

CITY OF WEST LINN
NEIGHBORHOOD ASSOCIATION BYLAW UPDATE PROJECT

**RESEARCH/ANALYSIS AND RECOMMENDATIONS
DOCUMENT**

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EXECUTIVE ABSTRACT

A. PROJECT BACKGROUND

The Neighborhood Association Bylaws Update Project, which started July 12, 2007, is a manifestation of a City Council goal to improve citizen involvement in Neighborhood Associations (NA) (City staff memo – Ordinance for Neighborhood Involvement Improvement, dated March 8, 2007). In 2007 the City Staff presented the Council with recommended changes to the Municipal Code regarding NAs (City Council Agenda Bill 07-03-05, Revision of Municipal Code Relating to Neighborhood Associations, dated March 19, 2007). The March 2007 City recommendations included the following:

- Eliminate NA bylaws, Municipal code would determine NA rules and procedures
- City council would determine boundaries instead of just approving NA proposed changes
- Establish a uniform quorum amount
- Require quorums for certain actions
- Require NA members to be at least 18 years of age to have voting rights
- All NA officers shall only hold one-year terms
- Approved minutes must be provided to City within 45 days of a meeting
- No NA may incur debt
- NAs may appeal a land use issue if the issue is within the NAs boundaries – fee will be waived
- NAs may appeal land use issues if out of boundaries – fee will not be waived
- NAs may appeal land use issues to LUBA but city funds may not be used
- NAs may not act on behalf of the city to initiate litigation of any kind

Several NA leaders and residents opposed such significant changes. Many were especially troubled by the process the City used to make these changes. The public hearing was on the same day that the City Council was to decide on the proposed ordinance. Several residents requested a postponement of the decision and an additional public hearing. This would allow NA leaders to bring the proposed ordinance to a membership meeting to obtain input they could relay back to the Council.

On April 16, 2007 the City Council held a meeting with all NA leaders that was also open to the public for comments. The outcome of the meeting was the recognition more research was needed before making a decision. Thus, Decker Business Consulting undertook the task. But, it should be noted that some changes to the Municipal Codes that relate to NAs have been made during this project. However, all research and analysis contained in this document is based on the Municipal Codes as written in July 2007 and does not take into account any code changes or policies that may affect NAs after this time period.

B. PROJECT OVERVIEW

The initial project scope involved an outcome of a standardized bylaw template. However, during the course of the research and analysis phase the goal of the project was changed. It was determined in order to make a bylaw template that standardized NA policies and procedures must first be adopted by the City. Thus, the Standards Document became the final project outcome.

Additionally, the types of research and analysis needed to create the Standards Document evolved over the course of the project. Several different sources of information were used to develop the four analyses reports. The sources include the following:

- The City of West Linn's eleven NA bylaws and other archived City documents
- City Municipal Codes pertaining to Neighborhood Associations
- Oregon Revised Statutes (ORS) 2005 Edition, Volume 5 and ORS 2007 Edition
- Resident and NA President surveys
- Resident one-on-one meetings and written correspondence to the City and to Decker Business Consulting
- Best practices among municipalities within the State of Oregon

The project outcomes for the Research and Analysis Document include the following reports:

- This executive abstract and accompanying recommendations
- A bylaw to municipal code (B2C) comparison and findings
- A bylaw to bylaw (B2B) comparison and findings
- Resident and NA President survey results and findings
- Additional research on best practices coupled with supporting documentation

The proposed Standards Document is a stand-alone document manifesting itself from the compilation of the research findings.

C. SUMMARY OF BYLAW ADOPTION DATES

One of the more conspicuous findings concerns the NA bylaws and their lack of updates (or perhaps even reviews) over the last twenty years. It should be noted that NAs may have more current bylaws adopted than what is currently archived at the City. However, the bylaw versions held by the City are the official public records. Thus, public records are the source documents for bylaws analysis in this project. Below is a summary of bylaw adoption dates and the number of pages of each bylaw document:

<u>NA</u>	<u>DATE BY-LAWS ADOPTED</u>	<u># OF PAGES</u>
Willamette	Oct 1981	8
Bolton	June 1985	7
Skyline	July 1994	6
Robinwood	Oct 1996	5
Parker Crest	July 2000	6
Rosemont Summit	May 2001	6
Marylhurst	--- 2001	6
BHT	May 2004	4
Hidden Springs	Feb 2005	6
Tanner Basin	--- ---	6
Sunset	--- ---	6

D. BYLAW TO CODE (B2C) ANALYSIS

To conduct this research a total of 48 specific code requirements were compared to each set of bylaws. The most significant finding in the B2C analysis is that none of the 11 NA bylaws on file with the City comply with the municipal code as written in July 2007. Highlights from the findings are as follows:

