

City of Portland, Oregon

Planning and Sustainability Commission

Bylaws

Language in italics is from Portland City Title 33, Planning and Zoning.

Part I

Authority, Powers, and Duties

A. Authority

The Planning and Sustainability Commission is empowered to perform all duties assigned to it by State law or City Title 33 on behalf of the City Council. (33.710.020)

B. Purpose

The Planning and Sustainability Commission advises City Council on the City's long-range goals, policies, and programs for land use, planning, and sustainability. In making recommendations and decisions, it considers the economic, environmental, and social well-being of the city in an integrated fashion. The Commission has specific responsibility for the stewardship, development and maintenance of the City's Comprehensive Plan, Climate Action Plan, and zoning code. The Commission is committed to effective public involvement and leadership in its work and in the decisions it considers. (33.710.040.A)

C. Powers and Duties (33.710.040.D)

The Planning and Sustainability Commission has all of the powers and duties which are now or may in the future be imposed upon City planning commissions by State law, by this Title, by the City Council, or by the City Charter. The Commission's powers and duties include:

- 1. Holding hearings and making recommendations on all policy matters related to the Comprehensive Plan; the Climate Action Plan, the zoning code; significant transportation and sustainable development policies, projects, and issues; street vacations; sign regulations, and renaming city streets;*
- 2. Advising the City Council on plans and policies regarding such issues as land use, zoning, housing, energy, transportation, urban renewal, urban design, equity, economic development, public buildings, climate change, sustainable development, environmental protection, resource conservation, and other policies of City-wide interest;*
- 3. Articulating and guiding the City's long-range goals, policies, and programs for developing and achieving sustainable communities; and*
- 4. Developing opportunities for community members to learn about principles, policies, and programs that promote sustainable practices and development.*

Part II Rules of Procedure

A. Purpose of Rules

The rules of procedure must be in writing and comply with the Oregon Public Meetings law, Statutory land use hearing requirements, and this Title. (33.710.030.C.)

These Rules establish procedures that ensure the Portland Planning and Sustainability Commission performs its responsibilities in an efficient, effective, and fair manner. They clarify the Commission's role and provide an orientation to new members. The Rules incorporate, by reference, the provisions of Oregon Public Meetings law and Chapter 33.710 of the Portland zoning code that apply to the Commission.

B. Membership

1. **Membership.** *The Planning and Sustainability Commission consists of eleven members, none of whom may hold public elective office. The members are appointed by the Mayor and confirmed by the City Council. The membership of the Planning and Sustainability Commission should include broad representation of Portland's community and reflect the dynamic nature of this changing city. No more than two members of the Planning and Sustainability Commission may be engaged in the same occupation, business, trade, or profession. No more than two members of the Commission may be individuals, or members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling, leasing, or developing of real estate for profit. (33.710.040.B.)*
2. **Length of terms.** *Members of commissions, committees, and boards provided under this chapter may be appointed to terms of not more than 4 years. Initial appointments for newly formed commissions, committees, and boards must include a sufficient number of appointments for less than the maximum 4 year term of office to provide overlap and a continuity of membership. Members of commissions are limited to a maximum of two full terms. Vacancies which may occur must be filled for the unexpired terms. (33.710.030.A.)*
3. **Pay.** *All members on a commission, committee, or board serve without pay. (33.710.030.E.)*
4. **Conflict of interest.** *A member of any commission, committee, board, or review body except City Council may not participate as a member in deciding any land use action in which the member has a direct or substantial financial interest. A member may not participate if the member's spouse, brother, sister, child, parent, father-in-law, or mother-in-law have a direct or substantial financial interest, or if any business in which the member is then serving or has served within the previous two years or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment, has a direct or substantial financial interest. Any actual or potential interest must be disclosed at the hearing or meeting where the action is scheduled. (33.710.030.I.)*

C. Officers

1. Chair

The Commission annually elects one of its members as Chair, to serve a one-year term. The Chair has the following powers and duties:

- a. Preside over all Commission meetings, including deciding all points of order and procedure, subject to these Rules;
- b. Preserve order and decorum;
- c. Establish time limits on testimony by members of the public, as needed;
- d. Appoint special subcommittees necessary to investigate any matters before the Commission;
- e. Assign Commission members to special subcommittees;
- f. Sign documents on behalf of the Commission, or delegate another member to do so; and
- g. Present the Commission's recommendations to City Council or delegate another member to do so.

2. Vice-Chairs

The Commission annually elects two members as Vice-Chairs, to serve one-year terms. One Vice-Chair serves as Acting Chair if the Chair is absent or the office of Chair becomes vacant. During such times, the Acting Chair has the same powers and duties as the Chair. Vice-Chairs take on this role at alternate meetings.

