



**Work Session**

**WS**

**Milwaukie City Council**

## COUNCIL WORK SESSION

City Hall Council Chambers, 10722 SE Main Street  
& Zoom Video Conference ([www.milwaukieoregon.gov](http://www.milwaukieoregon.gov))

## REVISED AGENDA

MARCH 21, 2023

(Revised March 17, 2023)

**Council will hold this meeting in-person and through video conference.** The public may attend the meeting by coming to City Hall or joining the Zoom webinar, or watch the meeting on the [city's YouTube channel](#) or Comcast Cable channel 30 in city limits. **For Zoom login** visit <https://www.milwaukieoregon.gov/citycouncil/city-council-work-session-321>.

**To participate in this meeting by phone** dial 1-253-215-8782 and enter Webinar ID 847 1299 8920 and Passcode: 331507. To raise hand by phone dial \*9.

**Written comments** may be delivered to City Hall or emailed to [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov). Council may take limited verbal comments.

**Note:** agenda item times are estimates and are subject to change.

Page #

1. **Board and Committee Overview – Discussion** (4:00 p.m.)

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Staff: Scott Stauffer, City Recorder

2. **Legislative and Regional Issues – Discussion** (4:45 p.m.)

Staff: Scott Stauffer, City Recorder

3. **Adjourn** (5:30 p.m.)

**Executive Session.** After the work session Council will meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. (added to the agenda)

Representatives of the news media and designated staff may attend executive sessions. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session.

**Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice.** The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) or phone at 503-786-7502. To request Spanish language translation services email [espanol@milwaukieoregon.gov](mailto:espanol@milwaukieoregon.gov) at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the [city's YouTube channel](#) and Comcast Channel 30 in city limits.

**Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)**

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a [espanol@milwaukieoregon.gov](mailto:espanol@milwaukieoregon.gov) al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el [canal de YouTube de la ciudad](#) y el Canal 30 de Comcast dentro de los límites de la ciudad.

**Executive Sessions.** The City Council may meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660(2); all discussions are confidential; news media representatives may attend but may not disclose any information discussed. Final decisions and actions may not be taken in executive sessions.



# CITY OF MILWAUKIE

## Memorandum

**To:** City Council  
**From:** Joseph Briglio, Community Development Director  
**CC:** Ann Ober, City Manager  
**Date:** March 21, 2023  
**Re:** Community Development Department Update

Community Development, Economic Development, & Housing	Planning	Building	Engineering
<ul style="list-style-type: none"> <li>▪ City Hall</li> <li>▪ Economic Development</li> <li>▪ Housing Update</li> </ul>	<ul style="list-style-type: none"> <li>▪ Comprehensive Plan Implementation</li> <li>▪ Planning Commission</li> <li>▪ Design and Landmarks Committee</li> <li>▪ Land Use/ Development Review</li> </ul>	<ul style="list-style-type: none"> <li>▪ February in review</li> </ul>	<ul style="list-style-type: none"> <li>▪ CIP</li> <li>▪ Traffic/Parking Projects</li> <li>▪ Right-of-Way permits</li> <li>▪ PIP</li> <li>▪ Document Administration</li> </ul>

### COMMUNITY DEVELOPMENT/ECONOMIC DEVELOPMENT/HOUSING

#### City Hall Projects

##### **Historic City Hall**

- After a formal solicitation and bid process, the city hall evaluation committee selected Henry Point Development as the next owner of the historic building and plan to repurpose it to a commercial project that includes a bakery, coffee shop, restaurant, brewery, and non-profit office space.
- City staff and representatives from Henry Point Development are currently working through the negotiation process, which will result in the creation of a disposition and development agreement (DDA). The DDA will serve as the roadmap for preparing city hall for its next intended use and ensuring that the historic façade, among other conditions, are compulsory.
- Over the next few weeks, Henry Point Development will be conducting several site and building inspections to further understand the costs associated with purchasing and rehabilitating city hall.

##### **New City Hall**

- The city's general contractor has mobilized and begun demolition on the third floor.

- Plan review for the tenant improvements has been completed and the building permit is ready for issuance.
- Exterior signage has been installed, the CMGC/design team is processing submittals for lighting, casework, doors and hardware, the art committee is in the process of choosing an artist, and the furniture order has been finalized for chambers and conference rooms.
- The project schedule is on track for our target move-in date by 10/01/23.

### **Economic Development**

- Milwaukie Marketplace: Planet Fitness is open, and Luna's Ice Cream will be opening in the coming months. Construction has stalled for the New Seasons space, which originally was planned to open in Fall 2023; however, the city was recently notified that they will be pushing out the opening date to early 2024 due to unforeseen supply and material delays.
- Milwaukie Station: In order to address new state wastewater requirements for food cart pods, staff has been working on improving the site with sewer and grease traps. Without these upgrades, the food carts would no longer be allowed to operate at Milwaukie Station. The construction is slated to occur at the end of March/beginning of April in order to impact the vendors as little as possible and avoid the busy season when the weather is good.
- Enterprise Zone: Staff recently met with two businesses relocating to Milwaukie's north industrial area and taking advantage of the North Clackamas Enterprise Zone tax incentives. The two businesses are Swagelock and Overland Van Project.

### **Housing Update**

- Sparrow Site: The city purchased the parcel ("main property") at the northeast corner of SE Sparrow Street and the Trolley Trail from TriMet for the purpose of land banking to support affordable housing several years ago. More recently, staff received a Metro Brownfields grant to support due diligence for the acquisition of 12302 SE 26<sup>th</sup> Avenue ("auxiliary property") from TriMet in order to help rectify access constraints to the main property. The city recently closed on the 12302 SE 26<sup>th</sup> Ave ("auxiliary") property and is considering next steps.
- Coho Point: The Developer presented an update to the city council at the February 21 work session and requested a 12-month extension of the Disposition and Development Agreement (DDA) due diligence period because of extenuating circumstances involving supply chain and subcontractor timing issues related to the COVID-19 pandemic. The due diligence period was recently officially extended to March 31, 2024 and the Developer is working on its FEMA related map revision submittal.
- Construction Excise Tax (CET) Program: The CET Program was established by the city council in 2017 and codified within chapter 3.60 (Affordable Housing Construction Excise Tax) of the municipal code. The CET levy's a one percent tax on any development over \$100,000 in construction value. In example, a property owner who is building an addition that has an assessed construction value of \$100,000 would have to pay \$1,000 in CET to the city. As development continues throughout the city, the CET fund increases in proportionality.

The city recently released its inaugural competitive bid process for CET funds through a formal Request for Proposals (RFP). The RFP prioritized both workforce and affordable housing with a preference for the greatest number of income-restricted units for the longest duration. It further prioritized projects that offered deeply affordable (30% AMI) units designed to transition people out of homelessness, provide supportive services on-site, prevent displacement, involve community land trusts, provide first-time homebuyer education, serve historically underserved communities (i.e. BIPOC), and serve other high priority special needs populations as outlined in the Milwaukie Housing Affordability Strategy (MHAS). Lastly, since the city lacks the resources to manage income-restricted units and qualify tenants on an on-going basis, it was imperative that each proposal guaranteed continuing income-verification administration and unit restriction management for at least a 30-year term.

The selection committee scored the Hillside Park Phase I project highest; however, it also felt that the Milwaukie Courtyard Housing Project warranted some award amount as well due to its rare land trust model and ownership niche. Therefore, Hillside Park Phase I was awarded \$1.7M (requested \$2M) and the Milwaukie Courtyard Housing Project with \$300K (requested \$600K). The Notice of Intent to Award is attached, as well as the selection committee scoring sheets.

On March 7, 2023, the city council authorized the city manager to execute the necessary grant agreements in the amounts listed above. Staff is currently working on draft agreements and will provide them to the recipients as soon as they are complete.

- Planning and Community Development staff held their sixth meeting with the Housing Capacity Technical Committee (HCTC) on March 16 to discuss potential housing production strategies the city might include for submission to the state as required by [House Bill 2003](#). Council also discussed these strategies on February 7. The next step is to review the potential strategies with the Council on May 16 and the Planning Commission on May 23.