- The majority of the bylaws are approximately 40% in compliance with Hidden Springs having the highest compliance rate (69%) and Willamette with the lowest rate (19%)
- There are 6 requirements none of the bylaws met based on the exact wording of the municipal code. However, in most instances, the spirit of the code is captured in the bylaws coupled with the fact that some bylaws are over 15 years old and the codes have changed over those years. Example of this findings are as follows:
 - Omission of a statement that NA boundaries shall be drawn by the association membership
 - Omission of a statement in the bylaws that officers are elected on a regular basis
 - Omission of a statement in the bylaws the require the NA to provide the City with leadership information annually
 - Omission of a statement ensuring the purpose of a meeting be well publicized prior to such meeting
 - Omission of a statement that a NA may appeal land use decisions if community development codes are followed accordingly
 - Omission of a statement that a NA may appeal land use decisions if it submits a copy of meeting minutes where the membership voted in the affirmative of such action

E. BYLAW TO BYLAW (B2B) ANALYSIS

A total of 372 variances exist between the 11 bylaws. Yet, it should be noted that actual NA practices may differ from NA bylaws. None-the-less, several of the findings are quite alarming. The following highlights of the B2B analysis are the major findings contained in this research document:

1. Current bylaws create inequities amongst residents and NAs:

a. Membership eligibility and member's rights varies widely

- One NA has an attendance requirement in order to stay a member
- Only one bylaw incorporates language to not discriminate against individual characteristics such as race, religion, income, etc., as required by state law
- One NA requires that a resident must have attended at least one meeting in the previous year in order to be eligible to vote
- One NA requires payment of dues in order to be eligible to vote

b. NAs do not have the same rights, privileges and purpose

- Three NAs have very unique statements of purposes
- Two NAs do not specify the requirement to abide by Oregon public meeting and records laws
- Four NAs do not specify they have a right to appeal land use decisions
- Nine NAs allow their officers a 1 year term; two allow for 2 year terms

2. Many bylaws are missing critical policies and procedures:

- Description of member's rights
- When and how to comply with state laws
- That guests (non-members) may attend meetings
- How financial records are kept
- Who takes the minutes of the meetings
- Who maintains the membership roster if one is required
- A clearly defined elections process
- How to comply with the land use appeals process
- Clearly stated boundary lines
- When and how to act in an advisory capacity to the City
- What to do with assets if the NA is ever dissolved

3. Administrative issues:

- At least 2 bylaws have not been updated for 20 years
- At least 7 bylaws have not been updated in the last 5 years
- Some typos are in critical places that greatly change the intent of the policy or procedure
- Some wording contained in the bylaws make it difficult to understand how to interpret them
- Inconsistency between article nomenclature / contents, and general document organization can contribute to a less effective NA program. The ability to speak in terms of the set of bylaws is like comparing apples, bananas and oranges.

F. RESIDENT SURVEYS

In-conjunction with City staff, a survey for residents regarding NAs was developed. This survey was made available on the city website from September 19, 2007 through October 29, 2007. A total of 157 residents responded to the 13 quantitative and 6 qualitative questions provided. A majority did not answer the qualitative questions, however, most answered the quantitative ones.

- A sample of quantitative resident survey results:
 - Highest participating neighborhood – Rosemont Summit
 - Lowest participating neighborhoods – BHT and Sunset
 - 85% knew where and when their NA meets
 - 59% have attended at least 1 meeting in last year (2007)
 - 49% believe their NA abides by its bylaws
 - 33% believe their NA has a good working relationship with the City
- A sample of qualitative resident survey results:
 - NA purpose:
 - “facilitate multi-resident movements in favor or in opposition to city decisions”
 - “keep residents informed of city activities that affect them”

- "coordinate volunteer projects to improve the neighborhood and City"
- "a way to present collective voice"
- "aid citizens in working through city processes"
- Changes residents would like to see:
 - "ability to speak mind freely"
 - "more outreach to members"
 - "more focus on good for neighborhood"
 - "prepare thoughtful and accurate input to City"
 - "welcome newcomers, make meetings more inviting"

G. NA PRESIDENT SURVEYS

A 19 question survey for neighborhood association presidents was developed jointly by the City staff and Decker Business Consulting. The goal of the survey was to ascertain viewpoints, information and recommendations on NA policies and procedures. A total of 7 NA presidents responded to the survey.

- A sample of quantitative survey results provided by the NA presidents are as follows:
 - 4 NAs have an average of 10 residents in attendance
 - 3 NAs had their highest attendance number between 20 to 26 residents
 - 2 meet 12 months of the year as opposed to 2 that meet only 4 months per year, with 1 NA meeting only once each year
 - 4 NAs go 'dark' in some months
- A sample of qualitative survey results provided by the NA Presidents are as follows:
 - NA purpose:
 - "let city know our needs and desires"
 - "coordinate neighborhood events and activities"
 - "ensure taxpayers have a voice in community matters"
 - "protect the quality of life and character of our neighborhood"

- Ways for City to increase NA effectiveness:
 - “more interaction and promotion of the NA program by the City and its leadership”
 - “provide 'on the ground' evidence that the NA has been heard”
 - “fairly allocate funds”
 - “provide correct and current information services”
 - “make NA relevant in the land use planning process”

