



## APPLICATION PACKET – CITY APPOINTED BODIES

Thank you for your interest in volunteering to serve on a Lincoln City Appointed Body. We appreciate your time and look forward to WELCOMING you to our family of volunteers.

### **This Packet Contains:**

- 1) Committee Member Volunteer application
- 2) Criminal Background Check Authorization
- 3) Committee Volunteer Emergency Contact Information Form
- 4) Lincoln City Municipal Code Chapter 2.06 (*Committee, Board, Commission*), also located at : <https://www.codepublishing.com/OR/LincolnCity/>

### **What We Need From You:**

- Thoroughly complete and sign the Application (incomplete applications will not be processed)
- Complete and sign the Criminal Background Check Authorization
  - This will only be used if you are a finalist
  - Only a criminal background check will be conducted (not a credit check)
- Keep the Fair Credit Reporting Act (FCRA) Information Sheet for your reference
- Complete the Appointed Body Information Form
- **Return the completed original signed forms to the City Recorder, City of Lincoln City, PO Box 50 (801 S. Hwy 101), Lincoln City, OR, 97367. (Note we must have the originals.)**

### **What You Can Expect From Us:**

- The City Recorder will review and notify you if you do not meet the residency requirements, or any other criteria in the code applicable to the Appointive Body.
- The City will conduct criminal background check prior to making any selection decision. If you have any questions about how the background check process works, or what kinds of things could prevent you from serving, please contact Abigail Edwards, Human Resources Director at 541-996-1201.
- Reference checks will be conducted.
- Appointment from among qualified candidates is made by vote of the Council at a regular City Council meeting.
- You will be notified of the outcome whether you are selected or not.
- We will protect your personal information.



**CITY OF LINCOLN CITY**  
**Committee / Board / Commission Application**

Please indicate which committee/board/commission you are applying for:

- |  |  |
|--|--|
| <input type="checkbox"/> Arts Committee<br><input type="checkbox"/> *Budget Committee<br><input type="checkbox"/> Building Board of Appeals<br><input type="checkbox"/> Community Sustainability Committee<br><input type="checkbox"/> Library Board | <input type="checkbox"/> Open Space Committee<br><input type="checkbox"/> Parks and Recreation Board<br><input type="checkbox"/> Planning Commission<br><input type="checkbox"/> Transient Room Tax Committee<br><input type="checkbox"/> Explore Lincoln City Committee |
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*\* If applying for the Budget Committee, you may not serve on any other City board or committee at the same time. Other City committee volunteer positions allow dual representation if it does not present a conflict of interest.*

<b>NAME:</b>		<b>DATE:</b>	
<b>HOME ADDRESS:</b>			
<b>MAILING ADDRESS:</b>			
<b>CITY, STATE, ZIP:</b>			
<b>E-MAIL ADDRESS:</b>			
<b>HOME PHONE:</b>		<b>CELL PHONE:</b>	

**RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA**

Do you reside within the City limits:  Yes Length of Time \_\_\_\_\_

Do you reside within the Urban Growth Boundary?  Yes Length of Time \_\_\_\_\_

Do you reside within the Lincoln County School District North:  Yes  No

Are you a registered voter in Lincoln County?  Yes  No

Are you a Lincoln City business owner or Manager?  Yes  No

If yes, please indicate which business you own/manage? \_\_\_\_\_



**QUALIFICATIONS/EXPERIENCE (Additional space is provided on back)**

Describe relevant qualifications (i.e. work or volunteer experiences) to include any applicable education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

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List names of volunteer/work supervisors:

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Please provide any previous experience with committees, boards or commissions and positions held:

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State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:

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Explain why you would like to serve on this board, commission, or committee:

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List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

**My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information will not be released due to personal privacy protection laws.**

\_\_\_\_\_  
**SIGNATURE**

\_\_\_\_\_  
**DATE**



City Recorder  
City of Lincoln City  
PO Box 50  
Lincoln City, OR 97367

### COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

<b>FULL NAME:</b>	
<b>START DATE:</b>	
<b>NAME OF COMMITTEE, BOARD, OR COMMISSION:</b>	
<b>CITY STAFF REPRESENTATIVE:</b>	
<b>HOME ADDRESS:</b>	
<b>MAILING ADDRESS:</b>	
<b>HOME PHONE:</b>	
<b>CELL PHONE:</b>	
<b>PERSONAL E-MAIL ADDRESS:</b>	

<b>EMERGENCY CONTACT NAME/RELATIONSHIP:</b>	
<b>HOME PHONE:</b>	
<b>CELL PHONE:</b>	

<b>DATE:</b>	
<b>VOLUNTEER SIGNATURE:</b>	

**ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL**



## **FAIR CREDIT REPORTING ACT (FCRA) DISCLOSURE REGARDING A BACKGROUND INVESTIGATION FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY**

### **DISCLOSURE REGARDING "INVESTIGATIVE CONSUMER REPORT" BACKGROUND INVESTIGATION**

The City of Lincoln City ("the City") to which you have applied for employment, may request an investigative consumer report about you from a third party consumer reporting agency, in connection with your employment, or application for employment (including independent contractor or volunteer assignments, as applicable).

