

CITY OF TIGARD
PLANNING COMMISSION BYLAWS

SECTION I. CHARGE AND DUTIES

- A) The Tigard Planning Commission (“commission”) shall have no powers except as conferred by resolution of the City Council, City Charter, Tigard Municipal Code - Chapter 2.08, Tigard Development Code - Title 18 or the Oregon Revised Statutes.
- B) The commission shall act as an advisory body to the City Council and in specified quasi-judicial matters, shall act as the review authority.
- C) The commission, its members and alternates, shall act in a manner that is in keeping with applicable federal, state of Oregon and local laws pertaining to conduct and ethics and the City of Tigard Code of Conduct. Any violation of the provisions of such laws and guidelines shall be grounds for removal from office.
- D) Advisory committees to the commission may be appointed by the commission, by majority vote of the commission members, for the consideration of special assignments. Advisory committees formed by the commission, and subcommittees formed by action of City Council, shall not be authorized to operate under separate bylaws and shall operate in accordance with the Tigard Municipal Code, Planning Commission Bylaws and any modifications the City Council may make.
- E) The Planning Commission shall act as the Committee for Citizen Involvement for land use related matters and will meet annually with City Council to evaluate the effectiveness of the citizen engagement process. (Resolution No. 10-62)

SECTION II. COMPOSITION

- A) The commission shall consist of nine voting members (“member or members”) appointed by the City Council with the following representation and restrictions:
 - 1) Not more than two members may be nonresidents of the city.
 - 2) Not more than two members may be city officers, who shall serve as ex officio nonvoting members.
 - 3) Not more than two members may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit;
 - 4) Not more than two members shall be engaged in the same kind of occupation, business, trade or profession.
 - 5) Two members shall have an expertise related to the design of sites, buildings, structures or landscapes including but not limited to architects, landscape architects, engineers and urban design planners.

- B) Membership may temporarily drop below required minimums due to either resignations or difficulty in recruiting qualified applicants.
- C) The commission may also have up to two non-voting alternate members (“alternate or alternates”) appointed by the City Council.

SECTION III. APPOINTMENTS

- A) Council shall fill vacancies with individuals who meet the compositional requirements listed in Section II.
- B) Appointments of members and alternates shall be made by the City Council, with recommendations from the mayor.

SECTION IV. TERM OF OFFICE

- A) Commission members serve for a term of four years, beginning January 1 in the year of appointment.
- B) The term for an alternate begins January 1, or upon appointment, and expires when the next full-term commission position opens and shall not exceed two years.
- C) Any vacancy on the commission shall be filled by appointment by the council and mayor for the unexpired portion of the term. The unexpired portion of a term does not count towards the fulfillment of the maximum number of allowed terms.
- D) Members may be reappointed for up to two consecutive full terms. Alternates must be reappointed to serve more than two years.
- E) Members shall receive no compensation for their services, but shall be reimbursed for duly authorized expenses. The community development director shall determine and authorize reimbursable expenses.
- F) A member who seeks to resign from the commission shall submit a written resignation to the president of the commission, the staff liaison, or the city recorder’s office. If possible, the resignation should allow for a thirty (30) day notice so the City Council can appoint a replacement.

SECTION V. ORGANIZATION OF THE COMMISSION

- A) Officers. The officers of the commission shall be a president and vice-president.
- B) The community development director or designee shall be the secretary of the commission. The secretary is not a member of the commission.
- C) Election.
 - 1) The president and vice-president shall be elected at the first meeting of each odd numbered year, and shall serve until their successors are elected and qualified. The

term shall start with the first meeting following election or upon election if there is not a current presiding officer.

- 2) If the office of the president or vice-president becomes vacant, the commission shall at its next meeting elect a successor from its members, who shall serve the unexpired term of the predecessor.
- 3) Nominations shall be by oral motion. At the close of nominations, the commission shall vote by voice vote upon the names nominated for the office. If requested by any member, written ballots shall be used for voting purposes.

D) President.