## PLANNING

### Comprehensive Plan Implementation

- Planning and staff continues to meet regularly with the consultant team to work on the Neighborhood Hubs implementation project. A draft community engagement strategy is in review and staff will be discussing it with the Equity Steering Committee on March 23. Staff is also working on a Pilot article for the April edition to announce the project and set up the Engage Milwaukie webpage that will be the online home for the project. , Staff will be providing updates to the NDAs, Planning Commission, and City Council during the project at key milestone points.
- Planning and Engineering staff selected a consultant for the Transportation Systems Plan (TSP) in May of 2022. Council appointed the TSP Advisory Committee on February 6 comprised of members with geographic representation within the city and community members that historically have been excluded from transportation planning processes. The project scope of work is in final review at the Oregon Department of Justice; this could take an additional 3-6 months. Staff hope to kick off the TSP update in the Spring of 2023.

## **Planning Commission**

- ZA-2023-001: A Type V application for a package of “housekeeping” code amendments. The Planning Commission held a work session to discuss the amendments on January 10<sup>th</sup>. A public hearing was held on February 14<sup>th</sup> where the Commission voted 6-0 to recommend approval of the amendments. The 30-day notice and code commentary were posted on January 12<sup>th</sup> and an email was sent to all NDAs informing them of the proposed amendments. A work session with the City Council was held on March 7. The public hearing has been scheduled for April 18.
- ZA-2022-002: A Type V application for a package of more substantive code amendments. The original goal of this package was to review recent Type III variances in an effort to streamline the code and reduce barriers for residents. The package includes amendments to access spacing standards modification process in Title 12, allowing attached cottages in cottage clusters in the R-MD zone, allow encroachments for back decks into the rear yard setback, and revise the minimum lot size for townhouse corner lots, among other proposed amendments. The Planning Commission held a work session on February 28<sup>th</sup> to discuss the amendments. The public hearing has been tentatively scheduled for April 25.
- ZA-2022-003: A Type V code amendment application to refresh the downtown design review code, including repeal of the external Downtown Design Guidelines document. The Planning Commission has recommended approval of the proposed amendments, which staff presented to Council in a work session on February 14. The adoption hearing is scheduled for the March 21 regular session.
- ZA-2022-005: A Type V code amendment application related to Climate Friendly Equitable Communities rulemaking. The Planning Commission held a public hearing on February 14<sup>th</sup> and voted 6-0 to recommend approval of the code amendments. City Council discussed the amendments during the regular session on March 7<sup>th</sup> and the adoption hearing is scheduled for the regular session on April 18<sup>th</sup>. As directed by City Council on August 16<sup>th</sup>, 2022, the code amendments remove minimum vehicle parking quantity requirements for all uses citywide and adopt new standards for large surface parking lots. These changes are being proposed to comply with new Oregon's new transportation planning administrative rules which were adopted through the Climate Friendly Equitable Communities rulemaking process in May of 2022.

## **Design and Landmarks Committee**

- The DLC has been on a hiatus since August 2022. The DLC is tentatively scheduled to reconvene on April 3, with an annual meeting with Council scheduled for May 2.

## **Land Use/Development Review<sub>1</sub>**

- EXT-2022-001: A Type II application for another two-year extension of the land use approval for the Bonaventure Senior Housing development at 5801 SE Kellogg Creek Dr (primary file #CU-2018-003). The extension was approved, allowing an additional two years to obtain all necessary permits and re-start construction (by March 2025), with two more years to finish the whole project (by March 2027).
- VR-2023-001: A Type II application to reduce the approved street-side setback at 4300 SE Logus Rd, from 15 ft to 12 ft. The variance request was approved without appeal, and work

on the associated building permit is underway.

- A-2023-001: An application for expedited annexation of the property at 8909 SE 55<sup>th</sup> Ave. The property is zoned Gi (General Industrial) in the county and will take on the City's Manufacturing (M) zoning designation upon annexation. The property owner has requested an emergency connection to City sewer. The proposed annexation is scheduled to be considered by Council on April 4.
- A-2023-002: An application for expedited annexation of the property at 9351 SE Stanley Ave. The property is zoned R7 in the county and will take on the City's Moderate Density Residential (R-MD) zoning designation upon annexation. The property owner has not requested an emergency connection to City sewer but intends to connect following annexation. The proposed annexation is scheduled to be considered by Council on April 4.
- MLP-2023-001: A Type II application by the City to partition existing Union Pacific Railroad right-of-way to create a new parcel that will be used for stormwater management as part of the City's Meek Street stormwater Capital Improvement Project. The application has been deemed complete and referred for review and public comment, with comments due by March 24, 2023. A decision will likely be issued the week of March 27-31.

<sup>1</sup> Only land use applications requiring public notice are listed.

## BUILDING

Permit data for	Feb	FY to Date:
New single-family houses:	0	5
New ADU's	0	0
New Solar	3	53
Res. additions/alterations	3	13
Commercial new	2	4
Commercial Alterations	2	44
Demo's	0	6
Total Number of Permits issued:		963
(includes fire, electrical, mechanical, plumbing, and other structural)		
Total Number of Inspections:		1673
Total Number of active permits:		1002

# ENGINEERING

## Capital Improvement Projects (CIP):

### **CIP 2018-A13 Washington Street Area Improvements**

Summary: This project combines elements of the SAFE, SSMP, Water, Stormwater, and Wastewater programs. SAFE improvements include upgrading and adding ADA compliant facilities along 27<sup>th</sup> Ave, Washington St, and Edison St. Street Surface Maintenance Program improvements are planned for Washington Street, 27<sup>th</sup> Avenue, and Edison Street. The Spring Creek culvert under Washington Street at 27<sup>th</sup> Avenue will be removed, and a new structure added. The water system along Washington Street will be upsized from a 6" mainline to an 8" mainline. The stormwater system along Washington Street will be upsized from 18" to 24" storm lines. The project is being designed by AKS Engineering and Forestry.

Update: The 90% design submittal was reviewed by staff and comments were returned to AKS. The project is approved to use the Best Value Construction bid process.

### **CIP 2016-Y11 Meek Street Storm Improvements**

Summary: Project was identified in the 2014 Stormwater Master Plan to reduce flooding within this water basin. The project was split into a South Phase and a North Phase due to complications in working with UPRR.

Update: Staff is attending the March 21<sup>st</sup> Council meeting for approval of the property purchase and pipeline easements. Land use application has been submitted to planning. Staff is working on preparing to go out to bid for construction in late April or early May.

### **CIP 2020-A12 SAFE & SSMP FY 2021 Improvements (Home Ave & Wood Ave)**

Summary: Project includes the Home Avenue SAFE and SSMP improvements and the Wood Avenue SSMP improvements.

- Home Avenue: Construct sidewalk on the west side of Home Avenue from King Road to Railroad Avenue. Full road reconstruction and installation of four inches of pavement from King Road to Railroad Avenue. Replace sewer pipe to improve lift station capacity on Harrison Street from 47<sup>th</sup> Avenue to Home Avenue, and on Home Avenue from Harrison Street to Monroe Street)
- Wood Avenue: Full road reconstruction and installation of four inches of pavement from Railroad Avenue to Park Street.

Update: Project is completed.

### **CIP 2022-W56 Harvey Street Improvements**

Summary: Project includes water service improvements and stormwater improvements on Harvey Street from 32nd Avenue to 42nd Avenue, on 42nd Avenue from Harvey Street to Covell Street, as well as 33rd Avenue and 36th Avenue. The project also includes sidewalk construction on Harvey Street from 32nd Avenue to 42nd Avenue and roadway paving on Harvey Street and 42nd Avenue.

Harvey Street: Anticipating sending RFQ out in the coming months.



### **CIP 2021-X39 FY 2021 Wastewater Improvements**

Summary: Project includes replacement of old or high maintenance sanitary sewer mainlines at Kent Street, 37<sup>th</sup> Avenue, and Washington Street. Project also includes the installment of new connections at the Milwaukie Station Food Pods and lining existing mains at Home Street and Harrison Street.

Update: The project is awarded, and staff is preparing for construction.

### **CIP 2021-W61 Ardenwald North Improvements**

Summary: Project includes street repair on Van Water Street and Roswell Street with a shared street design for bicycles, pedestrians, and vehicles. Stormwater catch basins in the project boundary will be upgraded, the water system will be upsized on 29<sup>th</sup> Avenue, 30<sup>th</sup> Avenue, and 31<sup>st</sup> Avenue, and there will be wastewater improvements on 28<sup>th</sup> Avenue, 29<sup>th</sup> Avenue, and 31<sup>st</sup> Avenue to address multiple bellies and root intrusion to reduce debris buildup.