3. Elections

The election of officers takes place at the first meeting of each calendar year. (33.710.040.C.1).

If the seats of the Chair and both Vice-Chairs become vacant before the end of their terms, the Commission immediately holds a special election to fill the vacant seats.

When conducting elections, the sitting Chair first requests nominations from Commission members. If only one member is nominated, the election may be confirmed by unanimous consent. If more than one member is nominated, the Chair announces the names of all members nominated, then conducts a vote on each nominee, in the order nominated, until someone is elected. The favorable vote of a majority of those members present is necessary to elect a member as Chair or Vice-Chair.

4. Length of Officers' Terms

Commission members are limited to four consecutive terms in any office. For example, a Commission member may serve 4 years as Vice-Chair and 4 years as Chair.

D. Committees

1. Executive Committee

The Chair and two Vice-Chairs comprise the Commission's Executive Committee. In addition, the Chair may request the participation of other members on the Executive Committee, so long as the number of members at Executive Committee meetings does not constitute a quorum of the Commission.

The Executive Committee has the following powers and duties:

- a. Provide direction to staff in preparation for public hearings and briefings before the full Commission; and

b. Provide feedback to the Bureau Directors on a variety of issues.

2. Special Subcommittees

The Planning and Sustainability Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members. (33.710.040.C.2.)

Such subcommittees are appointed by the Chair. The Chair specifies each subcommittee's charge, reporting schedule, and its date of termination. The Chair may also appoint a Subcommittee Chair.

E. Meetings

Meetings are conducted in accordance with adopted rules of procedure. (33.710.040.C.1.)

1. Public meetings

All meetings, including briefing sessions, must be open to the public and comply with the Oregon Public Meetings law. (33.710.030.F.)

2. Attendance

Each Commission member is responsible for faithfully attending all regular Commission meetings. Should they be unable to attend a meeting in person, they may "attend" a meeting by telephone conference. Any Commission member who expects to be absent from a meeting will notify the Bureau of Planning and Sustainability.

If a member fails to attend three consecutive meetings or misses 20 percent or more of the meetings held during a calendar year, the Mayor may declare the position vacant. (33.710.030.B.)

3. Quorum

Six members constitute a quorum at a meeting (33.710.040).

- a. A quorum is necessary to transact any business, including briefings and work sessions, other than to adjourn.
- b. The Chair may not call a meeting to order until a quorum is present unless, after waiting a reasonable time past the meeting's scheduled starting time, the Chair determines that there is no hope of obtaining a quorum. In that case, the Chair will call the meeting to order, note the lack of a quorum, and adjourn the meeting.
- c. If a quorum ceases to be present at any time during a meeting, the Chair will note the lack of a quorum, order the cessation of business, and adjourn the meeting.

4. Schedule

a. Regular Meetings

The Commission holds meetings on the second Tuesday of the month at 12:30 PM and on the fourth Tuesday of the month at 6:00 PM. Meeting times may be changed by the Planning and Sustainability Director. Any schedule updates or changes are published at least seven calendar days before the meeting date.

b. Special Meetings

The Planning and Sustainability Director may call a special meeting of the Commission at any time and place. Special meetings are subject to the same notification requirements as regular meetings.

5. Public Notice

Meeting agendas serve as the official public notice of the Commission meetings.

- A paper or electronic copy of the agenda is sent to members of the public who request it. The notice is sent by the Bureau of Planning and Sustainability at least seven calendar days before the meeting.
- The agenda is posted on the Bureau of Planning and Sustainability's website at least seven calendar days before the meeting.
- The meeting agenda is published in the Metro section of *The Oregonian* the Friday before the Commission meeting.

Individual projects presented to the Commission may be required to send additional notice. For example, Zoning Code Section 33.740.020 stipulates that public notice for legislative projects must be sent at least 30 days before the hearing.

6. Agenda

The Bureau of Planning and Sustainability prepares the Commission agenda. In general, meeting agendas are in the following order:

Call to Order
Order of Business

Consent Items
1. Approval of Meeting Minutes
2. Other consent items

Regular Items

Reports
- BPS Director's Report
- Executive Committee Report
- Other Committee Reports

Adjournment

a. Consent Agenda

Items on the Consent Agenda generally concern routine business (such as approval of meeting minutes or adjournment) or items that do not involve any dispute (such as simple Street Vacation proposals). If a Commission member objects to an item being on the Consent Agenda, the Chair removes the item from the Consent Agenda and moves it to an appropriate place later on the Regular Agenda.

b. Regular Agenda

Items placed on the Regular Agenda include staff briefings, work sessions, and hearings. Typically they include a staff presentation and deliberation by the Commission. They may also include public testimony. Examples of items on the Regular Agenda include:

- Legislative projects that amend the Comprehensive Plan or the Zoning Code;
- Street Vacations
- Urban renewal plans and amendments to those plans; and
- Requests for property tax exemptions for new, multiple-unit housing in the Central City or an urban renewal district.

c. Distribution of Agenda

To Commission Members: At least seven calendar days before the meeting, the Bureau of Planning and Sustainability sends each Commission member a meeting agenda and all materials related to items on the agenda (e.g., plans, staff reports, written comments received). Staff may provide the Commission with additional written materials at the meeting. All materials given to Commission members, including the agenda, are also made available to the public.

