric Cable</td>
</tr>
<tr>
<td>-------</td>
<td>-------------</td>
</tr>
<tr>
<td><strong>---</strong></td>
<td>Property Line</td>
</tr>
<tr>
<td><strong>-----</strong></td>
<td>Utility Trench</td>
</tr>
<tr>
<td><strong>----------</strong></td>
<td>Natural Grade Contour Line</td>
</tr>
<tr>
<td><strong>----------</strong></td>
<td>Finish Grade Contour Line</td>
</tr>
<tr>
<td><strong>••••••••••••••••••••••••••••••••</strong></td>
<td>Property Corner</td>
</tr>
</tbody>
</table>

### Section View Symbols

- Tree
- Utility Riser
- North Arrow

### Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>BM ELEV</td>
<td>Bench Mark Elevation</td>
</tr>
<tr>
<td>CATV</td>
<td>Cable Television</td>
</tr>
<tr>
<td>E</td>
<td>East</td>
</tr>
<tr>
<td>EXIST</td>
<td>Existing</td>
</tr>
<tr>
<td>N</td>
<td>North</td>
</tr>
<tr>
<td>PL</td>
<td>Property Line</td>
</tr>
<tr>
<td>PUE</td>
<td>Public Utility Easement</td>
</tr>
<tr>
<td>R</td>
<td>Radius</td>
</tr>
</tbody>
</table>
Before construction can begin, the exact boundaries (property lines) of the building site (lot) must be established. The topographical features of the property, such as the differences between heights (elevations) and slopes, must also be recorded. This work is normally done by licensed surveyors or civil engineers. They obtain their initial information from a plat plan (discussed in this unit) covering the area where the construction will take place. Plat divisions are the result of a national system of rectangular township grids developed over many years by the federal government.

Township Grids and Sections

The township grids are based on north-to-south meridian lines and east-to-west base lines running at 24-mile intervals. Each 24-mile square is divided into 16 townships bordered by township lines running east to west, and range lines running north to south. Each township is divided into 36 sections that are each one mile square. A township section is further divided into smaller areas later identified by plat plans. (See Figure 6-1).

Reading the Plat Plan

Plat plans, also called subdivision maps, define the borders of land divisions in a given geographical area. (The term plat plan should not be confused with plot plan.) A plat plan is not part of a set of construction drawings. It is discussed here because the plat plan contains information directly affecting the design and construction of the building. Plat plans are usually available from the city or county recorder's office or other local government agencies. Plat plans are subject to change, so it is important to get information from the very latest plat plan available.

A plat plan shows the street locations within the boundaries of the plan. Each street is identified by its name, and the street width is often included. All the lots bordering the streets in the area are identified by number and are legally recorded. Their dimensions are shown, and reference points are identified from which the property lines can be measured.

Survey and Site Plans

The plat plan may also provide information about utility easements that allow for the passage of utility services through a property. Such services include sewer lines, gas lines, water pipes, and electrical lines. Another type of easement pertains to the right of passage over a particular property. From all this information a survey plan and/or site plan can be developed and included with a set of working drawings.
The township is located three township squares south of the baseline and three township squares east of the principal meridian. It's position is identified as T3S (Township 3 South) and R3E (Range 3 East).

In this example the surveyor is identifying Section 7 that can be further divided into plat plans.

---

7. End-of-arc point. This short line establishes the end of the arc at the southeast side of the cul-de-sac semicircle.

8. Street centerline (CL). Dimensions are given in both directions from the centerline. The front property line of Lot #120 is found by measuring 26’-0” from the street centerline. The straight property line sections of Lots #119, #121, and #127 are also measured from this street centerline.

9. Street name. All streets adjoining the lots are named in the plat plan.

10. Street center monument. This is a permanent aluminum-capped monument embedded in the surface of the street. It identifies the center of Steves Boulevard in the area of the cul-de-sac.

