

**CITY OF FLORENCE PLANNING COMMISSION**  
**February 10, 2015 \*\* INCOMING MEETING MINUTES \*\***

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**CALL TO ORDER – ROLL CALL**

Commissioner Bare opened the meeting at 7:55 p.m. Roll call: Commissioners: Alan Burns, John Murphey, and Charles Hammon were present. Commissioner Muilenburg was absent and excused. Also present: Planning Director Wendy FarleyCampbell and City Recorder Kelli Weese.

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**PLANNING COMMISSIONER TRAINING**

CR Weese stated that every year in February, Boards and Commissions would receive ethics and open meetings trainings.

The Planning Commissioners briefly introduced themselves.

CR Weese and PD FarleyCampbell presented training for the Planning Commission (attached).

Commissioner Hammon asked if this information was available online. PD FarleyCampbell stated that there were a number of trainings on the Department of Land Conservation and Development website that the Planning Commission could look at, but that she would also provide Commissioner Hammon with links to online training and a Planning Commissioner handbook.

**PLANNING COMMISSION REORGANIZATION**

**Election of Chairperson**

Commissioner Murphey nominated Vice-Chairperson Muilenburg to the position of Planning Commission Chairperson. Commissioner Burns seconded. By voice, all ayes. The motion passes.

**Election of Vice-Chairperson**

Commissioner Burns nominated Commissioner Murphey to the position of Planning Commission Vice-Chairperson. Commissioner Bare seconded. By voice, all ayes. The motion passes.

**PLANNING COMMISSION DISCUSSION ITEMS**

Commissioner Bare stated that he had spoken to Mayor Henry about the issue and would like to see the Planning Commission membership expanded to seven members in order to make sure that there would be a quorum of commissioners present for each meeting and to lessen the impacts on the staff.

Commissioner Burns said that he agreed with Commissioners Bare and Hammon. He stated that historically there has been an issue with getting Commissioners and that with more Commissioners, you would be able to obtain more opinions. Commissioner Burns said that he would like to see more Commissioners with different perspectives. Commissioner Murphey stated that it was hard to replace institutional knowledge. Commissioner Bare agreed and stated that he would like to see seven Commissioners for more continuity.

Commissioner Burns stated that he would like to encourage the Planning Commission and staff to get Planning Commission membership back to seven.

CR Weese stated that it would be helpful if the Planning Commission would like to create a letter stating their positions for the City Council. Commissioner Bare asked which meeting they would be able to speak

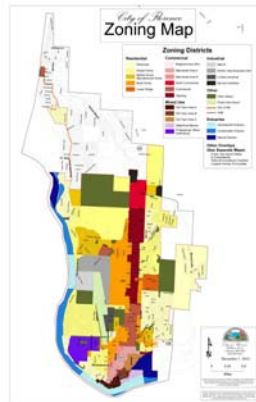
at. CR Weese was not certain. Commissioner Burns said that the Planning Commissioners could just come to the next meeting and speak during the Public Comments portion of the meeting. PD FarleyCampbell stated that the item could be added to the next meeting agenda as a voting item so that the Planning Commissioners could make a formal recommendation to the City Council. Commissioner Murphey stated that he would like that added.

Commissioner Bare adjourned the meeting at 8:46 p.m.

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Curt Muilenburg, Planning Commission Chairperson

## The Role of the Planning Commission



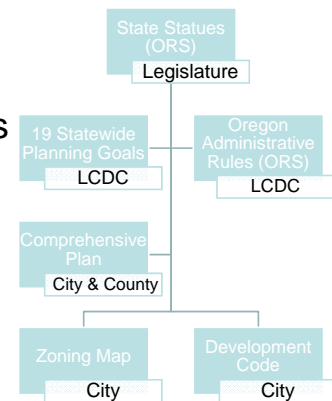
## Role of the Planning Commission

- Zoning Codes of the City of Florence (T10)
- Quasi – Judicial (Land Use Approvals)
  - Conduct hearings and take action on specific land use applications
- Legislative (Code / Comprehensive Plan Amendments)
  - Propose policy & legislation to the City Council on zoning codes or comprehensive plan
  - Conduct hearings and make recommendations to Council on those actions

