

## RESOLUTION 2019-17

### **A RESOLUTION CREATING THE BYLAWS FOR THE WATER PROJECT COMMITTEE**

**WHEREAS**, The City of Coburg has undertaken a water infrastructure capital project, and

**WHEREAS**, The City Council deems it necessary to have a project management team to oversee the water capital construction project,

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Coburg adopts Bylaws of the Water Project Management Committee for the City of Coburg.

#### **ARTICLE I – NAME AND/OR AUTHORITY**

The name of this organization shall be the Water Project Management Committee for the City of Coburg Oregon; hereinafter referred to as Committee.

#### **ARTICLE II – PURPOSE**

Provide advice, support, expertise and recommendation to decisions related to the Coburg Water Project.

The Committee will report to the City Council on activities pertaining to the Water Project.

#### **ARTICLE III – DUTIES AND RESPONSIBILITIES**

The Committee shall have the ability to meet and discuss items that pertain to the water project. They may make recommendations to City Council as it pertains to contracts, change orders, and important items that reflect decisions made by the Committee on behalf of the City including:

Make recommendations to the City Council concerning City policies and decisions relating to the Water Project

Participate in discussions regarding Water Project

Review and make recommendations to the City Council regarding changes to the budget of the water project

Perform other duties as may from time to time be prescribed by City Council.

## **ARTICLE IV – MEMBERSHIP**

### **Section 1. Membership**

The Committee shall consist of the following:

- (1) Engineer of Record
- (1) Engineering staff
- (1) Public Works Director
- (1) City Planner
- (1) City Administrator
- (1) LCOG Support Staff
- (1) City Finance
- (3) Citizens at Large
- (1) Council Liaison

### **Section 2. Qualifications**

The Citizens-at-large must reside within the Coburg Fire District

### **Section 3. Application for Membership**

Prospective members shall file an application with the City Recorder.

### **Section 4. Method of Appointment** - Membership shall be appointed as listed under membership. The Citizens at large will be selected from application process and appointed by the Mayor.

The **Council Liaison** shall be appointed by the Mayor and shall be a non-voting member of the Committee

### **Section 5. Meetings** shall be held at least quarterly and when deemed necessary by the committee Chair

### **Section 6. Termination** - If a Member accrues three (3) or more consecutive absences with a total lack of participation and/or communication, the Committee may recommend, to the City Council, to remove the Member from the Committee.

The City Council reserves the right to terminate a member for any reason at any time.

All terms will last until the end of the project or when the committee is no longer needed at which point the committee shall dissolve.

### **Section 7. Ex-Officio Membership** – The Committee may find that, because of the complexity of its work, it is desirable to add member(s) at-large to the Committee to serve as non-voting Ex-Officio Member to lend other opinions or expertise. The Committee shall recommend to City Council such member(s) for temporary appointment as a non-voting Ex-Officio Member.

## ARTICLE V – OFFICERS AND ELECTIONS

Section 1. **Officers** - Officers of the Committee shall consist of a Chair and Vice Chair.

Section 2. **Election of Officers** - At the first regularly scheduled meeting there shall be an election from among the Members of the Committee to elect a Chair and Vice Chair.

Section 3. **Term of Office** - The term of office for the Chair and Vice Chair is for the duration of the Committee

Section 4. **Removal of Elected Officers** -The Chair or Vice Chair may be removed by a majority vote of the Committee at a regularly scheduled meeting. In order for the Committee to entertain a motion to remove an officer an agenda item must be placed on the meeting agenda prior to a regular scheduled meeting. Any officer removed ceases to hold the office once the vote has been tallied and announced. If the Chair is removed, the Vice Chair shall become the new Chair. An item to elect a new Vice Chair will be placed on the agenda of the next scheduled meeting

Section 5. **Duties of the Chair** - The Chair performs the following duties:

- Preside at all meetings of the committee
- Appoint subcommittees and chairs of subcommittees subject to approval of committee
- Facilitate approval of the agenda prior to distribution
- Sign correspondence on behalf of the Committee
- Represent the committee before the City council with the approval of the Committee
- Notify the City Recorder and Staff support of meeting sand events. Communicate the group's intention to community members, interest groups, affected individuals and organizations, and others when considering and potentially taking a policy position. Communicate this process and results in timely, effective ways.
- Perform other duties necessary or customary to the office

The most important duty of a chair presiding over a meeting is to ensure that the work of the committee is accomplished. To this end, the chair must exert sufficient control to eliminate irrelevant, repetitious or otherwise unproductive discussion. At the same time, the chair must ensure that all viewpoints are heard and are considered in a fair and impartial manner.