11. End-of-arc point. This short line establishes the end...
NE 1/4 SW 1/4 SECTION 2 T3S R1W W.M.
WASHINGTON COUNTY OREGON
SCALE 1" = 100'

SEE MAP 3S 1 2B
Key to Black Box (packet pick-up box) and link to Adopted City Master Plans, Development Code and City’s Comprehensive Plan

https://www.ci.wilsonville.or.us/comm-dev/page/documents-reports-master-plans-and-maps

A Quick Reference Guide to Oregon’s Public Meetings Law
Web Page Resources

City of Wilsonville Web Pages:

- Home: http://www.ci.wilsonville.or.us
- Planning: https://www.ci.wilsonville.or.us/planning
- Planning Commission: http://www.ci.wilsonville.or.us/planningcommission
- Development Review Board: http://www.ci.wilsonville.or.us/drb
- Documents and Maps: https://www.ci.wilsonville.or.us/comm-dev/page/documents-reports-master-plans-and-maps
- City Code: https://www.ci.wilsonville.or.us/administration/page/city-charter-and-code
- Wilsonville Maps: http://www.wilsonvillemaps.com:8080/maps/

SMART Transit: http://www.ridesmart.com

Wilsonville Library: http://www.wilsonvillelibrary.org

State of Oregon

- ODOT: http://www.oregon.gov/ODOT
- Oregon Revised Statutes (ORS): https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx
- OR Administrative Rules (OAR): http://arcweb.sos.state.or.us/banners/rules.htm

Metro Home page: http://www.metro-region.org

Clackamas County: https://www.clackamas.us/

Washington County: http://www.co.washington.or.us

Wilsonville Chamber of Commerce: http://www.wilsonvillechamber.com/
A QUICK REFERENCE GUIDE TO OREGON’S PUBLIC MEETINGS LAW

For local and state officials, members of Oregon boards and commissions, citizens, and non-profit groups

This guide is published as a public service by Open Oregon: a Freedom of information Coalition and the Oregon Attorney General’s office.
A Time Saving Reference

This guide is brought to you free of charge as a joint project between Open Oregon: A Freedom of Information Coalition and Oregon Attorney General Hardy Myers. Funding for this booklet came from the National Freedom of Information Coalition through a grant from the John S. and James L. Knight Foundation.

How to Use This Guide

This summary is intended as a quick reference to the Oregon Public Meetings Law. The entire law may be found in Oregon Revised Statutes 192.610 to 192.690. Additional information may be obtained by sending an e-mail request to info@open-oregon.com or visiting www.open-oregon.com

For a comprehensive analysis of the law, refer to the latest edition of the Attorney General’s Public Records and Meetings Manual, available for a nominal fee by calling (503) 378-2992 or writing to Department of Justice, Administrative Services, 1162 Court Street NE, Salem, Oregon 97301-4096.

What is Open Oregon?

Open Oregon: A Freedom of Information Coalition is a non-profit educational and charitable organization with a single purpose: to assist and educate the general public, students, educators, public officials, media and legal professional to understand and exercise:

• Their rights to open government.
• Their rights and responsibilities under the Oregon public meetings and records laws.
• Their rights under the federal Freedom of Information Act.

Open Oregon is a 501(c)(3) non-profit corporation.
The Spirit of Oregon’s Public Meetings Law

The Value of Openness

Understanding the letter of the Public Meetings Law is critical. Equally important is understanding and committing to the spirit of that law. Public bodies should approach the law with openness in mind. Open meetings help citizens understand decisions and build trust in government. It is better to comply with the spirit of the law and keep deliberations open.
“Government accountability depends on an open and accessible process.”

•  
Hardy Myers  
Oregon Attorney General

“Public bodies must conduct business in public - it’s really that simple.”

•  
Bill Bradbury  
Oregon Secretary of State  
Honorary Co-Chair, Open Oregon

“Oregon needs to protect its tradition of openness.”

•  
Dave Frohnmayer  
President, University of Oregon  
Honorary Co-Chair, Open Oregon
Oregon’s Public Meetings Law

“Open government” or “sunshine” laws originally were enacted nationwide in the early 1970s because of growing public unhappiness with government secrecy. As a result, every state and the District of Columbia enacted laws requiring government to conduct its business openly, rather than behind closed doors.

Open government laws benefit both government and the public. Citizens gain by having access to the process of deliberation - enabling them to view their government at work and to influence its deliberations. Government officials gain credibility by permitting citizens to observe their information-gathering and decision-making processes. Such understanding leads to greater trust in government by its citizens. Conversely, officials who attempt to keep their deliberations hidden from public scrutiny create cynicism, erode public trust and discourage involvement.

Policy

Oregon’s Public Meetings Law was enacted in 1973 to make sure that all meetings of governing bodies covered by the law are open to the public. This includes meetings called just to gather information for subsequent decisions or recommendations.