Update: Work is progressing on 90% design.

### **CIP 2022-A15 King Road Improvements**

Summary: King Road (43<sup>rd</sup> Avenue to city limits near Linwood Avenue) SAFE/SSMP Improvements will replace existing sidewalk and bike lane with a multi-use path, improve stormwater system, replace water pipe, and reconstruct roadway surface.

Update: The project Request for Qualification (RFQ) for project design received four submittals. The Review Team will host interviews and post notice of Intent to Award the design contract by March 21<sup>st</sup>. The City Council hearing is scheduled for April 4, 2023.

### **Milwaukie Bay Park**

Update: Project was put on hold indefinitely.

### **Wavery Heights Sewer Reconfiguration**

Summary: Waverly Heights Wastewater project was identified in the 2010 Wastewater System Master Plan. The project may replace approximately 2,500 feet of existing clay and concrete pipe.

Update: Anticipating sending RFQ out in Winter 2023 once engineering position is filled.

### **Monroe Street Greenway**

Summary: The Monroe Street Greenway will create a nearly four-mile, continuous, low-stress bikeway from downtown Milwaukie to the I-205 Multi-Use path. Once complete, it will serve as the spine of Milwaukie's active transportation network connecting users to the Max Orange Line, Max Green Line, Trolley Trail, 17<sup>th</sup> Avenue Bike Path, I-205 path, neighborhoods, schools, and parks. Funding grants through ODOT and Metro will allow the city to complete the 2.2 miles of our section of the Monroe Greenway from the Trolley Trail to Linwood Ave in the next five years.

Update: Linwood to 37<sup>th</sup> Ave. Section: staff will meet with ODOT this month to finalize the scope-of-work needed to advertise for a consultant to design the section.

Monroe & Hwy 224 Intersection: first set of plans have been received and are under review. Project has now been combined with a larger project which will mill and overlay Hwy 224 from Rusk Rd to 17th Ave. However, this project is slightly behind the intersection schedule; this will cause an approx. 6-mo delay. Nothing else is anticipated to occur with design until summer 2023.

Monroe/Campbell/Oak Street: city has received the draft IGA from ODOT and it is under review. This is needed to transfer \$1.55 M in STIP funding to the city to manage this segment of the Monroe Street Greenway.

### **Kellogg Creek Restoration and Community Enhancement Project**

Summary: Project to remove the Kellogg Creek dam, replace the McLoughlin Blvd. bridge, improve fish passage, and restore the wetland and riparian area.

Update: The Technical Advisory Committee (TAC) for the Kellogg Creek Restoration & Community Enhancement Project has held three of the five meetings. The next meeting is planned for late spring or early summer.

### **Traffic / Parking Projects, Issues**

#### **Right-Of-Way (ROW) Permits (includes tree, use, construction, encroachment)**

##### **Downtown Trees and Sidewalks**

Summary: A downtown business owner applied for a permit to remove 5 trees at 10909 SE Main Street. Peter and Steve met with the applicant to propose retaining the trees by allowing for larger tree wells and raising the sidewalk to allow more space for roots under them. The city has offered to demolish and reinstall the curb; but the property owner will be responsible for replacement of the sidewalk and all future maintenance of sidewalks. Owner expressed concerns that any changes with sidewalk elevation may allow storm runoff to shed towards the front doors of the businesses.

Update: Staff has a contract with AKS; working on what type of design works best now and in the future with both the trees and sidewalks & curbs; staff met with Council on June 21, and returned on Aug. 16 with additional information.

#### **Private Development – Public Improvement Projects (PIPS)**

##### **Monroe Apartments - 234 units**

Update: Guardian Real Estate Services (same developer of Axeltree) has taken over the project. A Right-of-Way permit has been issued; most of the roadway improvements on Monroe and 37<sup>th</sup> Ave have been completed; we anticipate project completion in spring 2023. Contractor plans to pave the asphalt bike path this month. Developer has applied for a temporary use permit to set up a leasing office trailer on site.

##### **Henley Place (Kellogg Bowl redevelopment)- 175 units**

Update: A Right-of-Way permit has been issued; construction of improvements is underway.

##### **Walnut Addition Subdivision – 9 lot subdivision at Roswell St. & 33<sup>rd</sup> Ave.**

Update: While the subdivision was platted some 40 years ago, it was never fully constructed. Contractor has completed all underground pipe work and has placed base rock in the new street. Installation of curb/gutter is complete; contractor plans to pave the streets sometime this month.

##### **Elk Rock Estates – 5 lot subdivision at 19<sup>th</sup> Ave & Sparrow St.**

Update: Installation of sanitary, water and stormwater infrastructure has been completed. Contractor plans to pave the street sometime this month.

**Birnam Oaks Apartments (formerly Waverly Woods) - 130 units (all phases)**

Update: A Right-of-Way permit has been issued for construction work along property fronting on Waverly Court. Contractor has installed water and sanitary connections to city lines. Street grind and inlay, sidewalk and driveway construction expected in 2023.

**Shah & Tripp Estates – 8-lot subdivision at Harrison Street and Home Ave.**

Update: Design plans are under review.

**Document Administration**

**Master Plans**

Summary: Stormwater Master Plan is upcoming and will be managed by Peter Passarelli

**COUNCIL STAFF REPORT**

**To:** Mayor and City Council  
Ann Ober, City Manager

**Reviewed:** Nicole Madigan, Deputy City Recorder

**From:** Scott Stauffer, City Recorder

**Subject:** **City Boards and Committees Overview**

**Date Written:** Dec. 28, 2022

**ACTION REQUESTED**

Council is asked to receive an overview of the city's boards and committees (BCs) and provide input on several policy and code proposals.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

[February 11, 2020](#): Council and BC chairs held a joint meeting to discuss BC logistics and how BCs would support Council's community engagement goal.

[June 1, 2021](#): Council provided final feedback on a BC bylaws template.

[January 4, 2022](#): Council adopted [Ordinance 2213](#), setting June 30 as the term end date for all BCs and amending the Park and Recreation Board (PARB) bylaws to allow non-resident members.

[May 3, 2022](#): Council received an update on the BC youth member program.

[September 6, 2022](#): Council received a report on the first annual BC recruitment process.

**ANALYSIS**

The city has 13 standing committees that play a critical advisory role to Council. BCs are created by Council, and most are referenced in the Milwaukie Municipal Code (MMC). Authority to appoint BC members is granted to the mayor, with Council consent, by [Section 26 of the City Charter](#). Per mayoral direction, from 2015 to 2021 vacant BC positions were filled through an on-demand recruitment and interview process that included an interview panel of two Council members, the BC staff liaison and chair; the panel would nominate applicants and Council would consider confirming the nominations. In 2022, per Council direction, the city moved to an annual recruitment and interview process.

Committee appointments are based on a June 30 expiration of two, three, or four-year terms, or when a position is vacated. Upon the completion of a term, if the individual is eligible, they may be reappointed by Council to serve additional terms, however all BC positions are term limited, which means an individual may only serve on any given BC for a set number (two or three) consecutive terms, depending on the BC's bylaws.

There are a couple exceptions to the nomination process outlined above: the Public Safety Advisory Committee (PSAC) has positions that are filled by neighborhood district associations (NDAs) nominees instead of an interview panel; and the Milwaukie Redevelopment Commission (MRC) and the MRC Community Advisory Committee (MRCCAC) are part of a separate urban renewal agency which Council serves as the Commission and appoints MRCCAC members. Council members also sit on the Audit Committee and Budget Committee.