Section 6. **Transfer of Chair** - In the event the chair is absent or unable to act, the vice chair presides in place of the chair. In the absence of both the chair and the vice chair, the remaining members shall elect one of their members to act as a temporary chair.

Section 7 **Individual Committee Members** Each committee member has the obligation to work cooperatively with other committee member. Committee members should exercise self-discipline and strive always to be objective, fair and courteous with each other as

well as with staff and the public. A healthy respect for the time of other committee members, staff, and the public is a critical importance.

Unless authorized by the committee, an individual committee member may not represent the committee before any other committee, outside agency, the media, or the general public. When an individual committee member is appearing in a private capacity before other committees, outside agencies, or the general public, the committee member must clearly indicate that he or she is speaking as a private individual, not as an official representative. Official City stationery may be used only for official communications authorized by the committee.

## **ARTICLE VII – STAFF SUPPORT**

Section 1. **Staff** - Staff support and assistance is provided, but the Committee does not have supervisory authority over City Employees. While they may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately to the City

Staff assigned to this committee is the Public Works Director, the Planning Director, and the City Administrator

At least one staff member shall attend all regular and special Committee meetings. Staff shall be responsible for coordination of such reports, studies, and recommendations as are necessary to assist the Committee in the conduct of its business according to City Council policy. Staff may enlist the assistance of other departments as required. Staff shall be responsible for all public notification regarding all regular and special Committee meetings and related events. From time to time and/or at the request of the Committee, the City Administrator may appoint additional Staff to assist the Committee.

Staff shall work closely with the Chair between meetings, shall make recommendations, prepare reports and proposals to the Committee, may represent the Committee at other meetings, presentations, and other public functions as requested, and shall perform administrative tasks.

Staff shall be responsible for the maintenance of proper records and files pertaining to Committee business. Staff shall receive and record all documents or other materials presented to the Committee in support of, or in opposition to, any question before the Committee. Staff shall sign all notices prepared in connection with Committee business, shall attest to all records of actions, transmittals, and referrals as may be necessary or required by law, and shall be responsible for compliance with all Brown Act postings and noticing requirements.

Section 2. **Staff Relationship to the Committee** - Given limited staff resources, the Chair or individual members shall not make separate requests of Staff without approval of the Committee. The staff's supervisor shall determine whether the request will be granted. If a member has a research or report request, it shall be brought to the Committee for discussion, consideration, and recommendation prior to making the request of staff. If not approved by the Committee, the individual member shall be responsible for his/her own research or report. Staff and the Chair shall jointly set the meeting agenda.

## **ARTICLE VIII – MEETINGS, PUBLIC RECORDS AND MINUTES, PUBLIC NOTICE**

Section 1. **Time and Location of Meetings** – Shall be agreed upon at the first meeting of the Committee

Section 2 **Meeting Location** Meetings must be held within the City limits and only at the place specified on the agenda. Once convened, such meetings may be adjourned to another location within the City if unusually large crowds or other circumstances warrant.

Section 3. **Cancellation** - If a majority of the membership deems it necessary or desirable, a scheduled regular meeting may be cancelled or rescheduled upon giving notice to the Staff. This determination may be made via email or phone with members.

Section 4 **Special Meetings** - The Chair of the Committee, Staff, or a majority of the membership of the Committee may call a special meeting.

Section 5 **Public Notice All** committee meetings are open to the public and must be noticed. Further, the public should be encouraged to attend. To comply with this requirement, The City Recorder updates the City website's Events Calendar of upcoming meetings. This calendar and agendas are sent to the Community Section of the paper of record. The City Recorder is responsible for making sure that notices comply with laws.

