

**CITY OF WEST LINN
NEIGHBORHOOD ASSOCIATION BYLAW UPDATE PROJECT
B2C DOCUMENT**

**NEIGHBORHOOD ASSOCIATIONS BYLAW COMPARISON
TO
CITY OF WEST LINN MUNICIPAL CODE 2.15**

B2C ANALYSIS FINDINGS

A. COMPARISON METHODOLOGY AND STATISTICS

A three-page checklist listing the 48 specific code requirements, as specified under chapter 2.15 - Neighborhood Associations (NA), was used to determine compliance. The comparison was done using the "letter of the law" approach versus the "spirit of the law" approach. This means if exact wording or code requirements were not written or provided for in the reviewed bylaws as stated by the code, then the bylaws were considered not in compliance for that requirement.

Please refer to the attachment A and B for summary charts detailing analysis information regarding individual NAs. Attachment A quantifies the number of requirements each NA is not and is in compliance with the code. Attachment B depicts the comparison results for all the NAs in graphic form. And Attachment C is a sample comparison worksheet.

Collectively, there are 528 instances (11 NAs * 48 specific code requirements =528) that were compared for total system compliance. The West Linn NA system is only in compliance with 213 of these. The majority of individual NA bylaws were approximately 40% in compliance with the City code. Major outliers are Hidden Springs, which is 69% in compliance, and Willamette, which is only 19%. But please note, research shows most have not been updated for at least five years, with Bolton and Willamette bylaws being over 20 years old.

The following 43 findings are grouped into 15 categories (Paragraphs B – O) based on subject matters. In instances where one or two bylaws are noted for a finding, the name(s) of the association is provided.

B. GENERAL FINDINGS

1. None of the eleven bylaws completely comply with standards set forth in West Linn Municipal City Code 2.15, as approved by Ordinance No. 1533, dated February 27, 2006
2. Eight of the bylaws contain very similar, if not exact, language throughout. Thus, an assumption can be made that a bylaw template was in use at some point in the past, yet the template does not account for current code requirements

**CITY OF WEST LINN
NEIGHBORHOOD ASSOCIATION BYLAW UPDATE PROJECT
B2C DOCUMENT**

3. All eleven are in compliance with the following four requirements:
 - A. Have adopted bylaws to be considered for recognition by the City (2.165(3))
 - B. Procedures describing the number of members needed for quorum (2.165(3)(g))
 - C. Elections of officers are held at least bi-annually (based on their statement that the length of time for officers terms does not exceed two years) (2.165(3)(a))
 - D. Who may be eligible for membership (any resident, business owner, non-profit, or property owner) (2.165(1))
4. There are six requirements that none of the bylaws meet, based on the methodology used. However, if the "spirit of the law" was the measurement to ascertain compliance, some could argue they are indeed in compliance with many of these requirements. These requirements are addressed in paragraphs D, F, J, K, L and O.

C. NA PURPOSE

1. Nine bylaws do not address that the purpose of a neighborhood association is to provide for communication with the city (2.150).
2. Nine bylaws do not address that the purpose of a neighborhood association is to act on issues affecting the neighborhood (2.155)
3. All eleven have some form of verbiage relating their purpose is to affect community livability (2.155)

D. BOUNDARIES

1. None of the bylaws state that boundaries shall be drawn up by the neighborhood association (2.165(2))
2. Only one of the eleven (Robinwood) reviewed bylaws actually had a map attached to the study materials. Thus, it's not clear if maps have actually been provided to the city as stated in ten of the bylaws (2.165(3)(c))
3. One bylaw (Willamette) describes it's boundaries in words but does not state it has a map depicting those boundaries (2.165(3)(c))
4. Two bylaws (Bolton, Robinwood) describes their boundaries in words and also mentions an attached map – although the maps were not included in the study materials (2.165(3)(c)). (Noted as a best practice)

CITY OF WEST LINN
NEIGHBORHOOD ASSOCIATION BYLAW UPDATE PROJECT
B2C DOCUMENT

5. One bylaw (BHT) states that the City Council makes changes to the bylaws. However the code currently states the NAs make the boundaries (2.165(2))

