



CITY OF
**West
Linn**

Citizen Advisory Group Training

January 29, 2018

Agenda



- Welcome and Introductions
- Roles and Responsibilities – Eileen Stein, City Manager
- Important Legal Issues – Megan Thornton, Assistant City Attorney
- Questions and Answers
- Adjourn



Goals for this Presentation – Roles and Responsibilities

- Relationship to Council
- Role of the City Manager
- City Services and Responsibilities
- Regional Partners
- Citizen Advisory Groups
- Effective Boards and Meetings
- Imagine West Linn Principles and Draft 2018 Council Goals



Relationship to City Council

✦ The City Council is the primary policy body of West Linn city government.

The Council sets direction through:

- *Vision and strategic planning*
- *Adopt annual goals*
- *Legislative body*
 - *Codes, ordinances, resolutions, policies*
- *Quasi-judicial body*
 - *Land use decisions*
- *Approve the biennial budget*
- *Hire/supervise the city manager*



Role of the City Manager



- The City Manager is the Chief Executive Officer:
 - *Appointed by and reports to the City Council*
 - *Carries out council goals/policies*
 - *Prepares the biennial budget*
 - *Oversees city staff*
 - *Provides professional advice*
 - *Enforces city ordinances/codes*



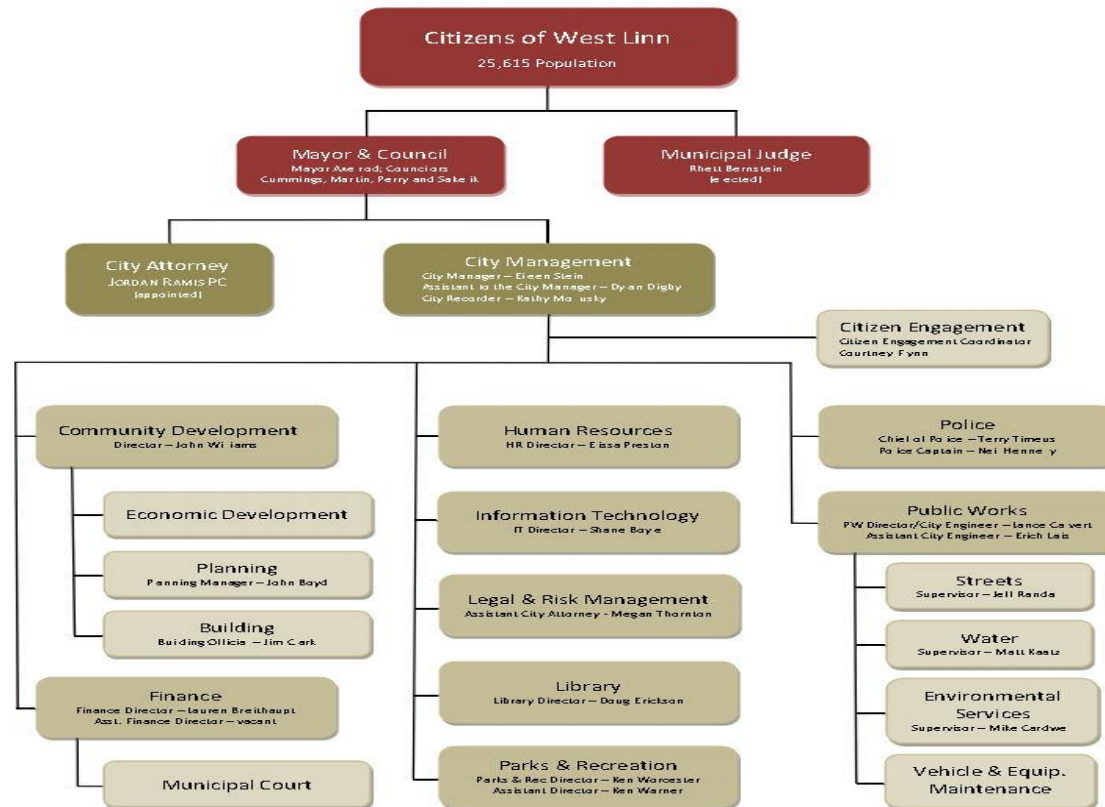
City Services & Responsibilities



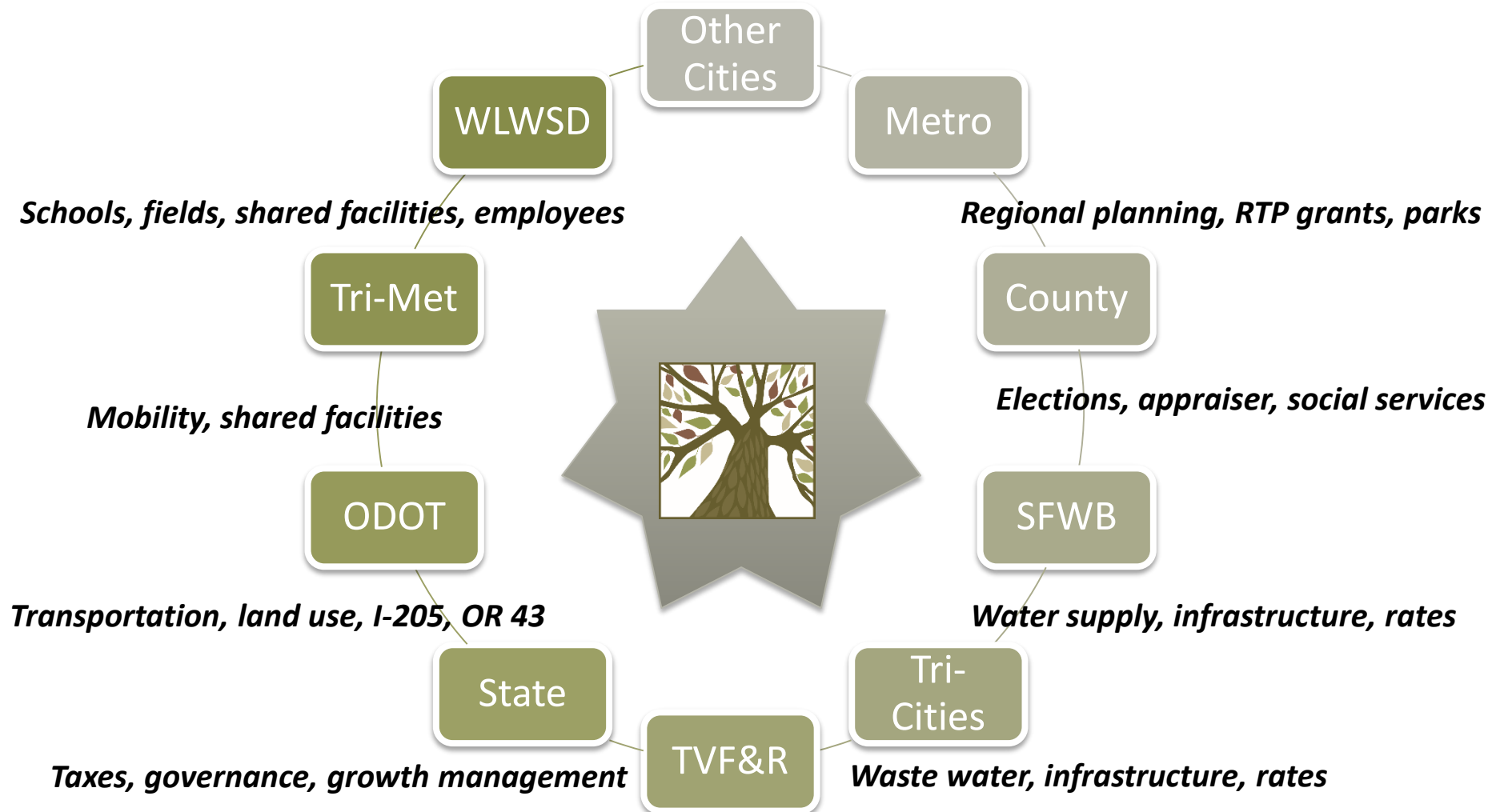
City Services and Responsibilities



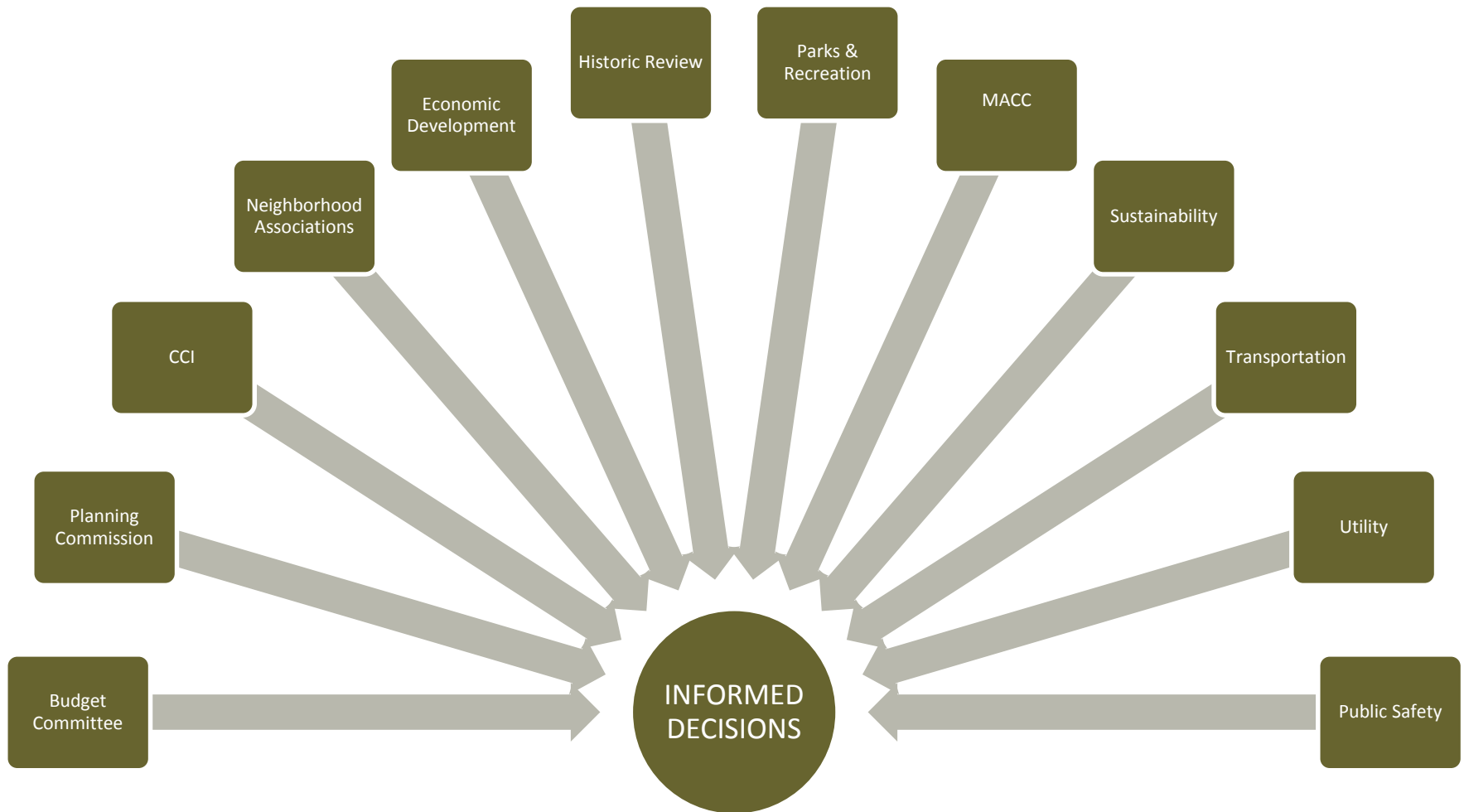
PERSONNEL ORGANIZATIONAL CHART



West Linn's Regional Partners



Citizen Advisory Groups



Effective Boards and Meetings



Understanding your Role

- Advisory to the City Council
 - Assist in implementing the council's goals
 - Recommendation of policy to the council
 - Conduit for the community to the city – engaging citizens, identify emerging issues, formulate recommendations and possible solutions
- Alignment with goals and direction set by the City Council
- Setting realistic expectations and understanding City's resource limitations
- Being transparent in the conduct of the board's meetings and activities
- The Council is accountable for the actions of its boards and advisory bodies
- Advisory groups do not oversee or dictate city operations



Effective Boards and Meetings

🍃 Be Prepared

- Review packet material ahead of time, be informed
- Seek out staff in advance and share information with other members

🍃 Make Wise Use of Meeting Time

- Participants do not feel empowered when meetings last for hours
- No good decision or recommendation is made after 9:00 p.m.