- 1) Except as otherwise provided herein, the president shall:
 - a) Have general directional powers over the commission.
 - b) Preside over all deliberations and meetings of the commission.
 - c) Vote on all questions before the commission.
 - d) Call special meetings of the commission in accordance with these bylaws.
 - e) Sign all documents memorializing commission action promptly after approval by the commission. The power to sign reports and other documents of the commission may be delegated, in writing, to the secretary.
 - f) Be an ex-officio member of all commission advisory committees.
 - g) Be the sole spokesperson for the commission unless this responsibility is delegated to another member or the staff liaison.

E) Vice-President. During the absence, disability, or disqualification of the president, the vice-president shall exercise or perform all the duties and be subject to all the responsibilities of the president. In the absence of the president and vice-president, the remaining members present shall elect an acting president.

F) Secretary.

- 1) The secretary shall:
 - a) Maintain an accurate, permanent, and complete record of all proceedings conducted before the commission including all applications, appeals, hearings, continuances, postponements, date of notices, final disposition of matters, and other steps taken or acts performed by the commission, its officers, and the secretary.
 - b) Prepare the agenda and minutes for all commission meetings.
 - c) Give all notices required by law.
 - d) Inform the commission of correspondence relating to commission business and conduct all correspondence of the commission.
 - e) Be responsible for meeting logistics.
 - f) Attend all meetings and hearings of the commission or send a substitute.

- g) Perform such other duties for the commission as are customary in that role to support the duties of the commission.
- G) Staff liaisons are the primary contacts for City of Tigard boards and the primary interface between these bodies and the City Council, city manager and departments. Besides serving as a technical resource, staff liaisons are responsible for member recruitment and recognition and monitoring board effectiveness.

SECTION VI. MEETINGS

- A) Regular Meetings. Regular meetings of the commission shall be held in the Council Chambers in City Hall, 13125 SW Hall Blvd., Tigard, Oregon, or at such other places as may be determined by the commission, at 7:00 p.m., or other time as determined by the commission. Meeting dates are normally chosen for timely action on applications submitted for the commission's consideration and are held at least once a month or as necessary. At regular meetings, the commission shall consider all matters properly brought before it without the necessity of prior notice thereof given to any members.
- B) Special Meetings. The president of the commission may call a special meeting, and the president shall call a special meeting upon the request of a majority of the members of the commission. The call shall state the purpose of the meeting. Unless otherwise specified in the call, all special meetings shall be held at the regular meeting place and time of the commission. Notice of special meetings shall be in writing and communicated to all members and alternates by the secretary at least forty-eight (48) hours before the meeting.
- C) Open Meetings. All meetings of the commission shall be open to the public, except that the commission may hold executive sessions, from which the public may be excluded, in such manner and for such purposes as may be authorized by law. Representatives of the news media shall be allowed to attend executive sessions under such conditions governing the disclosure of information as provided by law.
- D) Notice of Meetings.
 - 1) In addition to notice required to be given to commission members and the secretary, public notice of all commission meetings shall be given in a manner reasonably calculated to give actual notice to interested persons and consistent with all applicable requirements of the Tigard Development Code. The notice shall consist of the time and place of the meeting and an agenda or summary of the subject matter to be considered.
 - 2) Notice shall be posted in the lobby of City Hall and disseminated to the city recorder, local news media representatives, and other persons and organizations as provided by law. At the discretion of the secretary, notice may also be provided to persons and organizations known to have a special interest in matters to be considered by the commission.
 - 3) Notice shall be given not less than five (5) days in advance of a meeting and be consistent with all applicable requirements of the Tigard Development Code. However, in case of an emergency, a meeting may be held upon such public notice as is appropriate in the circumstances.
 - 4) Failure to provide notice as specified in this section shall not invalidate any decision

or proceeding of the commission.

E) Agenda.

- 1) Order of Business. The order of business at all meetings shall be determined by the agenda which shall be composed generally of the following items:
 - a) Call to order;
 - b) Roll call;
 - c) Communications;
 - d) Minutes of previous meetings;
 - e) Old business - continuances;
 - f) New business;
 - g) Other business; and
 - h) Adjournment.
- 2) Any item may be taken out of order by direction of the president.
- 3) Actions of the commission are not limited to the prepared agenda except for those subject to notice requirements for land use decisions.
- 4) Meetings will end at 11:00 p.m., unless there is an affirmative vote by the commission to extend the time. In the absence of that vote, an item in progress will be continued as described in G below.