E. MEMBERSHIP

1. Ten of the bylaws did not include this verbiage: "The membership of a neighborhood association shall not be limited by race, creed, color, sex, age, heritage, national origin or income" (2.165(1))
2. The one bylaw (Hidden Springs) that did contain the above statement also requires an eligible member to be at least eighteen (18) years of age, thus the bylaws contain conflicting statements
3. The eight "template" bylaws all state some kind of verbiage that an eligible member must be at least of the age to vote. (Noted as a best practice)
4. Ten bylaws add government agency representatives that have an office within the NA boundary as eligible for membership. This is not a requirement per code. (Noted as a best practice)
5. Seven add a restriction on group representatives (business licensee, non-profit, government). They are only eligible for membership if their office location complies with all applicable government regulations, including but not limited to regulations governing land use, zoning, and licensing
6. Ten bylaws do not define property owner's membership eligibility. The code defines a property owner "who resides, owns property, or maintains a business" as entitled to membership (2.165(1))
7. Ten bylaws state that membership is "open." The code states that eligible members are "entitled" to membership (2.165(1))
8. One bylaw (Hidden Springs) further restricts membership by requiring eligible members to be "in good standing" with the NA in order to have rights and privileges associated with membership
9. One bylaw (Robinwood) does not state that participation in the NA is "not intended to inhibit other citizens or groups from communicating with the city" (2.150)

F. MEETING SCHEDULE

1. None state that at a minimum, one general neighborhood association meeting will be held each calendar year. (2.165(3)(d))

**CITY OF WEST LINN
NEIGHBORHOOD ASSOCIATION BYLAW UPDATE PROJECT
B2C DOCUMENT**

2. Two state (Hidden Springs, Robinwood) they will meet monthly, but don't state within a calendar year (2.165(3)(d)). However, both provide the set day, time and month of the meeting. (Noted as a best practice)
3. One states (Skyline Ridge) they will meet no less than once every six months, but doesn't state within a calendar year (2.165(3)(d))
4. One states (Willamette) they will meet no less than quarterly, but doesn't state within a calendar year (2.165(3)(d))
5. One states (Bolton) they will meet at regular times and intervals, but doesn't state within a calendar year (2.165(3)(d))

G. PUBLIC MEETING LAWS

Three bylaws made no mention of the requirement for meetings to be conducted in conformance with the State of Oregon public meeting laws (2.165(3)(b))

H. OPEN MEETING LAWS

1. Three bylaws made no mention of the requirement that minutes must conform to the State of Oregon open meeting laws nor the four elements in the minutes required to be in compliance (2.165(3)(b))
2. One bylaw (Skyline Ridge) listed the four elements required to be in compliance with open meeting laws, but it did not actually use the term "open meeting laws" anywhere (2.165(3)(b))
3. One bylaw (Hidden Springs) listed the requirement to be in compliance with open meeting laws but did not specify the four elements as written in code (2.165(3)(b))
4. One bylaw (Robinwood) incorporates all verbiage required concerning this code, but has it written under the Bylaw Amendments section. Thus, it could be interpreted as only applying to meetings regarding bylaw amendments (2.165(3)(b))
5. Five lists the exact same two of the four elements required to be in compliance. But, they do not state the minutes must contain a list of those voting and also must show the minority opinion (2.165(3)(b))

I. ACTING IN ADVISORY CAPACITY

Five bylaws do not refer to meeting in an "advisory capacity" (2.165(3)(c))

J. PUBLICIZING OF MEETINGS

1. None of the eleven addressed specific procedures for "well" publicizing the purpose of the meeting (taken to mean agenda) prior to meetings. (2.165(3)(d))

**CITY OF WEST LINN
NEIGHBORHOOD ASSOCIATION BYLAW UPDATE PROJECT
B2C DOCUMENT**

2. Two addressed (Hidden Springs, Robinwood) the month, day and time of the meetings in the bylaws, but did not address procedures to have this information well publicized prior to meetings (2.165(3)(d))
3. One provided (Hidden Springs) several ways to advertise the meeting date and time (lawn signs, emails, etc.) but did not address the meeting purpose or agenda (2.165(3)(d)). (Noted as a best practice)

K. OFFICER ELECTIONS

None stated that officers are elected on a regular schedule (interpreted to mean that the date or month elections are held should be stated) (2.165(3)(a))

L. NA OFFICERS CONTACT INFORMATION

Although all eleven state they will provide a list of officers and their addresses to the city, none state they will do this annually as required by code (2.165(3)(c))

M. BYLAW AMENDMENTS

Three bylaws do not state they are required to provide a copy of any updates or amendments to the City (2.165(3)(f))