🍃 Work Together

- Bring ideas and desires to the attention of the committee
- Respect each other's ideas and contributions to the committee

🍃 Understand City Resource Limitations

- Committee support is shared with other workload - there may be competing priorities for staff time
- There is not dedicated budget for city advisory bodies

Imagine West Linn Guiding Principles and Draft 2018 Council Goals



♦ **Guiding Principal #1: Sense of Community**

♦ **Citizen Engagement**

- Continue to conduct quarterly Council Town Halls
- Complete CCI work to identify public involvement issues related to the land use process and make recommended Community Development Code changes
- Restore Citizen Vision Goals into the Comprehensive Plan

♦ **Guiding Principal #2: Land Use and Quality of Life**

♦ **Planning, Community and Economic Development**

- Support efforts to repair and reopen the Willamette Falls Locks, including participation on the Willamette Falls Locks Commission (authorized by SB 256)
- Continue West Linn's Waterfront planning project with robust community engagement
- Complete planning for the use of the Old City Hall property
- Complete the Three-Cities IGA process for the Stafford area to protect the West Linn's interests
- Complete baseline inventory of significant land use parcels and existing zoning to evaluate consistency with community goals

Imagine West Linn Guiding Principles and Draft 2018 Council Goals



♦ **Guiding Principal #2: Land Use and Quality of Life (continued)**

♦ **Transportation**

- Amend the 2016 Transportation System Plan (TSP) to include Willamette Falls Drive Streetscape Plan
- Move forward Phase 1 of the Highway 43 Concept Plan project
- Explore approaches to improve transit services and infrastructure
- Implement select high priority transportation/safety measures identified in the TSP
- Explore improvements to 10th Street and Salamo Drive traffic control

Imagine West Linn Guiding Principles and Draft 2018 Council Goals



♦ **Guiding Principle #3: Sustainability**

♦ **Fiscal Sustainability**

- Identify any deficits in City funds for Biennium 2020-2021 and make recommendations for expenditure reductions and/or new revenue sources
- Finalize project list for General Obligation Bond financing and refer measure to voters in May
- Assess the City's legal services with the goal of optimizing quality and costs

♦ **Environmental Sustainability**

- Evaluate, prioritize and incorporate environmentally sustainable practices in City activities and decision making

♦ **Utilities**

- Continue to engage the affected cities, Clackamas County, and Water & Environmental Services (WES) in governance discussions to protect West Linn ratepayer interests

Imagine West Linn Guiding Principles and Draft 2018 Council Goals



🍃 **Guiding Principle #4: Community Institutions**

- Improve communication and collaboration with West Linn-Wilsonville School District
- Review policy on Youth Advisory Commission
- Revisit policies on Neighborhood Association stipend
- Strengthen relationship between Council, City staff and residents

🍃 **Guiding Principle #5: Cultural, Diversity, Education and the Arts**

- Explore establishing a sister city relationship
- Prepare to establish an Arts & Culture Commission



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Important Legal Issues

Megan Thornton, Assistant City Attorney



Goals for this Presentation – Legal Issues

- Role of the Office of the City Attorney
- Advisory Boards & Relationship to Council
- Advisory Board Regulations
- Public Records
- Public Meetings
- Political Activities
- Ethics



Role of the office of the City Attorney

- ✦ The office of the City Attorney operates as part of the City's management team. The primary goal of the office of the City Attorney is to provide legal advice and assistance to all departments and branches of city government, including the City Council and advisory boards, to minimize the risk of legal actions.
- ✦ When litigation arises, counsel from the office of the City Attorney defends the City.
- ✦ Legal advice provided to the City, its staff, or advisory boards, in their official capacity is confidential and subject to the attorney-client privilege.