The law also requires that the public be given notice of the time and place of meetings and that meetings be accessible to everyone, including persons with disabilities.

The Public Meetings Law guarantees the public the right to view government meetings, but not necessarily to speak at them. Governing bodies set their own rules for citizen participation and public comment.
Who is covered?

Because questions often arise about what groups must comply with the public-meetings law, it is useful to look at the definitions in the law. The law says that any “governing body” of a “public body” is required to comply. It offers these definitions:

- A “public body” is any state, regional, or local governmental board, department, commission, council, bureau, committee, subcommittee, or advisory group created by the state constitution, statute, administrative rule, order, intergovernmental agreement, bylaw or other official act.

- A “governing body” is two or more members of a public body who have the authority to make decisions for or recommendations to a public body on policy or administration. A group without power of decision is a governing body when authorized to make recommendations to a public body, but not when the recommendations go to individual public officials.

Example

- A school board must meet in public.
- So must most advisory committees that the school board creates, such as a budget committee.
- But if the school board chair asks several business leaders to meet with him to discuss future building needs, that meeting may be held in private.

Private bodies, such as non-profit corporations, do not have to comply with the public-meetings law, even if they receive public funds, contract with governmental bodies or perform public services.

Example

- A school district contracts with Regence BlueCross BlueShield of Oregon to provide health insurance for district employees. The BlueCross BlueShield board of directors is not required to meet in public.

Public agencies contracting with private bodies may require a private body to comply with the law for pertinent meetings. Federal agencies are not subject to Oregon’s Public Meetings Law.
**What is a Public Meeting?**

A public meeting is the convening of any governing body for which a quorum is required to make or deliberate toward a decision on any matter, or to gather information. Decisions must be made in public, and secret ballots are prohibited. Quorum requirements may vary among governing bodies.

<table>
<thead>
<tr>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A county commission’s goal-setting retreat is a public meeting if a quorum is present and they discuss official business.</td>
</tr>
<tr>
<td>• A training session for the commissioners is not a public meeting, unless a quorum is present and the commissioners discuss official business.</td>
</tr>
<tr>
<td>• A staff meeting absent a quorum of commissioners, whether called by a single commissioner or a non-elected official, is not a public meeting.</td>
</tr>
</tbody>
</table>

Meetings accomplished by telephone conference calls or other electronic means are public meetings. The governing body must provide public notice, as well as a location where the public may listen to or observe the meeting.

Governing bodies must hold their meetings within the geographic boundaries of their jurisdiction. However, a governing body may meet elsewhere if there is an actual emergency requiring immediate action or to hold a training session, when no deliberation toward a decision is involved.

<table>
<thead>
<tr>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A library board is free to rotate meetings at different libraries in its district, but it may not meet outside its district.</td>
</tr>
</tbody>
</table>

Federal and state law requires that meetings be held in places accessible to individuals with mobility and other impairments.
What is Exempt from the Law?

On-site inspections, staff meetings and gatherings of associations to which a public body or its members belong are not considered public meetings. Chance social gatherings are not considered meetings as long as no official business is discussed.

Example

• Three out of five city councilors inspect a new landfill site. Their inspection does not constitute a public meeting, unless they deliberate toward a decision on a city matter.

• Later, the three city councilors attend a League of Oregon Cities conference. Again, this is not a public meeting, unless the councilors discuss official city business.

• That evening, the three councilors chat during a concert intermission. As long as they talk about the music, this is not a public meeting. But if they stray into discussion of official city business, then it is.

Also exempt from the Public Meetings Law are:
• Meetings of state or local lawyers assistance committees.
• Meetings of medical peer review committees.
• Meetings of multidisciplinary teams reviewing child abuse and neglect fatalities.
• Judicial proceedings. However, see Oregon Constitution, Section 10.
• Review by the Workers’ Compensation Board and the Employment Appeals Board of hearings on contested cases.
• Meetings of the Energy Facility Siting Council when it reviews and approves security programs.
• The Oregon Health and Science University regarding presidential selection process, sensitive business matters, or meetings of faculty or staff committees.
• Mediation by the agricultural mediation service program.
For some entities, the deliberation process alone is exempt, although information-gathering and decision-making must be public. This applies to the State Board of Parole, the Psychiatric Security Review Board, and state agencies conducting hearings on contested cases under the Administrative Procedures Act.