City policy and public meetings law requires that committees provide at least 24-hour notice to the news media and interested persons before conducting a meeting. If City staff is unable to provide 24-hour notice, the meeting should be rescheduled. Committees may, in rare circumstances, hold an emergency meeting without providing 24-hour notice. This may only be done in a genuine emergency and staff must document the reasons for the meeting in the minutes.

With very limited exception, all meetings of governing bodies, which include standing and ad hoc committees of the governing body, are open to the public in the state of Oregon ORS 192.620. In addition, discussion and materials distributed during public meetings are public record. For additional, detailed information, please see the Attorney General's Public Records and Meetings Manual:  
[http://www.doj.state.or.us/pdf/public\\_records\\_and\\_meetings\\_manual.pdf](http://www.doj.state.or.us/pdf/public_records_and_meetings_manual.pdf)

*Section 6* **Public Hearings, Public Forums, Workshops** Public hearings are relatively formal proceedings and follow legally required steps preceding action by a committee sitting as a quasi-judicial body. A public hearing must include specific elements that are recorded in the minutes, such as testimony from an applicant, appellant, or interested citizens, or an introduction into the record of pertinent facts and findings.

Public forums are an opportunity for committees to receive public input in a less formal atmosphere. It is a chance for citizens to ask questions and express support or concern for proposals being considered.

Workshops are designed to elicit citizen input in the least formal manner, allowing maximum interaction between citizens and committee members. Workshop

sessions do not culminate in action at that meeting. Legally required actions or recommendations should be taken at either the next regular meeting or at another publicly announced date and time.

**Section 7 Public Records** State of Oregon Administrative Rule 166-030-0016 requires each city to appoint a City Records Manager/Archivist to establish a records management program to insure orderly retention and destruction of all public records, and to insure the preservation of public records of value. City Recorder has been assigned this responsibility.

The state also provides minimum retention schedules for records and files generated by city governments. The City Recorder works with all City departments to develop retention and destruction schedules for all records generated. No records may be destroyed unless the minimum retention period has been determined in accordance with the state-authorized Records Retention Schedule. Contact the City Recorder for additional assistance.

**Section 8 Record of Meetings** A record must be kept of all committee meetings. Oregon's Public Meetings Law requires that a public body have a sound, video or digital recording or written minutes of its meetings. While written minutes need not be a verbatim transcript, the record of a meeting, whether preserved in written minutes or a sound, video or digital recording, must provide a "true reflection" of the meeting and must, at a minimum, contain the following information:

- Members present
  - Motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition
- Results of all votes
  - The substance of any discussion on any matter and subject to the Public Records Law, a reference to any document discussed at the meeting. The committee's Staff Representative is responsible for providing the meeting record and can arrange for a Minutes Recorder if written minutes will be kept of the meeting. If minutes are taken, they must be presented to the committee for approval, and the committee may by motion make correction(s) to conform to fact. Corrected minutes should be included in the agenda packet at the next regular meeting.
  - Signed original minutes are to be forwarded to the City Recorder along with all original documents included in packets or handed out in meeting.

**Section 9 Requirement to be Accessible to Public** All public meetings must be accessible to people with disabilities. All committee meetings must be held at wheelchair-accessible locations. This includes the approach to the facility, entry, path of travel within the facility, and restrooms.

**Section 10 Communication Access**

All committees must provide communication access in the form of accommodation to members of the public so that they may have an equal opportunity to participate

in, and benefit from, committee meetings. This particularly affects citizens who are vision- or hearing-impaired, and may involve requests for such accommodations as providing meeting agendas in large print or Braille, utilizing the City's assistive listening devices, or the provision of a sign language interpreter at the meeting.

It is the responsibility of the City Staff Representative to arrange for accommodations at no cost to the requesting individual. The City of Eugene asks that requests be made 100 hours prior to the meeting. Staff should contact the City's American's with Disabilities Act Coordinator with questions about accommodation procedures, resources, and costs.