F) Voting.

- 1) A majority of votes by the members of the commission present at an open meeting shall determine any question before the commission. A tie vote causes the motion to fail.
- 2) Alternates are not allowed to vote under any circumstances, except as provided in Tigard Municipal Code, Section 2.08.105 - Downtown Design Review Board.
- 3) When a matter is called for a vote, the president shall, before a vote is taken, restate the motion and shall announce the decision of the commission after such vote.
- 4) Voting shall be by voice vote. All votes, whether positive, negative, or abstentions, shall be recorded in the minutes.
- 5) Voting "in absentia" or by proxy is not permitted.

G) Continuances, Remands.

- 1) Any item before the commission may be continued to a subsequent meeting. A motion to continue an item shall specify the date when the item shall next be taken up or the event upon which continuation is to be based. If a matter which originally required public notice is continued without setting time and place certain, the public notification must be repeated when time and place are made certain. A list of continued items, showing the date at which an item was continued, or the event upon which continuance is based, shall be recorded and kept by the secretary and made available to the public.

- 2) Unless otherwise provided by the City Council upon remand of a legislative matter, any item remanded by the City Council for reconsideration by the commission shall be treated as a new item, and proceedings shall be provided for as if the matter were initially before the commission and noticed consistent with all applicable requirements of the Tigard Development Code.
- H) Minutes.
- 1) The secretary or a designee shall be present at each meeting and shall cause the proceedings to be electronically recorded. Written minutes summarizing the matters discussed at a meeting and the view of the participants shall be prepared and maintained by the secretary. Executive sessions are excluded from published minutes.
 - 2) Minutes shall be available to the public, upon request, within a reasonable time after a meeting and shall include the following:
 - a) Members present;
 - b) Motions, proposals, measures proposed and their disposition;
 - c) Results of all votes, including the vote of each member by name if not unanimous; and
 - d) Substance of any discussion of any matter.
 - e) If the minutes are not yet approved by the commission, if requested, draft minutes, if available, may be provided.
 - 3) Members are expected to vote for approval of the minutes based on the accuracy of representation of events at the meeting. If there are no corrections, the president may declare the minutes approved as presented, without the need for a motion and vote. A vote in favor of adopting minutes does not signify agreement or disagreement with the commission's actions memorialized in the minutes.
 - 4) Any member not present at a meeting must abstain from voting on approval of the minutes of that meeting.
- I) Agendas and minutes shall be posted for public notice on the City of Tigard web page and in the lobby of City Hall in compliance with Oregon Public Meetings Law.
- J) Rules of Procedure. All rules of order not herein provided for shall be determined in accordance with the latest edition of "Robert's Rules of Order Newly Revised." However, the commission has an obligation to be as clear and simple in its procedure as possible.
- K) Commission members and alternates shall not send or receive electronic communications concerning any matter pending before the commission during a commission meeting. Electronic communications means e-mail, text messages, or other forms of communications transmitted or received by technological means.
- L) Commission members and alternates shall not use electronic communication devices to review or access information regarding matters not in consideration before the commission during a commission meeting. Commission members and alternates may receive emergency communications regarding personal or work related matters. Electronic communications devices include but are not limited to lap-top computers, smart phones, cell-phones,

notebooks, or other similar devices capable of transmitting or receiving messages electronically.

- M) Any electronic communications regarding a quasi-judicial matter to be considered by the commission is an ex parte contact and shall be disclosed as required by law.