To Interested Parties: See E.5, Public Notice.

7. Minutes

The Director of the Bureau of Planning and Sustainability keeps an accurate record or minutes of all proceedings of the Planning and Sustainability Commission. (33.710.030.H.)

F. Decisions

Decisions by the Commission are made either made by unanimous consent or by a vote.

1. By Consent

Items on the Consent Agenda are passed by unanimous consent and without discussion. Commissioners take only one vote for the approval of the entire Consent Agenda.

2. By Vote

Items on the Regular Agenda are decided by vote. Votes are generally taken by roll call ("ayes" and "nays"). The Commission may not vote by secret ballot. *A majority of the members present must vote affirmatively in order to take action. Individual members may not have more than one vote for the conduct of commission or committee business. (33.710.030.D.)*

a. Motion

A Commission action is adopted by vote only after:

- o A Commission member makes a proper motion for action;
- o Another Commission member seconds the motion;
- o The Chair restates the motion (including making any clarifications);
- o All Commission members have an opportunity to discuss the motion;
- o The Chair restates the motion again and asks for a vote. This step may be eliminated if no discussion has taken place;
- o A majority of the members present vote in favor of the motion; and
- o The Chair announces the result of the vote (including the vote count).

b. Abstentions

Each Commission member has a duty to vote on a motion. An abstention from voting is counted as a "no" vote, since *"a majority of those present must vote affirmatively in order to take action."*

Commissioners who have a conflict of interest on a specific item do not participate as a member of the Commission for that specific item. Therefore, their presence does not count for purposes of creating a quorum or as a member who is present for voting purposes.

c. Record of vote

The minutes include the results of all votes.

- d. Order of voting
In all roll call votes, the Chair votes last. The roll call for Commissioners' votes, aside from the Chair's, are in alphabetical order by last name.

3. Commission Action Required

The Commission must dispose of the item it is considering before it may consider another agenda item.

The Commission disposes of an agenda item by taking some action on the item. The action may be final or procedural. A final decision is one to approve or deny, or to recommend approval or denial. Procedural actions include decisions to refer to committee, to postpone, or to table.

G. Communications and Coordination

1. Appeals of Quasi-Judicial Decisions

The Planning and Sustainability Commission may submit written responses or appear in person on appeals of quasi-judicial land use decisions to the City Council. (33.710.040.E.)

2. Public Speaking

When Commission members speak in other venues, such as with the media or before City Council, they must:

- Be clear whether they are speaking for themselves or for the Commission;
- Speak for the Commission only when its position is clear, they are in agreement with the Commission's position, and they are an authorized spokesperson; and,
- When speaking for the Commission, support the Commission's position. They may describe the Commission's debate, but may not challenge the legitimacy of the decision.

3. Annual Report

The Planning and Sustainability Commission must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Planning and Sustainability Director by the first working day of September. The Planning and Sustainability Director may combine the report with annual reports of other bodies for transmission to the City Council. (33.710.040.F.)

4. Coordination with other Commissions

The chairs, or their delegates, of the Planning and Sustainability Commission, Design Commission, and Historic Landmarks Commission meet quarterly to discuss trends and issues relevant to their respective commissions and, as appropriate, to coordinate the Commissions' programs. The chairs will share a summary of their meeting with their respective Commissions. (33.710.030.J.)

H. Orientation and Training

Staff of the Bureau of Planning and Sustainability meets with new Commission members as soon as possible after their appointment to prepare them to effectively serve on the Commission. Bureau staff provides each new member a copy of these bylaws, the Comprehensive Plan, and the Climate Action Plan. Each new member also receives a general orientation regarding the region's growth management and land development policies, the relationship between the Commission and staff, duties and responsibilities, procedural rules, and the legal constraints under which the Commission operates.

I. Other Procedural Questions

To resolve procedural questions not addressed by these Rules, the Commission refers to the current edition of Robert's Rules of Order.

J. Amendments

These bylaws may be amended by a majority vote of the Commission membership, except that portions of the bylaws that are also in Chapter 33.710 of the zoning code (indicated in *italics*) may only be amended after a legislative process to amend the provision in the zoning code.

If the portions of Chapter 33.710 of the zoning code that are also in these bylaws are amended through the legislative process, the amendment will automatically be reflected in these bylaws.