## Authority

- There is only power in numbers
  - A quorum (3) members must be present for the Commission to hold a meeting, and
  - A majority vote is required for all decisions
- Planning Commission only has authority to deliberate / make decisions on topics allocated to it by the City Council, which include...
  - Items within the Council's established City work plan
  - Quasi-Judicial land use applications

## Land Use Procedures



## Types of Actions

- Legislative
  - Making policy decisions that apply to many
  - Code text / plan text
  - Discretionary within
- Quasi-Judicial
  - Specific land use proposal to one or few properties
  - Must apply criteria in code – limited discretion

## Types of Actions

- Actions before the Planning Commission (legislative & quasi-judicial) require...
  - Notice to public
  - Public Hearing
  - Script for Chairperson
  - Written decision and findings
  - 120-day deadline (quasi-judicial)

### Membership

- Consists of 5 members
  - Of which, 1 may reside within UGB, rest in City
  - No more than 2 members may engage in buying/selling /developing of real estate
  - No more than 2 members involved in same occupation

### Meetings Held

- Traditionally held the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday's at 7:00 p.m.
- Potential to move meeting start date to 6:00 p.m.
- During busy times, or periods of legislative work sessions, Commission may hold more meetings as needed

### Role of Chairperson & Vice-Chairperson

- First meeting in February
- Chair presides over meeting
  - Responsible for making sure meeting proceeds in a fashion conducive to rational decision making
  - Sets tone for meeting, keeps discussions on track, encourages fairness, moderates and contributes to discussions

### Role of Chair continued...

- Chair will...
  - Open the meeting
  - Moderate discussion
  - Ask speakers to identify themselves & sign in
  - Lead deliberations...
    - Summarize the issues, Ask for input from the commission as a whole, Make sure motions are understandable before full vote is taken, encourage the meeting to move in a timely manner
  - Official Signature on Planning Commission Decisions

### Public Meetings Law

- Regulated by State of Oregon – Department of Justice
  - From ORS 192
  - Attorney General's Public Meetings and Open Records Manual

### Public Meetings

- Which bodies are subject to the law?
  - The City governing body and any committee or sub-group tasked with making decisions or deliberating toward a decision on any matter
  - I.e. the Planning Commission

## Public Meetings

- What public meetings are subject to the law?
  - Standard meetings where a quorum is present
  - Electronic meetings
    - Emails, IMs, texts, social media
  - Serial Discussions

## Public Records

- What is a public record?
  - Any document that contains public business information that is prepared, owned, used or retained by a public body regardless of physical form or characteristics
  - We accept items for the record that are...
    - Emails, formal letters, photos, handwritten napkin drawings ☺
  - All items before the Planning Commission are public records

## Public Records

- Must be available to the public
- For quasi-judicial, only items submitted in timeframe are allowed into the record and thus Planning Commission's decision
- Planner is the keeper of the record

## Oregon Government Ethics Law ORS Chapter 244 Overview

*Elected Officials or  
Officials Appointed to Boards, Commissions, or Advisory Groups*



Oregon Government Ethics Commission  
3218 Pringle Rd SE, Ste 220  
Salem, OR 97302  
(503) 378-5105  
[www.oregon.gov/ogec](http://www.oregon.gov/ogec)

## Oregon Government Ethics Law ORS Chapter 244

Public officials  
Prohibited use of office  
Gifts  
Conflicts of interest  
Violations/Sanctions  
City's Fraud Policy

## Am I a Public Official?

Any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services.

[ORS 244.020(14)]

Includes Employees, Elected Officials, Members of Boards & Commissions, and Volunteers

### Am I a Public Official?



### Prohibited Use of Office

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.

[ORS 244.040(1)]

### Prohibited Use of Office

leaf blowers      fax machines  
vehicles      copy machines  
computers      facilities  
chain saws      power washers  
storage facilities      credit cards

Would I have this opportunity if I was  
NOT a public official?