## **Standing BCs** (as of Winter 2023)

<b>Board or Committee</b>	<b># of Members (# of Non-Resident Positions allowed)</b>	<b>Term Length</b>	<b>Terms Limit</b>	<b>Authorizing Document</b>	<b>Year Est.</b>
Arts Committee	9 (4)	2 years	3	<a href="#">MMC 2.17</a>	2011
Audit Committee	4 (1, CPA)	2 years		<a href="#">R10-2013</a>	2013
Budget Committee	10 (0)	4 years	2	<a href="#">MMC 2.14</a> <a href="#">ORS 294</a>	1921
Citizens Utility Advisory Board (CUAB)	5 (5, business-owner/ ratepayers)	2 years	3	<a href="#">MMC 2.11</a>	1996
Design & Landmark Committee (DLC)	5 (2, special skills)	2 years	3	<a href="#">MMC 2.18</a>	1989
Equity Steering Committee (ESC)	9 (4) May have between 7-11 members and 3-5 non-resident.	2 years	3	<a href="#">MMC 2.22</a>	2021
Ledding Library Board	7 (3)	2 years	3	<a href="#">MMC 2.28</a>	1980
MRC (urban renewal)	5 (0)	4 years	2	<a href="#">MMC 2.40</a>	1987
MRCCAC	9 (7, special skills)	3 years	2	<a href="#">MRCR2-2022</a>	2021
Park and Recreation Board (PARB)	7 (2)	2 years	3	<a href="#">MMC 2.12</a>	1975
Planning Commission	7 (2)	4 years	2	<a href="#">MMC 2.16</a>	1938
Public Safety Advisory Committee (PSAC)	11 (4, at-large positions)	2 years	3	<a href="#">MMC 2.24</a>	1973
Tree Board	7 (2)	3 years	3	<a href="#">MMC 16.32</a>	2017

### **Current Ad Hoc Committees**

For limited-duration work, Council creates ad hoc committees. Recent ad hoc committees include the Comprehensive Plan Advisory Committee (CPAC) and the City Hall Blue Ribbon Committee (CHBRC). In February 2023, Council appointed members to the new Transportation System Plan Advisory Committee (TSPAC).

### **Other Agency Committees**

In addition to city BCs Council nominates Milwaukians to serve on committees administered by other agencies. Such non-city BCs include the Milwaukie Community Center Advisory Board, the county's Community Action Board, and the Library District Advisory Committee (LDAC).

### **Dormant Authority**

In response to a request by a senior living facility located outside city limits, Council established itself as a Hospital Facility Authority (HFA). The HFA met once in 2014 and has remained dormant since; the requesting facility found other ways to finance expansion activities.

### **Recently Dissolved BCs**

Council has dissolved BCs as projects and needs change. Since 2018, the Riverfront Board, the Library Expansion Task Force, and the Kellogg Good Neighbor Committee have been dissolved.

### **BC Logistics and Staffing**

*Duties.* At a minimum, BCs are tasked by Council with the following duties:

- Complete work assigned by Council and the MMC,
- Hold monthly meetings to facilitate its work in accordance with public meeting laws,
- Present annual reports on its work plan and bylaw updates to Council, and
- Provide input to Council on city projects, programs, policies, and activities.

*Onboarding.* Once appointed, new BC members are asked to review and sign the BC Code of Conduct (Attachment 1) and review the Public Records and Meetings Overview (Attachment 2). These documents provide BC members with a sense of their duties and expected behavior.

*Staff Liaisons.* Each BC is assigned a staff liaison from the department whose work best relates to the BC’s duties. Liaisons are responsible for most meeting logistics, including drafting agendas, distributing packet information, and writing minutes. The Office of the City Recorder (OCR) supports staff liaisons and the BC recruitment and appointment process.

*BC Websites.* The city webpage for BC content is <https://www.milwaukieoregon.gov/bc>. Since 2020 the city has also used a web-based database called OnBoard to manage BC volunteers, term information, and applications; visit <https://onboard.milwaukieoregon.gov/> to learn more.

**Ongoing BC Projects**

*Bylaws Update.* In 2021, Council approved a BC bylaws template (Attachment 3) and directed staff to work with the BCs to update all bylaws. As of December 2022, only the Library Board had implemented the new bylaws template. Several other BCs have started this time-consuming project and Council should see several updated bylaws in 2023.

*Annual Recruitment Process.* In 2021, per Council direction, staff drafted a year-long plan to transition to the annual BC recruitment process and in winter 2022 the city began accepting applications for interviews to be held in May. For the most part, the plan worked, but late in the spring it was decided that the first round of interviews should be conducted using the Spark Hire video interview system – which brought a new level of accessibility to the process but also created a tight overlapping schedule which staff aims to avoid in 2023. The first annual recruitment process resulted in 60 applications received and 28 applicants appointed to fill BC vacancies and/or placed on alternate lists to fill future vacancies.

Month	Actions
February- March	<ul style="list-style-type: none"> <li>• <b>Applications Accepted as of February 1.</b></li> <li>• Advertise: citywide postcard, Pilot article, social media, NDA and “Interested People” email, encourage BCs to spread the word.</li> </ul>
April-May	<ul style="list-style-type: none"> <li>• <b>Applications Due April 1.</b></li> <li>• Spark Hire Interviews:               <ul style="list-style-type: none"> <li>○ April 3-7 Instructions Go Out.</li> <li>○ April 10-21 Interview Invitation Links Go Out.</li> <li>○ April 24-May 5 Interviews panels watch/assess video interviews.</li> </ul> </li> </ul>
May-June	<ul style="list-style-type: none"> <li>• <b>Applications Not Accepted.</b></li> <li>• Zoom Interviews: (Panels: 2 Council Members, BC chair, staff liaison.)               <ul style="list-style-type: none"> <li>○ May 8 candidates for Zoom interviews identified by panels.</li> <li>○ May 9-12 candidates scheduled.</li> <li>○ May TBD half-day (up to 4 hours max) interview sessions.</li> </ul> </li> <li>• Interviews result in nominees to fill current vacancies and alternate lists.</li> <li>• Staff sends a post-interview survey.</li> <li>• <b>Council considers appointments for vacancies on June 6 and/or June 20.</b></li> </ul>
July – January	<ul style="list-style-type: none"> <li>• <b>Applications Not Accepted.</b></li> <li>• Vacancies filed by identified alternates.</li> <li>• Applications only accepted for BCs with no alternates or to fill new ad hoc BCs.</li> </ul>

In preparation for the 2023 interview process, candidate questions have been prepared for the Spark Hire video round; draft questions are below. Questions for the Zoom round of interviews will be based on BC-specific questions used previously.

➔ **Staff welcomes Council feedback on the SparkHire interview questions.**

1. What prompted you to want to volunteer? Is there a particular issue or event that made you want to volunteer?
2. How would you, as a board or committee member, support the city's commitment to equity, inclusion, and justice?
3. If war, disease, and hunger did not exist, and you had the power to change the world, what would you change?

One of the ongoing conundrums of the annual BC recruitment process' current schedule is the inability to use the Milwaukie Farmers Market and other warm season events to recruit for BCs. One way to remedy this is to change the BC term end date to a date at the end of summer or in early fall. Staff's only caution regarding such a change is that Council just recently shifted term end dates to June 30; multiple date changes may cause confusion.

➔ **Staff welcomes Council feedback on changing the BC term end date to the fall.**

*Youth Members.* In 2019 the city started a youth BC member pilot program initially aimed to recruit and appoint younger members (ages 15-18) of the greater Milwaukie community (including non-residents) to 14 youth positions, two each on seven BCs. The program looked to engage and empower youth members by appointing them to BCs with all the rights and responsibilities of full BC members. In fall 2020 Council appointed six youth members: two to the Arts Committee, one to the Design and Landmark Committee (DLC), two to the Ledding Library Board, and one to the Park and Recreation Board (PARB). Several members were actively engaged while others never attend meetings or responded to emails.

In May 2022, staff provided an update to Council and recommended that the program be given one more year to see if new applicants could be recruited. In the renewed effort staff focused on recruiting youth members for the three BCs: Arts Committee, Library Board, and PARB. Unfortunately, as of March 2023, the city had not received any new youth applications despite efforts to reach out to schools. In addition, as of January all youth members had resigned.

Although the city has not had much luck in recruiting youth community members to be officially appointed to BCs, the city continues to have success in including youth community members in the city's work. The planning department has included high school students in its various Comprehensive Plan projects and the library maintains a well-attended youth advisory board which provides input to the Ledding Library Board and library staff. And, regardless of the existence of a youth BC member program, the city will continue to encourage and accept applications from community members of all ages for any city BC.

Based on the lack of interest, it is staff's reluctant recommendation to discontinue the program.

➔ **Staff welcomes Council feedback on the future of the youth member program.**

*Code Changes.* At some point, staff would like to audit and propose revisions to MMC Title 2, where most BC code sections are located. As of this report there is no timeline for this project.

## Defining “Resident” (?)

When recruiting volunteers for city BCs, staff occasionally run into the challenge of finding and keeping BC members who live in city limits, which affect the ability to have a quorum for meetings. As noted above, most BCs are required to have a Milwaukie resident majority. For BC recruitments, a resident has generally been understood to be an individual who lives in city limits.