N. VOTING

1. Two bylaws do not address (Bolton, Willamette) procedures on how votes are taken (interpreted as written, show of hands, must be in person, etc.) (2.165(3)(g))
2. Ten bylaws do not address procedures on how votes are recorded (interpreted as who voted, minority opinion, the results, etc.) (2.165(3)(g))
3. One states (BHT) that the secretary must record votes in the minutes but doesn't provide procedures how they are recorded (2.165(3)(g)). However, this is the only bylaw that specifies the Secretary takes minutes of meetings. (Noted as a best practice)

O. LAND USE APPEALS

1. None address all elements of the land use appeals requirements (2.175)
2. Four bylaws do not address land use appeals at all (2.175)
3. Six address the NA's right to appeal land use decisions, but do not address who's decisions they can appeal (i.e., planning director or planning commission) (2.175)(1)
4. One addresses all aspects of the code relating to NAs and land use appeals with the exception of specifying that the code requirements they must follow are found in the Community Development Code (as opposed to the City Municipal Code) (2.175)(1)(a)

ATTACHMENT A

NA BYLAWS TO MUNICIPAL CODE (B2C) COMPARISON COMPLIANCE STATISTICS CHART

<u>NEIGHBORHOOD ASSOCIATION</u>	<u># OF REQUIREMENTS NOT COMPLIED WITH</u>	<u># OF REQUIREMENTS IN COMPLIANCE</u>	<u>PERCENTAGE OF REQUIREMENTS IN COMPLIANCE</u>
HIDDEN SPRINGS	15	33	69%
BHT	26	22	46%
MARYLHURST	26	22	46%
SKYLINE RIDGE	27	21	44%
SUNSET	27	21	44%
TANNER BASIN	27	21	44%
PARKER CREST	28	20	42%
ROSEMONT SUMMIT	28	20	42%
BOLTON	36	12	25%
ROBINWOOD	36	12	25%
WILLAMETTE	39	9	19%
TOTAL	315	213	528

ATTACHMENT B

NA BYLAWS TO MUNICIPAL CODE COMPARISON SUMMARY CHART
X = NON-COMPLIANCE

NEIGHBORHOOD ASSOCIATIONS:

BHT	B	HS	MH	PC	RW	RS	SR	S	TB	W
-----	---	----	----	----	----	----	----	---	----	---

PURPOSE

Provide for NA communication with city
 Additional form of communication
 Not intended to inhibit other citizens or groups from communicating with the city

X		X	X	X	X	X	X	X	X	
X		X	X	X	X	X	X	X	X	
					X					

STANDARDS

Membership

Not be limited by race, creed, color, sex, age, heritage, nation of origin or income
 Any resident
 Business Owner or representative
 Nonprofit organization's representative
 Property Owner
 Resides
 Owns property
 Maintains a Business
 Within the recognized boundary of a recognized NA
 Shall be entitled to membership

X	X		X	X	X	X	X	X	X	X
X	X		X	X	X	X	X	X	X	X
X	X		X	X	X	X	X	X	X	X
X	X		X	X	X	X	X	X	X	X
X	X		X	X	X	X	X	X	X	X

Boundaries

Boundaries of NA shall be drawn by the association membership
 City Council is authorized to make adjustments to boundaries if necessary to avoid creation of an area that is excluded from NA representation

X	X	X	X	X	X	X	X	X	X	X
	X	X	X	X	X	X	X	X	X	X

Bylaws

In order to be considered for recognition by the city, a neighborhood association must first adopt written bylaws that provide for the following:
 Officers are elected on a regular schedule
 Officers are elected at least bi-annually
 Meetings are conducted in conformance with public meeting law:
 when the association meets to act in an advisory capacity to the city
 Advisory capacity exists when
 The city requests
 The association on its own to act in advisory
 Written minutes as required by open meeting law:
 Show minority opinion:
 List of all those voting
 Copies of approved minutes made available for public review
 Copies of sign-in lists be made available for public review
 Current map of association boundaries
 Current list of association officers and their addresses be provided to the city annually
 Minimum of one general neighborhood associations be held each calendar year
 The time, place and purpose be well publicized throughout the neighborhood prior to the meeting
 The city be informed of any updates or amendments to the neighborhood bylaws
 Procedures are developed describing:
 Number of members required for a quorum
 How votes are taken
 How votes are recorded
 Action necessary to file an appeal

X	X	X	X	X	X	X	X	X	X	X
	X				X					X
	X	X		X	X					X
	X	X		X	X					X
X	X		X	X	X	X		X	X	X
X	X		X	X	X	X		X	X	X
	X				X	X				X
	X				X	X				X
X	X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X	X
	X				X					X
	X				X					X
X	X		X	X	X	X	X	X	X	X
X	X		X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X	X