An "investigative consumer report" is a background report that includes information from personal interviews (except in California, where that term includes background reports with or without information obtained from personal interviews). The most common form of an investigative consumer report in connection with your employment is a reference check through personal interviews with sources such as your former employers and associates, and other information sources. The investigative consumer report may contain information concerning your character, general reputation, personal characteristics or mode of living. You may request more information about the nature and scope of an investigative consumer report, if any, by contacting the City.

You have the right, upon written request made within a reasonable time, to request (1) whether an investigative consumer report has been obtained about you, (2) disclosure of the nature and scope of any investigative consumer report and (3) a copy of your report. These reports will be conducted by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Phone: 1-800-955-5306; [www.pinnacleprof.com](http://www.pinnacleprof.com)**. The scope of this disclosure is all-encompassing, however, allowing the Company to obtain from any outside organization all manner of investigative consumer reports throughout the course of your employment to the extent permitted by law.



**FAIR CREDIT REPORTING ACT (FCRA) ACKNOWLEDGEMENT AND AUTHORIZATION FOR  
BACKGROUND CHECK FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED  
BODY**

**PLEASE READ CAREFULLY BEFORE SIGNING!**

I acknowledge receipt of the separate document entitled "DISCLOSURE REGARDING BACKGROUND INVESTIGATION and a SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT", and certify that I have read and understand both of those documents. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" by Lincoln City ("City") at any time after receipt of this authorization and throughout my employment, if applicable.

To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Telephone Number 1-800-955-5306; [www.pinnacleprof.com](http://www.pinnacleprof.com)** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.

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**SIGNATURE**

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**DATE**

Para información en español, visite [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

## A Summary of Your Rights under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under FCRA. **For more information, including information about additional rights, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
  - o a person has taken adverse action against you because of information in your credit report;
  - o you are the victim of identity theft and place a fraud alert in your file;
  - o your file contains inaccurate information as a result of fraud;
  - o you are on public assistance;
  - o you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.

- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- The following FCRA right applies with respect to nationwide consumer reporting agencies:

#### **CONSUMERS HAVE THE RIGHT TO OBTAIN A SECURITY FREEZE**

**You have a right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization.**

The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.

As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer’s credit file. Upon seeing a fraud alert display on a consumer’s credit file, a business is required to take steps to verify the consumer’s identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

**States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:**



<b>TYPE OF BUSINESS:</b>	<b>CONTACT:</b>
<p>1.a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates</p> <p>b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:</p>	<p>a. Consumer Financial Protection Bureau 1700 G Street, N.W. Washington, DC 20552</p> <p>b. Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357</p>
<p>2. To the extent not included in item 1 above:</p> <p>a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks</p> <p>b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act.</p> <p>c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations</p> <p>d. Federal Credit Unions</p>	<p>a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050</p> <p>b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480</p> <p>c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106</p> <p>d. National Credit Union Administration Office of Consumer Financial Protection (OCFP) Division of Consumer Compliance Policy and Outreach 1775 Duke Street Alexandria, VA 22314</p>
<p>3. Air carriers</p>	<p>Asst. General Counsel for Aviation Enforcement &amp; Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590</p>
<p>4. Creditors Subject to the Surface Transportation Board</p>	<p>Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street, S.W. Washington, DC 20423</p>
<p>5. Creditors Subject to the Packers and Stockyards Act, 1921</p>	<p>Nearest Packers and Stockyards Administration area supervisor</p>
<p>6. Small Business Investment Companies</p>	<p>Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, S.W., Suite 8200 Washington, DC 20416</p>
<p>7. Brokers and Dealers</p>	<p>Securities and Exchange Commission 100 F Street, N.E. Washington, DC 20549</p>
<p>8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations</p>	<p>Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090</p>
<p>9. Retailers, Finance Companies, and All Other Creditors Not Listed Above</p>	<p>Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357</p>

## Chapter 2.06 CITY APPOINTIVE BODIES

### Sections:

- [2.06.005](#) Purpose and applicability.
- [2.06.010](#) Created or established.
- [2.06.015](#) Recruitment and appointment process.
- [2.06.020](#) Terms, term limits.
- [2.06.025](#) Quorum and effect of lack thereof.
- [2.06.030](#) Meetings and attendance.
- [2.06.035](#) Vacancies and removal.
- [2.06.040](#) Public meetings and public records law.
- [2.06.045](#) Hearings officer appointment.
- [2.06.050](#) Election of officers, secretary and subcommittees.
- [2.06.055](#) Role and time commitment of staff.
- [2.06.060](#) Agendas, minutes, order of proceedings.
- [2.06.065](#) Powers and duties.
- [2.06.070](#) Rules for conduct of business.
- [2.06.075](#) Code of ethics.
- [2.06.080](#) Deliberation.
- [2.06.085](#) Council as final decision maker.
- [2.06.090](#) Gifts.
- [2.06.095](#) Budget, compensation and expenses.
- [2.06.100](#) Reports to council.
- [2.06.105](#) Lobbying and representing the city.