**Notice of Meetings**

Governing bodies must give notice of the time, place and agenda for any regular, special or emergency meeting.

Public notice must be reasonably calculated to give actual notice to interested persons and media who have asked in writing to be notified of meetings and general notice to the public at large.

Governing bodies wishing to provide adequate notice should strive to provide as much notice as possible to ensure that those wishing to attend have ample opportunity – a week to 10 days for example.

At least 24-hour notice to members of the governing body, the public and media is required for any special meeting, unless the meeting is considered an emergency meeting. Appropriate notice is required for emergency meetings and should include phone calls to media and other interested parties. Notice for emergency meetings must also cite the emergency.

A meeting notice must include a list of the principal subjects to be considered at the meeting. This list should be specific enough to permit citizens to recognize matters of interest. However, discussion of subjects not on the agenda is allowed at the meeting.

**Example**

*The State Board of Higher Education plans to discuss building new college campus in Burns. An agenda item that says “Discussion of public works” would be too general. Instead, the agenda should say something like “Discussion of proposed Burns campus.”*
Executive Sessions

Governing bodies are allowed to exclude the public – but generally not the media – from the discussion of certain subjects. These meetings are called executive sessions.

Executive sessions may be called during any regular, special or emergency meeting. A governing body may set a meeting solely to hold an executive session as long as it gives appropriate public notice. Notice requirements for executive sessions are the same as for regular, special or emergency meetings. However, labor negotiations conducted in executive sessions are not subject to public notice requirements.

Notice of an executive session must cite the specific law that authorizes the executive session. This authorization also must be announced before going into the executive session.

Governing bodies may formally specify that the media not disclose information that is the subject of the executive session. Governing bodies should not discuss topics apart from those legally justifying the executive session. Media representatives may report discussions that stray from legitimate executive session topics and are not required to inform the governing body when they intend to do so.

No final action may be taken in executive session. Decisions must be made in public session. If a governing body expects to meet publicly to make a final decision immediately after an executive session, it should try to announce the time of that open session to the public before the executive session begins.

Example

- City councilors meet in executive session to discuss the city manager’s performance. A local reporter attends. During the meeting, the councilors discuss whether the city should put a bond measure on the next ballot. The reporter may write a story on the council’s bond-measure discussion, because that discussion was not allowed under the executive session rules. The reporter may not write about the city manager’s performance.
Executive Sessions Criteria

Executive sessions are allowed only for very limited purposes. Those include:

1. To consider the initial employment of a public officer, employee or staff member, but not to fill a vacancy in an elected office, or on public committees, commissions or advisory groups. These sessions are allowed only if the position has been advertised, standardized procedures for hiring have been publicly adopted, and the public has had an opportunity for input on the process. Executive sessions are not allowed to consider general employment policies.

2. To consider dismissal, discipline, complaints or charges against a public official, employee, official, staff or individual agent, unless that person requests a public hearing.

3. To review and evaluate the job performance of a chief executive officer, or other officer or staff member, unless that person requests an open hearing. Such evaluation must be pursuant to standards, criteria and policy directives publicly adopted by the governing body following an opportunity for public comment. The executive session may not be used for the general evaluation of agency goals, objectives, programs or operations, or to issue any directive to personnel on the same.

4. To deliberate with persons designated to conduct labor negotiations. The media may be excluded from these sessions.

5. To conduct labor negotiations if both sides request that negotiations be in executive session. Public notice is not required for such meetings.

6. To consider records that are exempt by law from public disclosure.

7. To consult with counsel concerning litigation filed or likely to be filed against the public body. Members of the media that are a party to that litigation, or represent a media entity that is a party, may be excluded.

8. To consult with persons designated to negotiate real property transactions.
9. To discuss matters of trade when the governing body is in competition with other states or nations.

10. To negotiate with a private person or business regarding public investments.

11. To discuss matters of medical competency and other matters pertaining to licensed hospitals.

12. To consider information obtained by a health professional regulatory board or State Landscape Architect Board as part of an investigation of licensee or applicant conduct.

13. To discuss information relating to the security of: a nuclear power plant; transportation of radioactive materials; generation, storage or conveyance of electricity, gas hazardous substances, petroleum, sewage or water; and telecommunications and data transmission.