Currently, MMC Title 2 does not include a definition of “resident.” There are references to residing in the city and establishing legal residency in the City Charter (sections 17 for Council and 27 for the city manager), and there is a definition of a resident in Oregon Revised Statute [\(ORS\) 316.027](#) related to personal income tax which underscores the concept of a resident being one who lives within the jurisdiction for most of the year. Historically Council has reinforced its preference that city residents make up most of the BC membership, although in 2022 Council allowed for non-residents to serve on PARB.

BC recruitment situations are exasperated when vacant positions have qualified applicants that live outside city limits. A typical resident-adjacent applicant is often someone who grew-up in Milwaukie, raised their family here, possibly ran a business in the city, and recently moved outside city limits, or is someone who recently moved to the area and had not been aware that they were buying a home just outside city limits. These applicants remain a part of the “greater Milwaukie” community, but strictly speaking do not live in the city.

To remedy this issue, staff would like Council feedback on the concept of adopting a definition of a resident in MMC Title 2 that could provide a way for non-resident but “greater Milwaukie” community members to qualify for positions reserved for residents. Staff believes the general spirit of requiring a BC member to be a resident is to ensure that those weighing-in on city business have a vested interest in the outcome of the BC’s work and have a sense of ownership of that work and the community. However, in the age of digital engagement and with the city’s increased presence in the region, it might benefit the city to recognize that a non-resident can have as much ownership of a BC’s work as someone who lives in city limits.

Staff conversations about the proposal to adopt a broad definition of resident has met with support and concern from BC staff liaisons. Concerns varied from not altering the intent of a board’s work that requires resident perspectives to making sure that state law would be followed for specific committees such as the Budget Committee were the residency requirement is not within the city’s control. Staff liaisons also noted that some BCs, such as the Library Board, should represent the library’s service area which extends beyond the city limits, and as the city grows into its Urban Growth Management Area (UGMA), it may be appropriate for the city to include neighborhoods immediately outside city limits in BC work.

As a starting place for discussion, staff recommends Council consider adding the following definition to [MMC 2.10.020 Definitions](#).

“Resident” means an individual who lives within the city limits of the City of Milwaukie for at least six months of the year or has sufficient qualifying experience in the Milwaukie community.

➔ **Staff welcomes Council feedback on the proposed definition of “resident.”**

## CLIMATE, BUDGET, AND WORKLOAD IMPACTS

None.

## COORDINATION, CONCURRENCE, OR DISSENT

OCR staff work with BC liaisons and chairs and Council on the issues listed in this report.



**STAFF RECOMMENDATION**

Staff recommends Council provide feedback and direction on the questions posted above.

**ALTERNATIVES**

Not applicable.

**ATTACHMENTS**

1. BC Code of Conduct
2. BC Public Records & Meeting Overview
3. BC Bylaws Template

Thank you for serving on a city board, commission, or committee (BC). Your participation is a critical part of our government's decision-making process. This document is designed to provide a framework to guide BC members in their actions. If you have questions about BCs contact the Office of the City Recorder at [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) or at 503-786-7515.

## **ETHICS**

As a BC member you are a public official as defined in Oregon Revised Statute (ORS) 244.020(14). This code of conduct is a supplement to existing statutes governing conduct of public officials including Oregon's ethics law; see the state's [Guide for Public Officials](#). Adherence to ethics rules includes rejecting gifts, services, or other special considerations that are only offered to you because of your service as a public official. Ethics rules may also require you to excuse yourself from participating in decisions when the financial interests of a member of your immediate family or household, or your own, may be affected by your BC's action.

## **CARRYING OUT BOARD DUTIES**

It is important to remember that you represent the city and are held to a higher standard while performing your BC responsibilities. You may be faced with difficult decisions and situations. BC members are expected to be civil and diplomatic, and in general:

- All BC meetings are public meetings subject to the state's public meeting laws.
- You should always review materials provided in advance.
- You should always do your part to maintain the organization's transparency. Avoid even the appearance of a conflict of interest by declaring publicly if a potential or actual conflict of interest arises and take appropriate steps.
- Be aware of the public nature of written messages and e-mail. All materials created in your official capacity are subject to the state's public records laws.

Keep the following in mind when dealing with other BC members, city staff, and the public:

### **BC Member Conduct with One Another During Meetings**

- Difficult or contentious discussions may arise. Encourage civil and constructive discourse and refrain from belligerent language, personal attacks, slanderous, threatening, abusive or disparaging comments.
- Be honest with everyone. As a BC member you are a public official and have a responsibility to conduct the BC's public business in a transparent and open manner.
- Give credit to others' contributions to the process.
- Strive to make independent, objective, fair and impartial judgments.

### **BC Member Conduct Outside Public Meetings**

- Be respectful even in private. The same level of respect for differing points of view used in public discussions should be maintained in private conversations.
- Private conversations can become public. As public officials, BC members should be aware that they can be the focus of public attention. Even casual conversation about city business, other public officials, or staff may draw attention and be repeated.
- Understand proper political involvement. BC members, as private community members, may support political candidates or issues but such activities must be done separate from their role as a BC member.

### **BC Member Conduct with the Public**

- Be welcoming and respectful to speakers. For many community members, speaking in front of a BC is a new experience. BC members should listen and make comments or ask questions appropriately, respectfully, and professionally.
- Make no promises on behalf of the BC in unofficial settings. BC members may be asked to explain an action or to give their opinion about an issue. It is appropriate to give a brief overview, but overt or implicit promises of specific actions are to be avoided. In the case of quasi-judicial land use matters, additional prohibitions on communications apply, on which the Planning Commission receives further guidance.
- Be mindful of what you say. Anything said in a public meeting may end up in print. In discussions about city business with the press or through social media, be careful to not represent a personal opinion as if it were the city or BC position. In general, be careful what you post online – remember the old adage: if you don't want to see it on the front page of the newspaper don't type it or say it.

### **BC Member Conduct with City Staff**

- Respect city staff and their role in the process. BC members should not disrupt staff from carrying out administrative duties, attending meetings, or implementing policy. BC members should not make belligerent, personal, slanderous, threatening, abusive, or disparaging comments to or about staff.

### **MEETING ATTENDANCE**

Members are expected to attend all BC meetings; however, the community understands that conflicts may prevent a member from attending up to 25% of the meetings a year. For these purposes, “year” refers to the twelve-month period beginning from the start date of the member’s BC term. For instance, many terms start on April 1 while others begin July 1.

### **MILWAUKIE MUNICIPAL CODE (MMC) AND BOARD BYLAWS**

Most of the city’s BCs were established by the City Council as authorized by the MMC and some were established by Council resolution. Each BC also has its own set of bylaws for members to follow; see the city website or contact the BC’s staff liaison for a copy of the bylaws.

### **DISCIPLINARY ACTION AND REMOVAL**

Pursuant to MMC Chapter 2.10, BC members may be removed at any time by the City Council for misconduct, nonperformance of duty, or failure to obey the federal, state, or local laws. If a BC member violates this code of conduct or any applicable laws the Council may choose to take the following steps:

- 1) The BC chair, or other appropriate officer if the issue involves the chair, will meet with the member in violation.
- 2) If the issue continues, the member in violation will meet with a City Council member to discuss the issue and an email about the issue will be sent to the entire Council.
- 3) If steps 1 and 2 do not resolve the issue, Council will take necessary actions to remove the member in violation from the BC as authorized by MMC Chapter 2.10.040.

### **IMPLEMENTATION**

All BC members will review this code of conduct and affirm in writing that they understand its provisions and pledge to conduct themselves by the guidelines listed. A periodic review by Council of this document will be conducted to ensure that it is an effective and useful tool.

## CODE OF CONDUCT CERTIFICATION

As a member of a city board, commission, or committee (BC), I affirm that:

- ✓ I have read and understand the Milwaukie Code of Conduct for Boards, Commissions and Committees, and its application to my role and responsibilities while serving on a city BC.
- ✓ I have read and understand the Milwaukie Public Records Overview (available online at <https://www.milwaukieoregon.gov/bc> under "Supporting Documents") for members of BCs and how my actions on behalf of the city are governed by the applicable laws of the State of Oregon.
- ✓ I pledge to conduct myself by the code of conduct.
- ✓ I understand that I may be removed from my position if my conduct falls below these standards.