### **2.06.005 Purpose and applicability.**

Appointive bodies require uniform rules, policies and operating procedures to assure maximum productivity and fairness for members and the public. Except where otherwise provided in this code or state law, the following policies and procedures govern all the city's appointive bodies. For purposes of this chapter, "appointive body" means any board, commission, committee, task force, advisory group, ad hoc committee, or any other such group appointed by the mayor or by the city council, however designated. Nothing herein removes the requirement for compliance with more specific regulations and guidelines set forth by state statute, administrative rule, ordinance, or resolution specific to the appointive body. These rules do not apply to filling a vacancy under Chapter VIII, Section 8.2 of the Lincoln City Charter. (Ord. 2017-05 § 1; Ord. 2000-02 § 1. Formerly 2.06.010)

### **2.06.010 Created or established.**

All regular boards, commissions and committees are codified in Chapters [2.08](#) through [2.70](#) LCMC. Ad hoc entities shall be formed by resolution of the council. (Ord. 2017-05 § 1)

### **2.06.015 Recruitment and appointment process.**

A. Recruitment. The city recorder shall regularly provide notice of vacancies on city appointive bodies by doing the following:

1. Email vacancy notices to council, and city officers and employees;
2. Email or fax vacancy notices to the "media group"(i.e., radio stations, newspapers);

3. Post vacancy notices on bulletin boards at City Hall and transmit vacancy notices for posting at Driftwood Library and Lincoln City Community Center;
4. Provide applications for pick up at information desk and administration offices;
5. Email vacancy notices to recognized neighborhood associations;

The city recorder may also, but is not required to, place ads in the local newspaper of record or place vacancy notices on the city website.

#### B. Application Process.

1. Applications shall be made on approved city forms and must be signed by the applicant (including appropriate consents to background investigation). All applications must be turned in to the city recorder in city administration and date-stamped. Incomplete applications shall not be processed. The form of application and consent documents must be approved by the city attorney.
2. The city recorder will review the application for completeness and notify applicants when the application will not be processed due to missing information. Applicants can supply missing information if the recruitment is still open.
3. The city recorder shall perform the following threshold review:
  - a. Verify required residency requirements, if any, with the county clerk;
  - b. Determine whether the applicant qualifies for the specific committee based upon any stated minimum criteria in the code;

The city recorder will notify applicants who do not meet residency or minimum qualifications; such decisions may be appealed to the city council pursuant to Chapter [1.26](#) LCMC.

4. The recorder shall also send the application materials to the HR director to conduct the background investigation and reference checks. After the checks are complete, the city recorder will scan the approved applications and forward them to the mayor and council for review. Applications frequently contain information protected from disclosure under Oregon law. Councilors are cautioned not to disclose application materials or supporting documents in the file.

#### C. Selection of Individual Interviewers or Interview Subcommittees.

1. Two councilors shall be appointed by the mayor at a regularly scheduled city council meeting to conduct interviews for open positions. Groups of two can be appointed for multiple openings.
2. Unless otherwise stated at the time of appointment, the interviewer appointments shall be for individual councilors to conduct interviews and provide council with individual recommendations (i.e., the councilors are not a part of an interview subcommittee and shall not deliberate or discuss the applicants except when giving their individual reports to council).
3. Nothing herein prohibits the mayor and council from conducting interviews and making recommendations to council as an interview subcommittee (requiring public meeting notice).
4. Nothing herein prohibits council from electing to conduct interviews of all applicants at a regular or special city council meeting.
5. Notwithstanding the above, the planning commission and budget committee applicants shall be interviewed at a regular or special city council meeting.

#### D. Background Investigation and Reference Check.

1. The background check shall be conducted as soon as possible (generally takes one to two days).

Generally, the investigations shall proceed as follows:

a. The human resources director shall contact the candidate and notify them that a background check will be completed using the paperwork (release) they signed in the application packet. The human resources director will provide the information to a qualified individual or company that completes background investigations. The human resources director will review the background information provided, considering the following:

i. Type of conviction (misdemeanor/felony).

ii. Number of convictions (e.g., is there a pattern?).

iii. Type of crime (e.g., crimes such as, but not limited to, violent crimes).

iv. How recently a conviction occurred (five years ago or less).

v. What actions the candidate took following the conviction to prevent it from occurring again (e.g., anger management classes).

