



MEMORANDUM

To: Oregon City Citizen Involvement Committee (CIC)
From: Christina Robertson-Gardiner, Senior Planner
Laura Terway, Community Development Director
Bill Kabeiseman, City Attorney
RE: CIC Roles and Responsibilities
Date: April 23, 2018

In response to questions of the Citizen Involvement Committee (CIC), this memo provides a high level overview of the roles and responsibilities of the CIC and the relationship between the committee and the City Commission and neighborhood associations (NA). At the October 2, 2017, CIC Meeting, the following goal was adopted by the CIC.

Goal 5: Better understand the role of CIC members and neighborhood associations when receiving city information.

- *City Staff will provide a presentation on the role of CIC members and Neighborhood Associations and their relationship to the City of Oregon City.*

The first step in this process is reviewing the CIC roles as they relate to the City and the City Commission. The CIC was founded to comply with Goal One of the statewide planning goals, foster public participation and education regarding land use for the citizens of Oregon City on behalf of the City Commission, encourage public participation in the land use process, and assist the City Commission as identified in chapter 2.30 of the Oregon City Municipal Code. Assisting the City Commission could include appointment to ad-hoc city committees, gathering information from the public, or attending events such as National Night Out. The CIC was formed as an advisory body to the City Commission and, as further defined by the duties below, the CIC does not have a decision-making authority in the same vein as the Planning Commission or Historic Review Board.

Chapter 2.30 - CITIZEN INVOLVEMENT COMMITTEE

The CIC shall foster public participation and education regarding land use for the citizens of Oregon City on behalf of the city commission and perform other duties as identified in this chapter.

The duties of the CIC include, but are not limited to, the following:

- Encourage public participation and knowledge of land use in Oregon City.*
- Encourage public participation in other government activities as they impact neighborhood programs.*
- Provide information to the city commission and the public.*
- Address grievances of the CIC and of neighborhood associations.*
- Assist with requests from the city commission.*

Likewise, the CIC work plan and Public Engagement Plan concentrate on ways to encourage greater public involvement. CIC members play an important role in two-way communication between the City and the Neighborhood Associations in the City. As a member of both organizations, CIC members have a unique lens and role to play. As information passes through, they can provide context for their neighborhood association; Is this information meaningful to us? Do we have a different perspective that should be shared back to the city? Likewise, as events unfold within their own neighborhood associations, CIC members can share concerns and ideas with their fellow CIC members and city staff to see if others have advice or a different perspective. When city staff or other organizations forward information to CIC members, the CIC members should work with their own neighborhood association to determine how best to transmit that information to their elected officers and the broader community. Some neighborhood associations have list serves, Facebook pages, newsletters, and/or group bcc emails for this task.

As with most organizations, CIC members only speak for themselves unless there is a specific vote of the CIC to direct them to speak on behalf of the CIC.

Neighborhood Associations

In Oregon City, neighborhood associations are not city entities. They are separate organizations that rely on their own by-laws and governing structure; however, they are recognized as the official “voice” of the neighborhood. The City is involved with neighborhood associations in limited ways, but this involvement should never be construed as usurping the rights and roles of the neighborhood associations as separate entities from the city.

The City supports its neighborhood associations in some limited ways, including the following:

Land use notification for recognized neighborhood associations

- Recognized neighborhood associations (12) receive land use notices for Type II-IV applications and meeting agendas.
- Many development applications are required to hold neighborhood meetings prior to land use review as prescribed in *OCMC 17.50.055 Neighborhood Association meeting*. The purpose of the meetings is to inform the public of upcoming development and create a dialogue between development applicants and the public.
- Neighborhood associations are entitled to local appeal of certain land use decisions at no cost.
- Neighborhood meetings with developers and notice of land use applications to neighborhood associations also help meet Oregon State Land Use Goal 1 – Citizen Involvement requirements.

Support for mailing postcards

To help support public outreach within neighborhood associations, the City Commission has committed funds yearly for NA postcards mailings. As city funds cannot be used for political endeavors, city staff reviews the content of each postcard before it is sent to the printers to ensure the content meets the requirements. Some neighborhood associations have chosen not to use postcards and are working with city staff on other ways these funds could be used to support public engagement and outreach within their neighborhoods.

Public Officials in Oregon

“Public official” is defined in ORS 244.020(14) as any person who is serving the State of Oregon or any of its political subdivisions or any other public body as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services.

The Oregon Government Ethics Commission has adopted a manual that provides additional direction on how to determine whether a person is considered a public official. In their publication “A Guide for Public Officials,” the OGEC states the following

If anyone of the following elements applies to a volunteer position, the person holding that volunteer position will be defined as a ‘public official’:

- Elected or appointed to a governing body of a public body;
- Appointed or selected for a position with a governing body^[1] or a government agency with responsibilities that include deciding or voting on matters that could have a pecuniary impact on the governing body, agency or other persons;
- The volunteer position includes all of the following:
 1. Responsible for specific duties
 2. The duties are performed at a scheduled time and designated place.
 3. A volunteer is provided with the use of the public agency’s resources and equipment.
 4. The duties performed would have a pecuniary impact on any person, business or organization served by the public agency.

For purposes of ORS Chapter 244, volunteers are not public officials if they perform such tasks as picking up litter on public lands, participating in a scheduled community cleanup of buildings or grounds, participating in locating and eradicating invasive plants from public lands and other such occasional or seasonal events.

The guidance defines the term “public official” is defined broadly. Members of the CIC, as well as members of other mayoral appointed Commissions and Boards, fall under this definition when they are attending meetings or have been authorized to speak on behalf of the Commission. They would be considered a public official when engaging in these formal activities. In situations where the audience may not automatically understand a CIC member’s role, it is always helpful to declare that, while you are a member of the CIC, you are speaking or taking a specific action as an individual or formally representing your neighborhood association.

Public Body – Oregon Meetings Law

The policy of the State of Oregon is that the working of the government should be done in the open, thus the state has adopted a public meetings law. That law requires all “public meetings” to be open to the public and “public meetings” are defined broadly to be any meeting of a quorum of a governing body. Oregon City’s Boards and Commissions are administered to meet the requirements of open meetings law.

¹ As discussed in greater detail below, a “governing body” is defined far more broadly than it initially appears.

Moreover, the term “governing body” is also broadly defined to include not just what would typically be thought of as governing bodies, such as the City Commission or the County Board of Commissioners, but also boards, commissions, councils, committees, subcommittees or advisory groups that have “the authority to make decisions for or recommendations to a public body on policy or administration.” In short, if there is a group of people appointed by the City to make a recommendation, that body is likely subject to the public meetings law. These include citizen advisory groups appointed by the Mayor for legislative updates or concept planning. As separate entities, neighborhood associations should seek their own counsel for any specific questions relating to the applicability of public meetings laws to their organization.

The Oregon Attorney General has published a chart that can be used to determine whether a particular body is considered subject to the public meetings law. That chart can be found at the following link: https://www.doj.state.or.us/wp-content/uploads/2017/06/appendix_k_1.pdf

Guide to Bodies Subject to Public Meetings Law

This is a simplified guide to understanding when the meetings of a particular body are subject to the Public Meetings Law. For a discussion of the various elements, refer to the text of this manual.