Print Name:

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Signature:

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Date:

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BCC:

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Oregon's open government laws promote democracy by ensuring that government conducts its business in a transparent manner. Oregon residents have a right to know how their government is spending their tax dollars and exercising the powers granted by the people. The following information is for members of city boards, committees, and commissions so they are aware of these legal requirements and how they apply to their service to Milwaukie.

## **PUBLIC RECORDS**

### **WHAT IS A PUBLIC RECORD?**

A public record includes any writing containing information relating to the conduct of the public's business that is prepared, owned, used, or retained by a public body regardless of physical form or characteristics. Public records can be in many formats, including a document, book, paper, photograph, file, or sound recording. It is important for members to be aware that **any message, including emails that relate to city business are public records that belong to the public**, regardless of whether they were sent or received on a public or private email system.

### **PUBLIC RECORDS LAW**

Oregon's Public Records law is divided into two parts. The first part dictates how long a public record must be kept (retention) and requirements for its disposition. Retention is determined by the content of the record. For example, an email notification about a meeting date/time/location can be deleted after it is read; however, minutes from that meeting must be retained permanently. The second part of the law establishes every person's right to inspect any non-exempt public record of a public body. Very few records in Oregon are exempt from disclosure.

### **WHO IS SUBJECT TO PUBLIC RECORDS LAWS?**

The law applies to every "governing" and "public" body. In Milwaukie, this includes city staff, the City Council, and members of all advisory boards, commissions, and task forces.

### **USE OF PERSONAL EMAIL / PERSONAL DIGITAL DEVICES**

Members may use privately-owned e-mail accounts or personal digital devices (PDDs) for sending and receiving messages related to city business; however, members should forward these communications to city staff, so they are retained. Members must also realize that when private accounts and PDDs are used for city business, those accounts or devices may be subject to public disclosure. Whenever city business is done on a PDD there is no expectation of privacy.

### **WHAT DOES THIS MEAN FOR MEMBERS?**

Public records generated as part of business related to a city advisory board, committee, or commission are maintained by the city staff liaison assigned to that body. In other words, the city is charged with the responsibility for maintaining public records in accordance with the law. If you generate a public record or receive a public record from a third party, you must send it to the city staff liaison or appropriate city department staff so it may be included in the record file. For example, if your neighbor knows you are on the Planning Commission and they send you an email with information that relates to city business, simply forward a copy of that email communication to staff in the Planning Department so it may be appropriately filed and retained. Similarly, if someone provides you with a hard-copy letter addressed to the Planning Commission, please be sure to forward it to city staff.

## **PUBLIC MEETINGS**

### **WHAT IS A PUBLIC MEETING?**

A public meeting is the convening of any governing body (in person, via email, via telephone, via online chat) for which a quorum (majority) is required in order to make a decision or to deliberate toward a decision *on any matter*. Reasonable notice must be provided to inform the public and all interested parties about the time, place, and agenda of public meetings. The city is committed to providing equal access to all public meetings and information per the requirements of the Americans with Disabilities Act (ADA) and Oregon Revised Statutes (ORS); accordingly, the city strives to be as accommodating as possible to ensure that all public meetings are as accessible as possible for persons with disabilities.

Governing bodies also must comply with these requirements when their members use electronic communication in lieu of face-to-face official meetings. For example, communications between a quorum of members of a governing body convening electronically are subject to the Public Meetings Law. If the communications constitute a decision or deliberation toward a decision for which a quorum is required the meeting would be subject to the Public Meetings Law. Given these requirements, the use of email and other online communication to conduct public business creates the risk of violating Oregon's open meeting laws and should be avoided.

A gathering of less than a quorum of a committee or other body is not a "meeting" under the Public Meetings Law. While a gathering of less than a quorum is not a "meeting," members should not gather (or communicate) as a group to discuss city business outside a public meeting. Such a gathering could create a "serial" quorum, may give the appearance of impropriety, and runs contrary to the policy of the Public Meetings Law which supports keeping the public informed of the deliberations of governing bodies. Discussions and decisions need to be conducted at meetings, even though it is not always convenient.

### **WHAT DOES THIS MEAN FOR MEMBERS?**

It is important to understand what constitutes a public meeting so members do not inadvertently violate the law. Meetings scheduled by city staff will be appropriately noticed; however, online discussions by a quorum of members violate public meetings law and should not occur.

### **FOR MORE INFORMATION**

For further reading on Oregon's public records and meetings laws, please see the Attorney General's Public Records and Meetings Manual (link below).

[http://www.doj.state.or.us/public\\_records/manual/pages/index.aspx](http://www.doj.state.or.us/public_records/manual/pages/index.aspx)

If you have questions about any of the above material contact the Office of the City Recorder at [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) or at 503-786-7502.



**Board/Committee Name**

[www.milwaukieoregon.gov/bc](http://www.milwaukieoregon.gov/bc) insert BC specific link

**BYLAWS**

Adopted 1/1/2021

By Resolution 21-2021

**ARTICLE I – NAME**

The name of this board/committee is the Board/Committee (acronym if appropriate).

**ARTICLE II – PURPOSE & AUTHORITY**

- A. **Purpose.** The purpose of the Board/Committee is to advise the City Council on matters relating to [insert purpose; PC will note its independent authority].
- B. **Authority.** The Board/Committee is authorized by Milwaukie Municipal Code (MMC) Chapter 2... [insert authorizing body/document].

**ARTICLE III – MEMBERSHIP**

- A. **Membership.** The Board/Committee consists of # members. [Insert BC-specific membership clauses]. No member may be an officer, agent, or employee of the City of Milwaukie.
- B. **Appointment.** As outlined in the MMC, the mayor appoints Board/Committee members with the consent of the City Council. [Insert BC-specific appointment clauses]. As outlined in MMC 2.10.040 and in the city’s Code of Conduct for Board and Committee Members, Board/Committee members serve at the pleasure of the City Council.
- C. **Term of Office.** Board/Committee member terms are for a period of # years. Board/Committee members may serve no more than # consecutive full terms, unless there is an interval of at least one term before reappointment. Current board/committee members may be reappointed to the board/committee if they do not exceed the established term limits for the board/committee.
- D. **Vacancies.** If a Board/Committee member resigns or otherwise vacates their position, the City Council will fill the vacancy in the same manner as the original appointment. Member resignations should be submitted in writing to the chair and staff liaison.
- E. **Code of Conduct.** To ensure the city’s boards and committees operate in an efficient, consistent, and orderly manner, and that board/committee members comply with Oregon’s public meetings and records laws, the City Council adopted a Code of Conduct for Board and Committee Members. Board/committee members are expected to review, sign, understand, and abide by the Code of Conduct.

**ARTICLE IV – MEETINGS**

- A. **Open Meetings.** All Board/Committee meetings are public meetings as set forth by Oregon’s Public Meetings Laws, Oregon Revised Statute (ORS) Chapter 192.
- B. **Meeting Conduct.** Board/Committee meetings will be conducted efficiently and transparently as outlined in these bylaws, the MMC, relevant state and federal laws, and by the city’s Code of Conduct for Board and Committee Members. Where these bylaws or other city guides do not provide direction, the most recent edition of Robert’s Rules of Order will be followed.