Citizen Advisory Groups & Relationship to Council

- ♦ [M]ost advisory commissions and boards do not make final decisions but instead make recommendations, act in an advisory capacity to the Council, and help the Council implement the Council goals. The City Council is the final decision maker on all city policies and the use of City resources. WLMC 2.020(1)
- ♦ Citizen advisory groups are encouraged to establish annual goals and action items that reflect any specific duties, projects, or goals the Council has assigned or established...[and] are expected to suggest, support and advance Council goals. WLMC 2.025(3)
- ♦ In addition to the duties established for each advisory board in the Municipal Code, the Council may assign other duties and projects when necessary. WLMC 2.020(5)
- ♦ No advisory board member may speak to the Council on behalf of its board unless the board has authorized the member at a meeting to speak on its behalf. WLMC 2.020(6)
- ♦ The Mayor may appoint Council liaisons to each advisory board. WLMC 2.020(4)



Citizen Advisory Group Regulations

- ✦ Charter – only the Utility Advisory Board is created by the Charter.
- ✦ Municipal Code – Chapter 2 provides guidance to all advisory boards, commissions, committees, and neighborhood associations
 - Section 2.025 - Citizen advisory group duties and responsibilities are in this Section.
 - *Section 2.025(5) states that a citizen advisory group may request that the City Council establish a subcommittee.*
 - Section 2.045 specifies meetings and rules of procedure.
 - *Section 2.045(2) requires citizen advisory groups to conduct meetings in accordance with the Council Rules and other applicable laws.*
 - Section 2.055 states quorum and voting requirements.
 - Section 2.020(2) states that no advisory board, committee or commission has the authority to spend city money or obligate the city to pay a sum of money.
 - Section 2.065 provides that the staff liaison “coordinates with the chair to set the agenda, which is approved by the chair prior to the posting of the agenda.”



What is a public record?

- It is any type of record that contains any information relating to the conduct of the public's business. ORS 192.410(4).
 - *email, text messages, memos, photographs, handouts, pictures, handwritten notes, etc.*
- Records that an advisory board, committee, or commission, or any member of a board create regarding city business are public records.

What should an advisory board member do if they create public records?

- The records should be given to your staff liaison so that staff can make sure the records are properly retained by the City with the other records for that project.



What meetings are subject to Oregon Public Meetings laws?

- All meetings in which a quorum of a governing body of a public body is required to make a decision or to deliberate toward a decision on any matter. ORS 192.610(5)
 - *City Council*
 - *Advisory Boards, Commissions, and Committees*
 - *Neighborhood Associations and other informal advisory groups*

What is not subject to Oregon Public Meetings laws?

- Staff meetings
- Any on-site inspection of any project or program
- Meetings that do not have a quorum of the Council or advisory board members
- Meetings that do not involve deliberating toward a decision



What are the requirements of a Public Meeting?

- Notice: public notice must include the time and place
 - *Notice must be reasonably calculated to give actual notice to interested persons, including news media that have requested notice.*
 - *Notice must be given of regular, special, and emergency meetings as well as workshops. This includes meetings of subcommittees and advisory committees established by the governing body.*
- Proper space, location, accessibility, and attendance by board members
- Voting
- Records/Minutes kept of the meeting
- The public meeting law requires that attendance be allowed, but not participation by the public.
 - *The board can decide whether to have public comment on its agenda or not.*
 - *The presiding officer has authority to keep order and impose reasonable restrictions.*

Public Meetings



HYPOTHETICAL: The Housing Commission is a five member commission that has authority to evaluate and approve all affordable housing projects. Usually within two days following the decision, staff makes any changes requested by the Commission at the meeting, sends the final order out, and the Chair signs the final order. The Housing Commission met and approved an application for an affordable housing project. The next day one of the commissioners emailed a proposed change to the number of units allowed on one of the parcels to the other commissioners. Two of the other commissioners responded with their opinion about the requested changes. Is this a public meeting?

WHAT IF: The Commissioner emailed his changes to the staff liaison and asked the liaison to circulate the changes to the other Commissioners.

Political Activities



- ♦ Why are my political activities a concern when I am serving on a city board or commission?
 - State law has strict requirements about what is allowed when a “public employee” is representing the City during working hours because the City should remain neutral on elections and measures.
 - You may become involved in political campaigns and measures, or you may be specifically asked to support or oppose a candidate or measure while you are serving on a board or commission.

Political Activities



Who is a “public employee?”

- Staff in all city departments
- Members of boards, committees and commissions
- Possibly neighborhood association officers when acting in an advisory manner to the City

Who is not a “public employee?”

- Elected officials, such as the Judge, Mayor and Council members, are specifically exempted under Oregon law

What conduct is prohibited during working hours?