APPEALS

Formally recognized neighborhood may appeal land use decision made by:
 Planning director
 Planning commission
 To appropriate bodies without cost
 If planning director finds
 Community Development Code Appeal Procedures are followed
 Section 99.140
 Section 99.240
 Section 99.3000
 Association submits a copy of the membership minutes:
 And vote taken supporting the appeal
 And the appeal is related to property within the association's recognized boundaries

	X				X		X			X
X	X		X	X	X	X	X	X	X	X
X	X		X	X	X	X	X	X	X	X
X	X		X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X	X
X	X	X	X	X	X	X	X	X	X	X

LEGEND: BHT - BARRINGTON HEIGHTS, HIDDEN CREEK ESTATES, TANNER WOODS
B - BOLTON
HS - HIDDEN SPRINGS
MH - MARLYHURST
PC - PARKER CREST
RW - ROBINWOOD
RS - ROSEMONT SUMMIT
SR - SKYLINE RIDGE
S - SUNSET
TB - TANNER BASIN
W - WILLAMETTE

ATTACHMENT C

NA BYLAW TO MUNICIPAL CODE COMPARISON WORKSHEET

NEIGHBORHOOD ASSOCIATION _____

2.15 PURPOSE

A	Establish means to formally recognize NAs	
B	Provide for NA communication with city	
C	Additional form of communication	
D	Not intended to inhibit other citizens or groups from communicating with the city	

2.165 STANDARDS

Membership

A	Not be limited by race, creed, color, sex, age, heritage, national origin or income	
B1	Any resident	
B2	Business Owner or representative	
B3	Nonprofit organization's representative	
B4	Property Owner	
B5	Resides	
B6	Owens property	
B7	Maintains a Business	
B8	Within the recognized boundary of a recognized NA	
B9	Shall be entitled to membership	

Boundaries

A	Boundaries of NA shall be drawn by the association membership	
B	Boundaries must be mutually exclusive of other formally recognized associations	
C	City Council is authorized to make adjustments to boundaries if necessary to avoid creation of an area that is excluded from NA representative	

Bylaws

A	In order to be considered for recognition by the city, a neighborhood	
---	-----------------------------------------------------------------------	--

ATTACHMENT C
NA BYLAW TO MUNICIPAL CODE COMPARISON WORKSHEET

association must first adopt written bylaws that provide for the following

A1	Officers are elected on a regular schedule	
A2	Officers are elected at least bi-annually	
B	Meetings are conducted in conformance with public meeting laws when the association meets to act in an advisory capacity to the city	
B1	Advisory capacity exists when	
B2	The city requests	
B3	The association on its own to act in advisory	
C	Written minutes as required by open meeting laws	
C1	Show minority opinions	
C2	List of all those voting	
C3	Copies of approved minutes made available for public review	
C4	Copies of sign-in lists be made available for public review	
D	Current map of association boundaries	
E	Current list of association officers and their addresses be provided to the city annually	
F	Minimum of one general neighborhood associations be held each calendar year	
G	The time, place and purpose be well publicized throughout the neighborhood prior to the meeting	
H	The city be informed of any updates or amendments to the neighborhood bylaws	
I	Procedures are developed describing:	
	Number of members required for a quorum	
	How votes are taken	
	How votes are recorded	
	Action necessary to file an appeal	
2.175 APPEALS		
A	Formally recognized neighborhood may appeal land use decisions made by:	

ATTACHMENT C
NA BYLAW TO MUNICIPAL CODE COMPARISON WORKSHEET

A1	Planning director	
A2	Planning commission	
B	To appropriate bodies without cost	
B1	If planning director finds:	
B2	Community Development Code Appeal Procedures are followed	
B3	Section 99.140	
B4	Section 99.240	
B5	Section 99.3000	
B6	Association submits a copy of the membership minutes	
B7	And vote taken supporting the appeal	
B8	And the appeal is related to property with the associations	
	recognized boundaries	
C	An association may appeal without cost on behalf of:	
C1	An individual with standing who is not represented by a recognized association	
C1	A group with standing who is not represented by a recognized association	
C3	Community Development Code Appeal Procedures are followed	
C4	Section 99.140	
C5	Section 99.240	
C6	Section 99.3000	
C7	Association submits a copy of the membership minutes	
C8	And vote taken supporting the appeal	
C9	The association finds the issue(s) are of city-wide concern related to	
C10	West Linn Comprehensive Plan	
C11	West Linn Community Development Code	