

ORDINANCE NO. 2009-02

AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 2008-02, AS AMENDED BY ORDINANCE NO. 2008-04, WHICH ORDINANCE CREATED A PLANNING COMMISSION, PRESCRIBED ITS POWERS AND DUTIES, AND ESTABLISHED THE TERMS OF ITS MEMBERS' OFFICE.

WHEREAS, the City of La Pine, an Oregon municipal Corporation ("City"), established the La Pine Planning Commission by its passage of Ordinance No. 2008-02;

WHEREAS, City amended Ordinance No. 2008-02 to change the composition of the Planning Commission by its passage of Ordinance No. 2008-04;

WHEREAS, the La Pine City Council (the "City Council") desires to amend and restate Ordinance No. 2008-02, as amended by Ordinance No. 2008-04, in its entirety to, among other things, further change the composition of the Planning Commission.

NOW, THEREFORE, THE CITY OF LA PINE ORDAINS AS FOLLOWS:

Ordinance No. 2008-02, as amended by Ordinance No. 2008-04, is amended and restated in its entirety as follows:

1. Creation of Planning Commission. Pursuant to ORS 227.010 - 227.090, City hereby creates a planning commission (the "Commission"). The Commission will serve as City's committee for citizen involvement.

2. Commission Membership. The Commission will consist of five members. Members will be appointed by the City Council. Not more than two members will be non-residents of City. Each non-resident member must reside (i) within Deschutes County, and (ii) not more than five miles outside City's incorporated limits. Members will receive no compensation but will be reimbursed for authorized expenses.

3. Commission Powers and Duties. Except as otherwise provided or directed by the City Council from time to time, the Commission will have those powers and duties provided under ORS 227.090, Oregon law, and any City rules, regulations, and ordinances. In particular, the Commission will have the following advisory duties and responsibilities:

- (1) review the comprehensive plan and make recommendations to the City Council concerning plan amendments which it has determined are necessary based on further study or changed concepts, circumstances, or conditions;
- (2) formulate and recommend legislation to implement the comprehensive plan;
- (3) make and alter rules and regulations for its government and procedure consistent with the laws of the State of Oregon, the City Charter, this Ordinance, and any City rules, regulations, and ordinances;
- (4) recommend and make suggestions to the City Council (and other

public authorities) concerning (i) City's long range comprehensive land use plans and any land use plans for specific areas within City, (ii) plans for a City-wide transportation system, including the laying out, widening, extending, and locating of public thoroughfares; relieving traffic congestion conditions; bicycle and pedestrian facilities; transit facilities and routes; design standards for transportation facilities; and parking lot regulations, (iii) any proposals to adopt or amend planning documents for the City-wide transportation system, including the transportation map of the comprehensive plan and the transportation capital facilities program, (iv) establishment of districts for limiting the use, height, area, design, bulk, and other characteristics of buildings and structures related to land development, including the creation of and amendments to any City development code and the zoning map, (v) betterment of housing and sanitation conditions, and (vi) protection and assurance of solar access;

(5) recommend to the City Council (and other public authorities) plans for regulating City's future growth, development, and design in respect to its public and private buildings and works, streets, parks, grounds, and vacant lots; and plans to secure to City and its inhabitants sanitation, proper service of public utilities and telecommunications utilities, and shipping and transportation facilities; and appropriate measures for energy conservation;

(6) recommend to the City Council (and other public authorities) plans for the promotion, development, and regulation of industrial and economic activities in the community;

(7) do and perform all other acts and things necessary or proper to carry out the provisions of ORS 227.010 to 227.170, 227.175, and 227.180; and

(8) study and propose such measures as are advisable for the promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of City, including the area that is expected to eventually become a part of City through annexation.

4. Commission Responsibilities. In addition to any other duties or responsibilities assigned by the Commission chair and/or this Ordinance, each member must regularly attend Commission meetings and must notify the City Manager or chair when he or she will be unable to attend a Commission meeting. Prior to each Commission meeting or hearing, members will review all pertinent written documents in preparation for deliberation and decision making. All Commission recommendations and suggestions made to the City Council will be in writing.

5. Limitations on Members. No more than two members may engage principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling, or developing of real estate for profit. No more than two members will be engaged in the same or similar occupation, business, trade, or profession. Being retired will not be considered an occupation within the meaning of this Section 5.

6. Terms of Office; Vacancy. Except as otherwise provided in this Ordinance, (i) each member will be appointed for a term of four years (or until the member's successor is appointed and qualified), and (ii) each member's term will commence on January 1 and end on December 31. Any vacancy in the Commission will be filled by the City Council for the

unexpired term of the predecessor in office. At the first meeting of the Commission, the initial members will choose their term of office by lot as follows: (a) one member will serve until December 31, 2010; (b) two members will serve until December 31, 2011; and (c) two members will serve until December 31, 2012. Successors of the initial members will hold office for four years as provided above.