## **ARTICLE IX ETHICS AND ACCOUNTABILITY**

*Section 1* **Conflict of Interest** Members of Coburg committees provide advice to the City Council, study various civil matters and, in the case of certain committees, function in a quasi-judicial capacity. Precise relationships vary in that some of these quasi-judicial determinations may be appealed to the City Council and others may not. All members of committees should be aware of the need to avoid any instance or appearance of conflict of interest. Conflict of interest standards are generally applicable to all committees. Additional requirements may be applicable to particular committees. Staff should contact the City Attorney's Office for answers to specific questions about government ethics.

*Section 2* **Respectful Environment – No Harassment** Members of committees are agents of the organization and are subject to City policies related to maintaining a respectful work environment. Coburg is committed to maintaining a respectful work environment for all employees free from discrimination, harassment, sexual harassment, violence, and other offensive or degrading remarks or conduct, and prohibits unlawful harassment and/or discrimination. The City is committed to fair and impartial treatment of all employees, applicants, contractors, volunteers, and agents of the City. It is the responsibility of all employees and agents of the City to treat each other, as well as the public, with courtesy and consideration, to promote an atmosphere of mutual respect and to create a welcoming environment for everyone they come in contact with during the course of their work.

*Section 3* **Absences** Committee attendance is important to the function of the committee. Absenteeism from a committee is addressed within committee bylaws, but should be avoided when possible.

*Section 4* **Resignations** A committee member wishing to resign shall submit a letter of resignation to the City Staff Representative who shall then notify the committee and the City Administrator that a vacancy exists.

**Section 5 Incompatible Public Offices Prohibited** The common law doctrine of incompatible public offices prohibits a public official from occupying two public offices that are incompatible in terms of their duties and/or the likelihood of divided loyalties. If a committee member, in an elected or appointed office, is applying for appointment to a second public office, staff should contact the City Attorney for advice as to whether the two offices may be deemed incompatible.

**Section 6 Use of Official Position or Office to Obtain Financial Gain** Oregon statutes clearly state that public officials may not use their position to receive financial gain. Oregon Revised Statutes (ORS) 244.040 states that:

*"...a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office."*

For more information, please refer to the Oregon Government Standards and Practices Committee guidebook.

## **ARTICLE X – COMMUNICATING WITH OUTSIDE AGENCIES, GENERAL PUBLIC AND NEWS MEDIA**

**Section 1 Outside Agencies** Unless specifically authorized by the council, committees may not represent the policy of the City of Coburg. Committees function in an advisory capacity and, in the absence of specific direction from the council, may not directly communicate with outside agencies.

**Section 2 General Public** The purpose of committee meetings is to permit open discussion on specific topics in a setting that is more informal than a council meeting, to hear public expression on issues, and to inform the public of what the committee is doing. Committee members have an obligation to consider the welfare of the entire City, to be fair, objective, and courteous, and to afford due process to all who come before them.

All communications from the committee to members of the public should be transmitted through the City Staff Representative. Similarly, communications received by the staff should be relayed to the committee with its agenda.

**Section 3 Communicating with News Media** In order to inform the public as much as possible of committee activities, the committee's Staff Representative should provide the media with pertinent information. Information concerning items of particular interest to be discussed at future meetings as well as recent newsworthy actions of the committee should be regularly provided to the media. The Staff Representative should make use of the City Recorder to issue these news releases. Copies of all



news releases are to be approved by City Administrator. The City is responsible for tracking, retaining as well as its accuracy and appropriateness.

## **ARTICLE XI – CONDUCT OF MEETINGS**

- Section 1. **General Conduct of Meetings** - Points of order and conduct, including those not addressed by these Bylaws, shall be settled by the Chair, unless overruled by a majority vote of the Committee. Points of order should use Robert's Rules of Order. The Chair will consult with staff as necessary.
- Section 2. **How Items Are Placed on the Agenda** - A request to have an item placed for consideration on a future agenda may be made by Staff, Committee Member or a member of the public. The Chair and Staff will consider if that item should be placed on an agenda
- Section 3. **Quorum** - A quorum shall consist of three (5) voting Members, whether or not there are vacancies on the Committee.
- Section 4. **Absence of a Quorum** - In the absence of a quorum at any meeting, no formal recommendations or actions may be taken.
- Section 5. **Agenda** - The Chair and staff shall jointly set the meeting agenda and its format shall conform to any framework set by City Council Policy.
- Section 6. **Order of Business** - The Chair or a majority vote of the Committee may change the order of business. The Chair may be overruled by the majority of the membership.