H. BEST PRACTICES

NA practices from 10 cities across Oregon were reviewed. The criteria for selecting the cities included having bylaws available online, proximity to West Linn, historical relevance to the development of our most recent bylaws, and city population. These criteria were not used in any particular order and not all cities evaluated met all criteria. A summary of the cities studied are:

-Beaverton -Bend -Corvallis -Eugene -Gresham
 -Lake Oswego -Portland -Sandy -Troutdale -Oregon City

A total of 53 best practices were identified for consideration in the inclusion of the Standards document. Some examples are:

- Develop a stand-alone NA Standards document separate from city Municipal codes
- Develop a NA leadership handbook
- Create an on-line tool that allows residents to determine which neighborhood they reside in by inputting their address
- Require the development of an annual NA action plan which is then tied to funding
- Review Standards and bylaws every 4 years
- Describe NA boundaries in detailed, descriptive words along with the provision of a map in the bylaws
- Contemporary writings regarding bylaws garnered 22 best practices for officer duties. Examples include:
 - The president must remain impartial so members on both sides of an issue may feel confident they will receive fair treatment
 - The treasurer develops a budget based on the action plan

- A total of 92 best practices were culled from the set of bylaws studied. Some examples are:
 - At least 8 bylaws used a template of some kind, thus creating a set of very similar bylaws
 - Hidden Springs includes the applicable city code references for each paragraph under each article section
 - BHT is the only NA that provides a fixed number for a quorum
 - Robinwood states the day of the week for their monthly meetings
 - Bolton is the only NA that mentions keeping a bank account

I. THE STANDARDS DOCUMENT

This document contains 32 sections and 113 subsections (refer to the Standards Document table of contents for details). It incorporates the following items recommended in March 2007 by the City to the City Council (highlighted words reflect minor changes to the original wording of the recommendations)

- The City Council **approves** proposed boundaries
- Establish uniform quorum amount and require a higher quorum for certain NA business
- Require NA members to be at least 18 years of age to have voting rights
- All NA officers hold only one year terms
- Approved (**or draft**) minutes be provided to City within **14 calendar** days of meeting
- No NA may incur debt
- NAs may appeal a land use issue if within boundaries – **fee can be waived once each fiscal year**
- NAs may appeal a land use issue if out of its boundaries – **City funds may not be used**
- NAs may appeal a land use issue to LUBS but City funds may not be used
- NAs may not act on behalf of the city to initiate litigation of any kind

Several other policies and processes need to be addressed for a highly effective Neighborhood Association Program. Below is a list of proposed subject matters that are addressed in the Standards Document.

- A sample of issues currently not addressed in City codes, policies, and procedures for NAs or lacking in a majority of the current set of bylaws:

- The official status of neighborhood associations
- Membership rights
- Elections process
- Number of meetings per year
- Officer duties
- Process for removal of officers
- Meeting location, notice, procedures, and policy requirements
- Standardized quorum requirements
- Voting methods and procedures
- Oregon public records and meetings requirements
- A process to change boundary lines
- Meeting minutes & communication with the City
- The handling of financial issues
- Conflict of interest procedures
- An official grievances policy and process
- Stated prohibited activity
- NA dissolution process
- Liability of directors or officers
- City responsibilities as pertaining to NAs
- City services provided to NAs

Regarding City responsibilities, the proposed Standards Document lists 17 separate duties the city is responsible to carry out as part of the Neighborhood Association Program. As for City services, the proposed Standards Document lists 12 separate services the City may consider providing to recognized neighborhood associations

J. PROJECT RECOMMENDATIONS

The development of a task force to review the Neighborhood Association Program in its entirety is of utmost necessity in order to achieve a highly effective and valued Neighborhood Association Program. This could include the following matters:

1. Determine a standard purpose of NAs.
2. Review the number of NAs that are appropriate for the population size of West Linn. Adjust as needed.
3. Review the population disparities that currently exists between NAs based on the current boundary lines. Adjust as needed.
4. Review communications practices between the City and the NAs. Develop written goals, processes and policies regarding such two-way communication
5. Determine which kind of NA policies and procedures should be standardized and which can be localized.
6. Ensure bylaws are updated on a regular basis and set what the regular basis is.
7. Ensure bylaws create equal rights for both residents and NAs
8. Determine an approach on how to capture all policies and procedures. This may be done by a combination of municipal code changes, adoptions of a Standards document, a Leadership handbook and training program, or other such means
9. Ensure newly annexed properties have been included into a NA boundary and make the new City residents aware of such action
10. Develop a method for residents to easily determine which neighbourhood they live in and how to participate in the program

Such a task force should be made up of NA leaders, City staff, NA members, business owners, and other residents that may desire to participate. Exact goals and deadlines should be established to ensure timely progress.

An alternative approach would be to allow this research and accompanying Standards Document to be readily available to both the NAs and the public so as at least bylaws can be updated using the documents as guidance. The down side to this approach is that requiring NAs to merely update their bylaws will not create the highly effective approach to citizen participation in City matters. Yet, it would at least be a starting point.

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