7. Commission Removal. Notwithstanding anything contained in this Ordinance to the contrary, a member may be removed by the City Council, after hearing, for any of the following reasons: (i) failure to attend three regular Commission meetings; (ii) commission of a felony; (iii) incompetence; (iv) failure to declare conflicts of interest; and/or (v) any other acts of misconduct or nonperformance of the member's duties.

8. Election of Officers. The Commission will, at its first meeting of each calendar year, elect a chair, vice chair, and secretary. The chair and vice chair will be appointed members of the Commission and will hold office at the pleasure of the Commission. The secretary need not be a member of the Commission. The secretary will receive no compensation but will be reimbursed for authorized expenses.

9. Duties of the Chair and Vice-Chair. The chair will preside at all meetings, recommend the creation of subcommittees, appoint members to such subcommittees, and will sign final orders of the Commission within ten (10) working days of a Commission decision (unless directed otherwise by the Commission). The vice chair will perform the duties of the chair in the absence of the chair and such other duties as may be assigned by the chair. In the absence of the chair and vice chair, the Commission will elect a temporary chair for the particular meeting in question.

10. Minutes and Reports. The secretary will keep an accurate record of all Commission proceedings, including written minutes of all meetings. A copy of each meeting minutes will be delivered to the City Recorder for filing. Commission minutes will be a public record available for public inspection. At the request of the City Council, the Commission will prepare and deliver to the City Council a written report summarizing all Commission activities, actions, and matters before the Commission (and any other information requested by the City Council).

11. Staff to the Commission. The City Manager, City Attorney, and other City staff requested by the Commission will support the work of the Commission. The City Attorney will act as the Commission's legal advisor in the conduct of all hearings and matters.

12. Commission Meetings. The Commission will hold at least one regularly scheduled meeting per month, unless canceled at the direction of the chair due to lack of Commission business or other reason. In addition to the regular meetings, the Commission will meet at such other times, dates, and places as may be deemed necessary or appropriate to carry out Commission business. Special meetings may be called by the chair, a majority of Commission members, the City Manager, City Attorney, or the City Council by giving at least forty-eight (48) hours' prior notice. All meetings of the Commission will be held in accordance with applicable Oregon law.

13. Quorum and Voting. Three members will constitute a quorum. A majority

vote of a quorum will be necessary to act on any matter before the Commission.

14. Conflict of Interest Activities. A member will not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: (i) the member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member; (ii) any business in which the member is then serving or has served within the previous two years; or (iii) any business for which the member is negotiating or for which the member has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest will be disclosed at the meeting of the Commission where the action is being taken.

15. Disclosure of Prehearing Contact. A Commission member will disclose to the Commission, prior to any hearing on a petition for a permit or with respect to any contested case, any prehearing or ex parte contacts with the applicant's officers, agents, and/or employees, or any of the parties to a contested case concerning the permit sought or the question at issue. A member will disqualify himself or herself, or be disqualified by the remaining members present at a hearing, when it appears that the impartiality or objectivity of the member has been compromised by prehearing or ex parte contact.

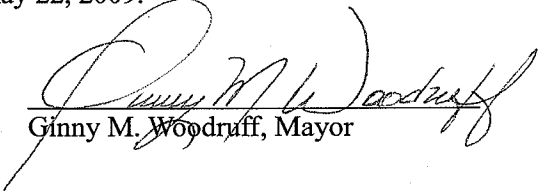
16. Authority and Expenditures. The Commission will operate in conformance with, and subject to, this Ordinance, Oregon law, and any and all City rules, procedures, resolutions, and ordinances now in force and/or which may hereafter be created, amended, modified, enacted, or promulgated. The Commission has no authority to bind City or represent to any person that the Commission may bind City. The Commission will have no authority to make expenditures on behalf of City, or to obligate City for payment of any sums of money, unless and until the City Council has authorized such expenditures by appropriate ordinance or resolution (which ordinance or resolution will provide the administrative method by which funds will be drawn and expended).

17. Severability. The sections and subsections contained in this Ordinance are severable. The invalidity of any one section or subsection will not affect the validity of the remaining sections or subsections.

18. Hearing Procedures. Commission judicial and legislative hearings will be conducted in accordance with those hearing procedures promulgated and adopted by the City Council.

This Ordinance was PASSED by the City Council by a vote of 5 for and 0 against and APPROVED by the Mayor this 22nd day of April, 2009.

This Ordinance will become effective on May 22, 2009.


Ginny M. Woodruff, Mayor

ATTEST:


Luana K. Damerval, City Recorder