

**A BILL FOR AN ORDINANCE AMENDING
CHAPTER 2.24 OF THE LEBANON MUNICIPAL
CODE CONCERNING PLANNING COMMISSION
MEMBERSHIP AND OPERATION**

) **ORDINANCE BILL NO. 2019-12**
)
)
) **ORDINANCE NO. 2935**

WHEREAS, the current language in the municipal code requires amendment to address inconsistencies and provide clarity for the operation of the planning commission; and

WHEREAS, the Lebanon City Council wishes to change the code language regarding planning commission membership and operation.

NOW, THEREFORE, THE LEBANON CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Section 2.24.020 *Membership – Appointment* is hereby amended to read as follows:

The commission shall consist of **up to** nine members, **with a minimum of five regular members, with the balance as alternates**, to be appointed by the mayor.

Section 2. Section 2.24.025 *Appointment or re-appointment of commissioners and vacancies* is hereby amended to read as follows:

The method for the appointment or re-appointment of regular members and alternates of the planning commission shall be as follows:

~~A. Notice of Vacancy. Public notice of all current or anticipated vacancies shall be made from April 1—30 in every even-numbered year (or upon resignation) in the local newspapers and the city's social media pages. Notice will inform the public of the vacancy requirements and invite interested persons to apply for appointment to the commission by filing the appropriate application form provided by the city clerk's office. Applicants shall submit their application to the city clerk's office no later than May 15. The notice shall be posted repeatedly on the city's social media sites several times throughout the filing period.~~

~~B. Subject to the provisions of Lebanon Municipal Code [Section 2.24.040](#), Term of office, nothing in this section shall prevent a member of the commission whose term of office is to expire from re-applying for a position on the commission, provided that the member otherwise qualifies for appointment.~~

~~C. Commission Recommendation. The city clerk's office will submit all applications received to the commission chair and planning director for review at the May planning commission meeting. The commission may elect to interview applicants prior to submitting their recommendation to the mayor and city clerk's office by June 1.~~

~~D. The failure of giving timely notice or strictly following the procedures set forth in this section shall not invalidate the appointment of any person to the planning commission or of any action taken by the planning commission which would otherwise be lawful.~~

Members of the Planning Commission shall be appointed by the Mayor. Upon end of term or vacancy, a public notice shall be issued to inform the public of the upcoming vacancy and requirements. The Mayor may request members of the planning

commission or city staff to participate in the interview and selection process. For vacancies, the appointment shall be for the remainder of the unexpired term of the vacated seat.

Section 3. Section 2.24.030 Occupation and residency is hereby amended to read as follows:

The following occupational and residency requirements shall apply to membership:

- A. Not more than two members of the regular commission or alternates shall be engaged principally in the buying, selling or developing of real estate for a profit as individuals or as members of any partnership or as officers or employees of any corporation that is engaged principally in buying, selling or developing real estate for a profit.
- B. No more than two members shall be engaged in the same kind of business, trade or profession.
- C. ~~At least five~~ **A majority of** members must reside within the city limits of Lebanon.
- D. No more than two members shall reside outside the urban growth boundary of the city.
- E. Remaining members may reside within the urban growth boundary of the city but outside city limits.

Section 4. Section 2.24.045 Alternates is hereby amended to read as follows:

- A. The purpose of appointing alternates is to provide a pool to ensure a commission quorum and to provide a training ground for future commission membership. Alternates shall be available to serve as regular commission members on a temporary basis in the event of an absence or temporary vacancy of a regular planning commission member. **Alternates may also participate in commission meetings, even when a quorum is established by regular commissioners.** When serving **as a temporary regular commissioner or participating in regular meetings,** alternates shall have all of the duties and responsibilities of a regular planning commission member.
- B. The mayor shall appoint, or re-appoint, commission alternates pursuant to provisions in Section 2.24.025 and the terms of office for alternates shall comply with provisions in Section 2.24.040. The appointment of an alternate to fill a vacancy shall conform to procedures in Section 2.24.025.

Section 5. Section 2.24.060 Commissioner removal is hereby amended to read as follows:

~~Appointments to fill vacancies shall be for the remainder of the unexpired term.~~ A member **of the commission** may be removed by the mayor, after hearing, for misconduct or nonperformance of duty. A **regular** member who is absent from three consecutive meetings, or is absent from five or more meetings in one year, without an excuse as approved by the commission, is rebuttably presumed to be in nonperformance of duty and the mayor shall declare the position vacant unless finding otherwise following the hearing.

Section 6. Section 2.24.080 Secretary – Appointment – Recordkeeping duties is hereby amended to read as follows:

The community development ~~manager~~ **director**, or his/her designee shall serve as secretary to the planning commission and shall keep a record of commission proceedings.

Section 7. Section 2.24.090 Quorum is hereby amended to read as follows:

The attendance of ~~five members~~ **a majority** of the **appointed** regular planning commission. ~~including Alternate planning commission members who are present and acting as planning commission members, at a meeting shall constitute~~ may be used to establish a quorum for the purpose of conducting a planning commission meeting.

Section 8. Section 2.24.100 Meetings is hereby amended to read as follows:

The commission shall meet at least once a month, unless determined otherwise by the chairperson. Meetings of the commission shall be open to the public. Meetings other than at regularly scheduled times may be announced at a prior meeting and thereby be made a part of the meeting records. ~~The chairperson upon his own motion may, or at the request of three members of the commission shall, by giving written notice to members of the commission and those officials designated to site with it, call a previously unannounced special meeting of the commission for a time not earlier than twenty-four hours after the notice is given. Notice of a previously unannounced meeting shall be posted at the city hall and, to the extent feasible, provided to interested persons at least twenty-four hours prior to the meeting.~~ **Special meetings may be called in accordance with the Oregon public meeting law by the chairperson or vice chairperson. All meetings shall comply with ORS 192.640.**

Section 8. Section 2.24.120 Conflict of interest is hereby added to read as follows:

A member of the planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or his/her spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which he/she is then serving or has served within the previous two years, or any business with which he/she is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential financial interest shall be disclosed at the meeting of the commission where the action is being taken.

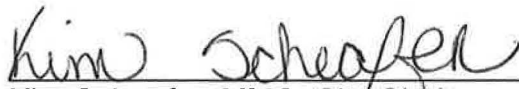
Passed by the Lebanon City Council and executed by the Mayor on this 13th day of November 2019 by a vote of 6 yeas and 0 nays.

CITY OF LEBANON, OREGON



Paul R. Aziz, Mayor
Jason Bolen, Council President

ATTESTED BY:



Kim Scheafer, MMC, City Clerk