### Allowed Financial Gain

- Official Compensation Package
- Honoraria less than \$50
- Reimbursement of Expenses
- Awards for Professional Achievement
- Contributions to a Legal Defense Fund
- Gifts ...

### Gifts

Something of economic value given to a public official, a candidate or a relative or member of the household of public officials or candidates without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or candidates or the relatives or members of the household of public officials or candidates on the same terms or conditions; or for valuable consideration less than that required from others who are not public officials or candidates.

[ORS 244.020(6)(a)]

### Legislative or Administrative Interest

An economic interest, distinct from that of the general public in any matter subject to the **decision** or **vote** of the public official acting in the public official's capacity as a public official or a candidate who, if elected, would be acting in the capacity of a public official.

[ORS 244.020(9) & OAR 199.005-0030]

### Legislative or Administrative Interest

legislative or administrative interest → \$50 per source per calendar year  
[ORS 244.025]

NO legislative or administrative interest → NO limits  
[ORS 244.040(2)(f)]

### Gift Exceptions

[ORS 244.020(6)(b)]

- Campaign contributions  
[ORS 244.020(6)(a)]
- Gifts from relatives  
[ORS 244.020(6)(b)]
- Tokens of appreciation  
[ORS 244.020(6)(c)]
- Publications, subscriptions or other informational materials  
[ORS 244.020(6)(d)]
- Contributions to a legal expense defense fund  
[ORS 244.020(6)(e)]
- Waivers or discounts related to continuing education  
[ORS 244.020(6)(f)]
- Travel expenses paid by another public official  
[ORS 244.020(6)(g)]
- Usual or customary  
[ORS 244.020(6)(h)]
- Reasonable educational trip expenses paid to a public school employee  
[ORS 244.020(6)(i)]

### Gift Exceptions

[ORS 244.020(6)(b)(E)]

#### *Food & Beverage*

**Admission, food or beverage** may be provided to a public official, member of the household or staff when at a reception, meal or meeting when the public official **represents** their government.

### Actual Conflict of Interest

Any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which **would** be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated.

[ORS 244.020(1)]

### Potential Conflict of Interest

Any action or any decision or recommendation by a person acting in the capacity as a public official, the effect of which **could** be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated

[ORS 244.020(12)]

### Disclosure Methods

#### Elected Officials

(including members of boards and commissions)

- ✓ Potential Conflict of Interest
  - PUBLICALLY declare, for the record, the nature of the conflict prior to participating in any action
- ✓ Actual Conflict of Interest
  - PUBLICALLY declare, for the record, the nature of the conflict
  - REFRAIN from participation in any discussion, debate or vote on the issue

[ORS 244.120(2)]

### Sanctions

- Civil Penalty = Up to \$5,000 per violation  
[ORS 244.350]
- Forfeiture = twice the amount of any financial benefit realized  
[ORS 244.360]
- Letters of reprimand, explanation or education  
[ORS 244.350(5)]

### Resources & Information

Oregon Government Ethics Commission  
3218 Pringle Rd SE, Suite 220  
Salem, OR 97302  
  
(503) 378-5105  
(503) 373-1456 – Fax  
  
ogec.mail@state.or.us – E-mail  
ogec.state.or.us - Web

### City's Fraud Policy

(Resolution No. 32, 2012 – 12.17.12)

- What the policy does...
  - Observes procedures for reporting and investigating fraud, theft, waste, abuse, and ethical misconduct.
- Who is it applied to?
  - Employees, Elected Officials, and Volunteers
- Copies are available at each of the tables, and will be provided at your next Meeting

### Fraud Policy - Overview

- Fraud, Abuse of Position, and Ethical Misconduct are defined in the policy, the following examples being included in one of the definitions
  - Unauthorized use or willful destruction of City Equipment / Supplies
  - Accepting or seeking anything of material value from contractors or vendors
  - Many More.....

### Fraud Policy – Overview Cont.

- If you suspect someone is performing a fraudulent act, either notify the staff person in charge of your committee, or the City Manager.