- During working hours an employee is not allowed to “solicit any money, influence, service or other thing of value” to promote or oppose:
 - *Any political committee;*
 - *The nomination or election of a candidate;*
 - *The gathering of signatures on an initiative, referendum or recall petition; or*
 - *The adoption of a measure or the recall of a public office holder.*

Political Activities



- ❖ Prohibited conduct during working hours includes:
 - Using any work time to take a position on a measure or candidate.
 - Using City resources, such as email, phones, printers, copiers, or meeting space, to advocate for or against a measure or candidate.
 - Examples of using City resources include:
 - *making outgoing calls or sending emails to organize campaign events, and*
 - *granting unequal access to public facilities to candidates or political committees.*



When is political Advocacy permitted?

- Advocacy is permitted on the individual's personal time.
- Individuals are acting in their official capacity as public employees and considered to be working when they are:
 - *At a board, commission, or association meeting;*
 - *Working on a duty assigned by the board, commission, or association;*
 - *Working on official publications, including the website, for the board, commission, or association; or*
 - *When appearing at an event in an official capacity.*



HYPOTHETICAL: John Smith is an appointed member of the Housing Commission. He has been friends with Dan and Mary for 10 years; their friendship began before he was a Housing Commission member. Dan and Mary invited John to a social gathering, and while he was there another guest asked him if he was supporting the proposed measure that will institute affordable housing requirements. Can John take a position on the measure?

WHAT IF: Dan and Mary invited John, in his official capacity as Housing Commissioner, to a benefit dinner to raise money for a measure that will institute affordable housing requirements. Can John attend the benefit dinner?



🍃 Critical points:

- Individuals on boards, commissions, and associations should:
 - *Avoid all political advocacy, and use of city resources for advocacy, during working hours;*
 - *Always provide factual, neutral, and balanced information during working hours; and*
 - *Consult with legal counsel about any information being released about a city ballot or bond measure.*
- Individuals can take positions on candidates and measures during their personal time.
- Individuals should clarify that the personal views being expressed are the individual's views, and not the views of the board, commission, or association the individual represents.



- 🍃 General prohibition against use of position for financial gain.
 - ORS 244.040(1) prohibits every public official from using or attempting to use the position held as a public official to obtain a financial benefit, if the opportunity for the financial benefit would not otherwise be available but for the position held by the public official. The financial benefit prohibited can be either an opportunity for gain or to avoid an expense.
- 🍃 What is an actual conflict of interest?
 - A public official is met with an **actual** conflict of interest when the public official participates in action that **would** affect the financial interest of the official, the official's relative or a business with which the official or a relative of the official is associated.
- 🍃 What is a potential conflict of interest?
 - A public official is met with a **potential** conflict of interest when the public official participates in action that **could** affect the financial interest of the official, a relative of that official or a business with which the official or the relative of that official is associated.



What if I have a conflict of interest?

- You must announce and disclose the nature of the conflict of interest at a public meeting **before** any action is taken on the issue that gives rise to the conflict of interest.
- Potential Conflict of Interest: Following the public announcement, you may participate.
- Actual Conflict of Interest: Following the public announcement, the public official must refrain from further participation in official action on the issue that gave rise to the conflict of interest. ORS 244.120(2)(b)(A).

🍃 **HYPOTHETICAL:** The Housing Commission held a public hearing on amendments to the City's Zoning regulations. The proposed regulations would add a multi-use overlay zone that would greatly increase the development opportunities on commercial properties. Commissioner John Smith is a member of the Housing Commission and he owns commercial property that would be affected by the proposed regulations. Is there a conflict of interest?

🍃 **WHAT IF:** It is not clear if the proposed regulations will have any impact on Commissioner Smith's property.



HYPOTHETICAL: John Smith is an appointed member of the Housing Commission. John owns his own real estate consulting business. As a member of the Housing Commission he discovers that the City owns a piece of property that it is considering for an affordable housing project. John approaches the staff liaison and states that his consulting business could evaluate the property and provide analysis for \$4,000 upon approval of the Housing Commission.

- *Is there a conflict of interest? If so, what type?*

WHAT IF: The staff liaison has the ability to enter into contracts for less than \$5,000 without getting any other approvals?

- *Is there a conflict of interest? If not, is there any other ethics issue?*