## **ARTICLE XII – PROCESSING MOTIONS (Robert's Rules of Order)**

- Section 1. **Call for Motion** - Upon conclusion of preliminary discussion, any member other than the Chair may place a motion on the floor. The motion shall contain the proposed action.
- Section 2. **Seconding a Motion** - The Chair shall receive all motions and shall call for a second to each motion. The Chair may second a motion.
- Section 3. **Lack of a Second** - If, after a reasonable time, no second has been made, the motion shall be declared dead for lack of a second and the Chair shall state this. This shall not be considered an action of the Committee and shall not be included in the minutes.
- Section 4. **Discussion/Debate** - After a motion has been made and seconded, the Chair shall call for a discussion of the question. All discussion shall be limited to the motion on the floor. At the close of the discussion, the Chair shall put the matter to a vote. The Chair may, at his/her discretion, limit debate of any motion; except that each member shall have the opportunity to speak.
- Section 5. **Amending a Motion** - A motion to amend may be made by any member to revise a motion on the floor; but it cannot be a freestanding motion on its own, nor can it substitute for a main motion. The motion to amend must be voted upon, unless the

maker and the second accept it as a friendly amendment, and, if it passes, it then becomes part of the main motion.

Section 6. **Withdrawing a Motion** - Any motion may be withdrawn by the maker and the second and shall not be included in the meeting minutes.

Section 7. **Motion to Table** - A motion to table may be made to suspend consideration of an item that appears on a meeting agenda for reasons of urgency or to end an unproductive discussion. A motion to table is not in order when another Member has the floor. A motion to table requires a second, is not debatable, is not amendable, requires a majority vote for passage, and, if adopted, cannot be reconsidered at the meeting at which it is adopted. Members will refrain from using a motion to table as a means of capriciously limiting debate among Members, to suppress a minority of the Committee, or to avoid public input on an agenda item under consideration by the Committee.

Section 8. **Results of Voting** - The Chair shall state the results of each vote, e.g., "The motion passes by a vote of five to two."

## **ARTICLE XIII – VOTING AND DECISION MAKING**

Section 1. **Conflict of Interest** - No member shall make or participate in a governmental decision which she/he knows or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally. Any member who has a disqualifying interest on a particular matter shall do all of the following:

- A. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required;
- B. Recuse himself or herself from discussing and voting on the matter;

Any question regarding conflicts of interest shall be referred to the City Attorney.

Section 2. **Voice Vote** - All questions shall be resolved prior to the voice vote. Each member shall vote "Yea" or "Nay" and the vote shall be so entered into the minutes. A Member may state the reasons for his or her vote, which reasons shall also be entered into the minutes of the meeting. All members including the Chair shall vote on all matters, except where she/he has a conflict of interest.

Section 3 **Change Order Decision Making** – Time sensitive change orders pertaining to the project for up to \$50,000 may be approved by any two of the Project Manager, Public Works Director, City Administrator, or Committee Chair. Time sensitive change orders over \$50,000 may be approved by the Mayor after consultation with the Council President and /or the Council Liaison.

**ARTICLE XIV – AMENDMENTS**

A majority of the full membership of the Committee may amend these Bylaws, subject to the approval of the City Council.

**ARTICLE XV – ADOPTION OF BYLAWS**


Upon adoption of the City Council, these Bylaws shall be in full force and effect. Any and all previously adopted Bylaws are hereby superseded. These Bylaws shall not be considered or construed as superseding any ordinance or directive of the City Council of the City of Coburg, nor shall they preclude the preparation and adoption of further procedural manuals and policies by which the Committee may direct its activities.

**Adopted by the City Council of the City of Coburg, Oregon, by a vote of \_\_\_ for and \_\_\_ against, this 11th day of June, 2019.**



  
\_\_\_\_\_  
Mayor, Ray Smith

**ATTEST:**

  
\_\_\_\_\_  
Sammy L. Egbert, City Recorder