- C. Regular Schedule.** The Board/Committee will hold regular meetings as determined by the MMC, the City Council, or the chair and staff liaison. The board/committee's regular schedule will be to meet [*insert frequency, time and day of week*] at [*location*].
- 1. Special Meetings.** Special meetings may be called at the request of the chair or a majority of the board/committee. If a special meeting is called, the chair and staff liaison will set a date and time taking into consideration such factors as the availability of the board/committee members and staff, and a meeting location.
  - 2. Closed Sessions.** The board/committee may meet in closed, or executive, session as allowed by ORS 192.660(2) and consistent with MMC 2.04.090.
- D. Attendance & Absences.** Board/Committee members are expected to attend all meetings, events, and activities of the board/committee. As outlined in the MMC and Code of Conduct, if a member fails to regularly attend meetings, the member may be removed from the board/committee through the process outlined in the Code of Conduct.
- 1. Absences.** If a board/committee member is unable to attend a meeting, it is the member's responsibility to inform the chair and staff liaison before the meeting.
- E. Quorum & Related Matters.** For the purposes of conducting board/committee business, including holding official meetings, a majority, or quorum, is # of the voting membership of the Board/Committee.
- 1. Lack of Quorum.** If there is no quorum of board/committee members within 15 minutes following the scheduled start time of a meeting, the meeting is cancelled. If the chair or staff liaison knows that a quorum will not be present at the meeting, they will notify the board/committee members before the meeting about the cancelation.
  - 2. Rescheduling Agenda Items.** If a meeting is canceled due to a lack of a quorum, all agenda items that were scheduled for the cancelled meeting will automatically be placed on the next regularly scheduled meeting agenda unless the chair or staff liaison determines that a special meeting is needed to address the items. The staff liaison will ensure that the required public meeting notices will be posted for the next meeting.
- F. Agenda Order.** The chair and the staff liaison will coordinate and arrange the meeting items as necessary to achieve an orderly and efficient meeting. In general, the order of business will be as follows:
1. Call to Order
  2. Announcements
  3. Approval of Minutes
  4. Community Comments
  5. Business Items
  6. Public Hearings [for Planning Commission only]
  7. Board/Committee Member Reports
  8. Adjournment
- G. Adjournment Time.** Board/Committee meetings will end no later than insert time. However, by majority vote of the members present the adjournment time may be extended.
- H. Voting.** All Board/Committee members who are present at a meeting, including the chair and officers, are allotted one vote each on all motions. The concurrence of a majority of the whole **board/committee** present shall be required to determine any matter before the **board/committee**. In the case of a tie vote, the matter fails. When a vote is taken all members must vote unless a member abstains from voting and cites the reason for abstaining for the record. The board/committee secretary or staff liaison will call the roll, altering the order of members called. The chair will vote last.



- I. **Motions & Related Matters.** Any Board/Committee member may make a motion. A motion needs a second to be considered, otherwise it fails.
  1. **Reconsideration of Actions Taken.** A board/committee member who voted with the majority may move for a reconsideration of an action at the same meeting only. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration may be made without unanimous consent of the Board/Committee.
- J. **Minutes & Related Matters.** The written and approved meeting minutes are the official record of the meeting.
  1. **Preparing the Minutes.** The board/committee secretary or city staff will be present at each meeting and will provide written minutes. Written minutes should not be a verbatim transcript but should give a true reflection of the matters discussed at the meeting and the views of the participants. The written minutes must include at least the following information:
    - a. The date, time, location of the meeting;
    - b. Names of the Board/Committee members present;
    - c. All motions and proposals;
    - d. The results of all votes;
    - e. The substance of any discussion on any matters; and,
    - f. A reference to any document discussed at the meeting.
  2. **Recordings.** As allowed by state law, all public meetings may be recorded by the city, board/committee, or the public. It will be at the discretion of city staff if an official audio, video, or digital recording of the meeting is created, and if the meeting video is broadcast or streamed live.
  3. **Posting & Approval.** The staff liaison will make the draft written meeting minutes available to the public within a reasonable time after the meeting. The Board/Committee will review and vote upon the minutes at its next meeting after the minutes have been written. Approved minutes will be posted on the city's website and retain permanently as required by Oregon Administrative Rule (OAR) 166-200-0235(5)(a).

## ARTICLE V – OFFICERS & ASSIGNED DUTIES

- A. **Officers.** The officers of the Board/Committee will consist of a chair, vice chair, secretary, [... inert other officers].
  1. **Election of Officers.** Members will elect the officers annually during the first meeting in April/July [based on when the BC's terms begin]. Any member may nominate another member as an officer. Officers may be re-elected. If an officer is unable to complete their term, the board/committee will hold a special election to fill the vacant officer position.
- B. **Duties of the Chair.** The chair will preside and preserve the order of Board/Committee meetings, review agendas and confer on business with the staff liaison and sign all documents memorializing board/committee actions. The chair will set reasonable time limits for community comments and testimony.
- C. **Duties of the Vice Chair.** If the chair is absent or otherwise disqualified from serving, the vice chair will perform all duties and be subject to all the responsibilities of the chair. If both the chair and vice chair are absent from a meeting, the remaining members present will elect an acting chair for that meeting.

**D. Duties of Other Officers.**

[insert here as appropriate for each Board/Committee]

**E. Duties of Board/Committee Members.** The role of a board/committee member is to participate in the Board/Committee's work and activities as assigned by the City Council by attending meetings and events and participating in discussions and decisions. As outlined in the city's Code of Conduct, board/committee members must behave in an appropriate manner when performing their duties as board/committee members in-person and in written or digital communications.

1. **Meeting Preparation.** Board/committee members must prepare for participation at a meeting by fully reviewing the staff report and any materials provided by city staff.
2. **Site Visits.** Before board/committee meetings, members are encouraged to visit sites that are subjects for design review actions. If a board/committee member visits a site, the member will report on the record any information gained from the site visit that is not consistent with the information included in the application or staff report.
3. **Compensation.** Board/committee members will receive no compensation for their service. However, the city may reimburse a member for an authorized expense.
4. **Conflicts of Interest.** In accordance with ORS 244.120, a member of the Board/Committee may not participate in any board/committee proceeding in which any of the following persons or businesses have a direct or substantial financial interest:
  - i. The board/committee member or the spouse, brother, sister, child, parent, father-in-law, or mother-in-law of the board/committee member;
  - ii. Any business in which the board/committee member is then serving or has served within the previous two years; or
  - iii. Any business with which the board/committee member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
  - iv. A member must disclose any actual or potential interest at the meeting of the board/committee where the action is being taken.
5. **Statement of Economic Interest.** Commissioners are required to file annual statements of economic interest as required by ORS 244.050 with the Oregon Government Ethics Commission (OGEC). [Planning Commission only]

**F. Duties of City Staff.** The city will assign a staff liaison to the Board/Committee and, as appropriate and available, will assign administrative staff to support the board/committee. Staff liaisons will act as the Board/Committee's primary point of contact for board/committee members, city staff, and the general public. Staff will ensure that the board/committee's meetings are held in accordance with state public meeting laws and will support the board/committee's activities.

1. **Orientation of New Members.** When new board/committee members are appointed, the staff liaison and chair will provide an orientation to the new members as necessary. In addition, city staff may provide other training opportunities to board/committee members.
2. **Board/Committee Manual.** For the efficient documentation of the board/committee's operations, city staff may compile and maintain a board/committee manual.

**G. Subcommittees & Other Committees.** The board/committee may find it necessary to form subcommittees to investigate areas relevant to the board/committee's purpose. The board/committee may identify members to serve on select subcommittees. A majority of the members will need to consent to the formation and membership of a subcommittee. When

requested by the City Council, city staff, or other city boards and committees, the Board/Committee may select members to serve as a Board/Committee representative on another committee.

#### **ARTICLE VI – GOALS & AMENDMENTS**

- A. Goals.** The board/committee will annually establish project and outcome goals that align with the goals of the City Council and the city. The board/committee will establish an annual workplan to document its progress towards achieving its goals.
- B. Amending the Bylaws.** The board/committee will review its bylaws annually or as necessary and will prepare and propose appropriate bylaw amendments to the City Council. The City Council retains all authority to amend these bylaws as outlined in MMC 2.10.050.
- C. Annual Review.** The board/committee will meet annually with the City Council to review the board/committee's goals, workplan, and any proposed bylaw amendments.

**WS 1. 3/21/23**  
**Presentation**

# **BOARDS & COMMITTEES OVERVIEW & QUESTIONS**

City Council Work Session  
March 21, 2023



# BCs OVERVIEW

- 13 Boards, Committees, Commission
  - 1 Ad Hoc (TSPAC)
- Advises Council
  - Annual Work Plans
- Mayor Nominates
  - Council Approves
- Staff Liaisons

Board or Committee	# of Members (# of Non-Resident Positions allowed)	Term Length	Terms Limit	Authorizing Document	Year Est.
Arts Committee	9 (4)	2 years	3	<a href="#">MMC 2.17</a>	2011
Audit Committee	4 (1, CPA)	2 years		<a href="#">R10-2013</a>	2013
Budget Committee	10 (0)	4 years	2	<a href="#">MMC 2.14</a> <a href="#">ORS 294</a>	1921
Citizens Utility Advisory Board (CUAB)	5 (5, business-owner/ ratepayers)	2 years	3	<a href="#">MMC 2.11</a>	1996
Design & Landmark Committee (DLC)	5 (2, special skills)	2 years	3	<a href="#">MMC 2.18</a>	1989
Equity Steering Committee (ESC)	9 (4) May have between 7-11 members and 3-5 non-resident.	2 years	3	<a href="#">MMC 2.22</a>	2021
Leading Library Board	7 (3)	2 years	3	<a href="#">MMC 2.28</a>	1980
MRC (urban renewal)	5 (0)	4 years	2	<a href="#">MMC 2.40</a>	1987
MRCCAC	9 (7, special skills)	3 years	2	<a href="#">MRCCR2-2022</a>	2021
Park and Recreation Board (PARB)	7 (2)	2 years	3	<a href="#">MMC 2.12</a>	1975
Planning Commission	7 (2)	4 years	2	<a href="#">MMC 2.16</a>	1950
Public Safety Advisory Committee (PSAC)	11 (4, at-large positions)	2 years	3	<a href="#">MMC 2.24</a>	1973
Tree Board	7 (2)	3 years	3	<a href="#">MMC 16.32</a>	2017