SECTION VII. COMMISSION MEMBER AND ALTERNATE RESPONSIBILITIES

- A) Commission members shall:
 - 1) Regularly attend meeting and contribute constructively to discussions;
 - 2) Consider and discuss issues from a citywide perspective, as well as that of particular stakeholder or interests;
 - 3) Strive to reach consensus on matters under consideration;
 - 4) Act with respect and consideration for the viewpoint of others;
 - 5) Not act in an official capacity except through the action of the commission.
 - 6) Not make representations on behalf of the City of Tigard or Planning Commission, whether intentional or not, without authorization;
 - 7) Thoroughly review all materials provided in advance; and
 - 8) Contact staff liaison if clarification of applicable criteria or other matters is desired.
- B) A member absent during the presentation of any evidence in a hearing may not participate in the deliberations or final determination regarding the matter of the hearing, unless he or she has reviewed the evidence received and the meeting minutes.
- C) Commission alternates shall have the same responsibilities as members except that they shall not vote.
- D) Conflict of Interest Activities
 - 1) A member or alternate of the commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest:
 - a) The member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member;
 - b) Any business in which the member is then serving or has served within the previous two years; or
 - c) Any business for which the member is negotiating, or for which the member has an arrangement or understanding concerning prospective partnership or employment.
 - 2) Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken.
- E) Disclosure of Prehearing or Ex-parte Contact
 - 1) A member or alternate shall disclose to the commission, prior to any quasi-judicial

hearing on a petition for a permit or with respect to any contested case, any prehearing or ex parte contacts with the applicant's officers, agents and employees or any of the parties to a contested case concerning the permit sought or the question at issue.

- 2) A member or alternate shall disqualify himself or be disqualified by the remaining members of the commission present at a quasi-judicial hearing when it appears that the impartiality or objectivity of any member has been compromised by prehearing or ex parte contact.

SECTION VIII. ATTENDANCE

If a member of the commission is unable to attend a meeting, he or she is expected to notify the secretary as soon as possible. If any member is absent from 6 meetings within one year or three consecutive meetings without reasonable cause, the issue shall be placed on the upcoming agenda, and, upon majority vote of the commission, the commission may recommend that the position be declared vacant. The commission shall forward their action to the mayor and council, who shall vote whether to accept the commission's recommendation.

SECTION IX. QUORUM

- A) At any meeting of the commission, a quorum shall be a majority of the current members of the commission (excluding alternates). For the purposes of forming a quorum, members who have disqualified or excused themselves from participation in any matter shall be counted as present. No action shall be taken in the absence of a quorum except to:
 - 1) Adjust the order of the agenda;
 - 2) Continue quasi-judicial matters and public hearings to a time and place certain;
 - 3) Discuss agenda items not requiring commission action; and
 - 4) Adjourn the meeting.
- B) In the event a quorum will not be present at any meeting and no quasi-judicial items are scheduled for that meeting, the secretary shall notify the commission members and alternates in advance of that fact, and cancel the meeting. The secretary shall post notice of the cancelation on the door of the Council Chambers.

SECTION X. REMOVAL OF MEMBERS

- A) The City Council may remove members of the commission in accordance with Section VIII Attendance.
- B) The council may also remove members when, in its judgment, the conduct of a member does not conform to the City of Tigard Code of Conduct for Boards, Commissions and Committees or based on other conduct unbecoming a representative of the city.

- C) The commission may make a recommendation to council for the removal of a member in accordance with Section VII - Member Responsibilities. If the commission wishes to forward a recommendation for replacement to the mayor and City Council, it shall do so in a timely manner.

SECTION XI. ANNUAL REPORT OF THE COMMISSION

- A) Not later than April 1, the commission shall present its annual report to the City Council. This may take the form of an annual joint meeting.
- B) The annual report shall include a summary of key activities, proceedings, and any specific suggestions or recommendations that the commission believes would be noteworthy to the council.
- C) The annual report shall not be submitted unless approved by the commission.

SECTION XII. AMENDMENTS

- A) These bylaws are adopted by resolution of the Tigard City Council, are binding on the commission, and may be amended by the City Council. The commission may propose amendments for City Council consideration.
- B) Publication and Distribution. A copy of these approved bylaws shall be:
 - 1) Placed on record with the city recorder and the secretary of the commission;
 - 2) Available at each commission meeting;
 - 3) Distributed to each member and alternate of the commission.