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**Media at Executive Sessions**

Media representatives must be allowed to attend executive sessions, with three exceptions. Media may be excluded from:

- Strategy discussions with labor negotiators.
- Meetings to consider expulsion of a student or to discuss students’ confidential medical records.
- Meetings to consult with counsel concerning litigation to which the media or media representative is a party.

A governing body may require that specific information not be reported by the media. This should be done by declaration of the presiding officer or vote. In the absence of this directive, the executive session may be reported. Any discussion of topics apart from those legally justifying the executive session may be reported by the media.
The media also is free to report on information gathered independently from executive session, even though the information may be the subject of an executive session.

Example

• A reporter attends the executive session on the city council’s discussion of the city manager’s performance. Afterwards the reporter asks a councilor what she thinks of the city manager’s performance. She shares her criticism. The reporter may use that interview to develop a story, even though the reporter first heard the information at the executive session.

Minutes

Written, sound, video or digital recording of minutes are required for all meetings.

The meetings law says minutes must be made available within a “reasonable time” after each meeting, but does not specify the time. Generally, this time frame should not exceed three weeks. Minutes must be preserved for a “reasonable time.” This is generally interpreted to be at least one year. Minutes of many governing bodies are subject to records retention rules and schedules established by the State Archivist.

Minutes must indicate:

• Members present
• All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.
• The result of all votes by name of each member (except for public bodies consisting of more than 25 members). No secret ballots are allowed.
• The substance of discussion on any matter.
• A reference to any document discussed at the meeting.

Minutes are not required to be a verbatim transcript and the meeting does not have to be tape recorded unless so specified by law. Minutes are public record and may not be withheld from
the public merely because they will not be approved until the
next meeting. Minutes of executive sessions are exempt from
disclosure under the Oregon Public Records Law.
Governing bodies are allowed to charge fees to recover their
actual cost for duplicating minutes, tapes and records. A person
with a disability may not be charged additional costs for
providing records in larger print.

Enforcement

County district attorneys or the Oregon Attorney General's
Office may be able to answer questions about possible public
meetings law violations, although neither has any formal
enforcement role and both are statutorily prohibited from
providing legal advice to private citizens.

Any person affected by a governing body's decision may file a
lawsuit in circuit court to require compliance with or prevent
violations of the Public Meetings Law. The lawsuit must be filed
within 60 days following the date the decision becomes public
record.

The court may void a governing body's decision if the governing
body intentionally or willfully violated the Public Meetings Law,
even if the governing body has reinstated the decision in a
public vote. The court also may award reasonable legal fees to a
plaintiff who brings suit under the Public Meetings Law.

Complaints of executive session violations may be directed to
the Oregon Government Ethics Commission, 3218 Pringle Road
SE, Suite 220, Salem OR, 97302-1544; 503-378-5105, for review,
investigation and possible imposition of civil penalties.

Members of a governing body may be liable for attorney and
court costs both as individuals or as members of a group if
found in willful violation of the Public Meetings Law.
For additional copies of this guide or information about Open Oregon, contact:

Open Oregon: A Freedom of information Coalition
PO Box 172, Portland, Oregon  97207-0172
info@open-oregon.com
www.open-oregon.com

Additional resources:
• Oregon Attorney General’s Public Records and Meetings Manual, available by calling 503-378-2992 or writing to Department of Justice, 1162 Court Street NE, Salem, OR 97301-4096; www.doj.state.or.us/oregonians/pubs.shtml

• Oregon Revised Statures 192.610 to 162.690, the Oregon Public Meetings Law, available in most libraries and on the internet at .www.leg.state.or.us.

• Oregon Newspaper Publishers Association, 503-624-6397. Offers legal advice to member newspapers and general information about public records and meetings requirements; www.orenews.com

• League of Oregon Cities, 1201 Court St. NE, Salem, OR 97301. 503-588-6550; www.orcities.org

• Association of Oregon Counties, 1201 Court St. NE, Salem, OR 97301. 503-585-8351; www.aocweb.org

• Oregon School Boards Association, 1201 Court St. NE, Salem, OR 97301. 503-588-2800; www.osba.org

• Special Districts Association of Oregon, PO Box 12613, Salem, OR 97301-0613, 503-371-8667; www.sdao.com

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Paper copies of the following are available upon request:

Land Use Development Code

Comprehensive Plan

Parks and Rec Master Plan