## BCs OVERVIEW

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- Current Vacancies: **7**  
(Arts 1, Budget 1, PSAC 1; CUAB 2, Tree 2)
- Terms Expiring June 30: **39\***
  - **\*14** to be reappointed so far...
  - **\*4** already vacant, included above
  - **\*4** are termed out

(as of today **21** positions to fill in June)



# BCs OVERVIEW

- Projects:
  - Bylaws
  - Recruitment

Month	Actions
February-March	<ul style="list-style-type: none"><li>• <b>Applications Accepted as of February 1.</b></li><li>• Advertise: citywide postcard, Pilot article, social media, NDA and “Interested People” email, encourage BCs to spread the word.</li></ul>
April-May	<ul style="list-style-type: none"><li>• <b>Applications Due April 1.</b></li><li>• Spark Hire Interviews:<ul style="list-style-type: none"><li>○ April 3-7 Instructions Go Out.</li><li>○ April 10-21 Interview Invitation Links Go Out.</li><li>○ April 24-May 5 Interviews panels watch/assess video interviews.</li></ul></li></ul>
May-June	<ul style="list-style-type: none"><li>• <b>Applications Not Accepted.</b></li><li>• Zoom Interviews: (Panels: 2 Council Members, BC chair, staff liaison.)<ul style="list-style-type: none"><li>○ May 8 candidates for Zoom interviews identified by panels.</li><li>○ May 9-12 candidates scheduled.</li><li>○ May TBD half-day (up to 4 hours max) interview sessions.</li></ul></li><li>• Interviews result in nominees to fill current vacancies and alternate lists.</li><li>• Staff sends a post-interview survey.</li><li>• <b>Council considers appointments for vacancies on June 6 and/or June 20.</b></li></ul>
July – January	<ul style="list-style-type: none"><li>• <b>Applications Not Accepted.</b></li><li>• Vacancies filed by identified alternates.</li><li>• Applications only accepted for BCs with no alternates or to fill new ad hoc BCs.</li></ul>



# BC QUESTIONS FOR COUNCIL

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- Annual Recruitment:

- Council input...

- Spark Hire Questions?

→ Staff welcomes Council feedback on the Spark Hire interview questions.

1. What prompted you to want to volunteer? Is there a particular issue or event that made you want to volunteer?
2. What values or personal characteristics do you think board/committee members must possess?
3. If war, disease, and hunger did not exist, and you had the power to change the world, what would you change?

- BC Term Date Change?

(Just changed; certain BC terms must end June 30)





# BC QUESTIONS FOR COUNCIL

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- Youth Members
  - Council input... Time to end program?
- “Resident” Definition
  - Council input... Broaden definition?

“Resident” means an individual who lives within the city limits of the City of Milwaukie for at least six months of the year or has sufficient qualifying experience in the Milwaukie community.



# BCs OVERVIEW

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[onboard.milwaukieoregon.gov/](http://onboard.milwaukieoregon.gov/)  
**Office of the City Recorder (OCR)**  
[ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov)





**WS 2. 3/21/23**  
**Presentation**

# Legislative & Regional Issues

March 21, 2023



# Key Legislative Dates

- ~~• 1/17 – Session Begins~~
- ~~• 1/25 – City Day at the Capitol~~
- ~~• 2/21 – Measure Introduction Deadline~~
- ~~• 2/22 – Revenue Forecast (1<sup>st</sup>)~~
- 4/4 – 1<sup>st</sup> Chamber Work Session Deadline
- 5/19- 2<sup>nd</sup> Chamber Work Session Deadline
- 5/17 – Revenue Forecast (2<sup>nd</sup>)
- 6/25 – Constitutional Sine Die



# Scheduled Hearings

- **HB2001 – requires state housing study – third reading 3/21**
- **HB2004 – ranked choice voting – hearing 3/21**
- **HB3111 – personnel records retention – WS 3/21**
  
- **HB2095 – photo radar – WS 3/23**
- **HB2980 – affordable housing loans – WS 3/23**
- **HB2984 – SDCs and AMI – WS 3/23**
- **HB3167 – allows digital public notices – WS 3/23**
- **HB3414 – limits urban housing variances – hearing 3/23, WS 3/28**
- **SB275 – aligns DOE/TSPC – hearing/WS 3/23**



# Scheduled Hearings

- **HB3005 – early childhood funding – WS 3/27**
- **SB611 – increases tenant amount for terminations – hearing 3/27, WS 3/29**
- **SB847 – freezes tax value for certain new res. dev. – hearing/WS 3/27**
- **SB283 – education workforce – WS 3/28**
- **SB868 – healthy heating and cooling for all – WS 3/28, WS 3/30**
- **SB869 – strengthen state energy efficiency bldg. code – WS 3/28, WS 3/30**
- **SB870 – building performance standards – WS 3/28, WS 3/30**
- **HB2713 – cities regulate fossil fuel devices – hearing 3/29, WS 4/3**



# Scheduled Hearings

- **HB2714 – e-Truck rebates – WS 4/3**
- **HB2571 – e-Bike rebates – WS 4/3**
- **HB3152 – utility customer protections – WS 4/3**
- **HB2889 – Housing Needs Analysis – WS 4/4**





# Council Letters

- **HB2713 – Authorizes cities and counties to regulate installation and use of fossil fuel devices in buildings (Mayor Batey)**



# Resources

- OLIS: [Oregon Legislative Information System](#)
- LOC: [CM3 – LOC Bill Summary](#)  
(Username/password: [loc@orcities.org](mailto:loc@orcities.org))
- Thorn Run Partners  
(Metro Mayors Consortium)



# Questions?

Scott Stauffer, City Recorder  
[stauffers@milwaukieoregon.gov](mailto:stauffers@milwaukieoregon.gov)



Rep. Pam Marsh and Members of the House Committee on Climate, Energy and Environment

RE: Support for H.B. 2713

Dear Chair Marsh and Committee Members:

The Milwaukie City Council enthusiastically supports House Bill 2713, introduced by Chief Sponsor Representative Mark Gamba, our former mayor.

We encourage the Legislature to formally recognize the authority of cities and counties to prevent or limit installation or use of devices that use fossil fuels in new buildings, use of fossil fuels in new buildings, and installation of fossil fuel infrastructure. We believe that this local government authority already ~~exists, but~~ exists but adding clarity will reduce the likelihood of frivolous and costly lawsuits from gas utilities, which is a major consideration for small governments without large budgets for legal defense.

Buildings are the second largest source of greenhouse gas emissions in the state and emissions from buildings are growing. The same is true here in Milwaukie, as shown in our 2017-2018 Climate Action Plan and reaffirmed in a 2020 greenhouse gas assessment. Use of local building electrification authority is critical to the State and to local governments being able to meet climate goals and ensure local health and safety in the face of the many dangers of methane gas.

Some other states are showing the leadership of considering such bans on the state level. Recent reporting indicates such bans are being considered in New York and Washington legislature.

Here in Oregon, municipalities are already showing leadership in exercising this authority. Eugene has passed building electrification for new residential construction. Several other local governments, including Milwaukie, are following suit. The emergency declaration is appropriate given the actions local governments are already taking and the critical need for more communities to step up.

It is important for the legal path to the policies to be as clear as possible for cities and counties across Oregon and for the legislature to forestall attempts at preemption of the authority, which some legislators are already pursuing.

We ask the Committee on Climate, Energy, and Environment to recommend H.B. 2713 for passage, and we encourage its passage by the legislature this session.

[signature block]

PS: Our mayor would have liked to come testify in person in support of this bill, but will be out of state on March 29<sup>th</sup>.

cc: Rep. Mark Gamba and Sen. Kathleen Taylor