2. The human resources director will contact the applicant if a background check question arises and notify the applicant of any potential adverse decision. The human resources director shall provide the applicant with a copy of the report and ask any questions to assist in understanding whether the background should preclude service on a committee. The human resources director will make a pass/fail determination and notify the mayor and city council of the determination.

#### E. Interview and Evaluation Process.

1. A councilor conducting individual interviews may schedule their own interviews with applicants.

2. Subcommittees conducting interviews shall have interviews noticed and scheduled by the city recorder, or designee. Councilors jointly conducting individual interviews may request interviews be scheduled by staff, but such interviews shall be noticed.

3. Only interview subcommittee members may discuss the applications and deliberate on recommendations to council.

4. Individual councilors or the interview subcommittee members shall advise the city recorder or designee of their recommendations.

5. The HR director shall place the results of the background investigation and reference check investigations in the file for review by all councilors.

F. Appointment. At a regular or special meeting of the city council the question of appointment of one or more applicants for appointive bodies can be placed on the agenda for consideration. No applicant will be placed on the agenda until completion of the interview, background and reference check process. At the time the matter is considered the individual interviewers may give their recommendation, or, as applicable, an interview subcommittee member may give the recommendation of the subcommittee. The council may use the ballot nomination process to narrow the applicant field. Notwithstanding any other provision in the municipal code, all appointments shall be by motion, approved by majority vote of the governing body.

G. Reappointment. Requests for reappointment of appointive public officers (only for those who have previously completed the interview, reference and background check) may be processed using this abbreviated procedure. The council, by motion, may direct the city recorder to place appointive officers on the agenda for reappointment, subject only to an update of the background investigation (pursuant to a current release). Unless council by motion directs the use of the abbreviated procedure, all reappointments shall follow the procedure identified herein for original applicants. (Ord. 2017-05 § 1)

### **2.06.020 Terms, term limits.**

A. All successors to original members of a city appointive body shall have a three-year term, except as otherwise provided in the appointment order or this code. When multiple appointments are being made, or the appointment is the original appointment, the appointing authority may stagger terms in an original appointment order at one, two and three years, as necessary. Notwithstanding the three-year limitation, planning commissioners shall serve four-year terms.

B. Members may serve four terms on any single commission or board, after which time the mayor and council will give due consideration to other qualified candidates before making a reappointment. (Ord. 2017-05 § 1)

### **2.06.025 Quorum and effect of lack thereof.**

A. A quorum shall consist of the first whole number of members more than one-half of the total number of authorized members of the body including any vacant positions (e.g., seven-member body: one-half is 3.5; quorum is four). Nonvoting ex officio members, staff and liaisons do not count toward the quorum.

B. A quorum must consist of qualified members meeting the numeric minimum of this chapter; appointive body membership provisions (e.g., residency requirements) do not impact quorum calculations. Unless specifically stated otherwise in city code or state law (e.g., budget committee), only a simple majority of the quorum is necessary to adopt any motion or take action or recommendation.

C. Members need not be physically present at a meeting if another means of attendance (e.g., telephonic, internet, etc.) is provided and if public meetings law requirements are met (public can hear the remote participant).

D. If there is no quorum for a meeting, no official business shall be conducted and all matters advertised shall automatically be continued to the next regularly scheduled meeting.

E. If an appointive body, acting in an advisory capacity with respect to a city matter, fails to make a recommendation to the city council within 60 days of referral, the matter shall be forwarded to the council without a recommendation. (Ord. 2017-05 § 1; Ord. 2013-03 § 1. Formerly 2.06.030)

### **2.06.030 Meetings and attendance.**

Unless otherwise provided by law, the number of meetings related to business needs of a city appointive body may be set by the body. All members are expected to attend all regularly scheduled meetings, study sessions and special meetings when applicable. If a member will be absent from a meeting the member must notify the chair or the staff liaison at least two hours prior to the meeting. Unexcused absences can lead to the declaration of a vacancy (below). Attendance shall be reviewed by the appointive body annually (e.g., at first meeting in January) with a report sent to the city recorder advising of the need for appointment or reappointment, if necessary. (Ord. 2017-05 § 1)

### **2.06.035 Vacancies and removal.**

A. A vacancy is created on an appointive body and the position automatically deemed vacant and open for appointment before the expiration of the term if:

1. A member dies, resigns, or is removed from office;
2. A member ceases to possess any other qualification required for appointment to such office;
3. A member has three or more unexcused absences in a six-month period;
4. A member is convicted of a felony or adjudicated incompetent;
5. The appointment of the member is declared void by a court of law.

B. If a vacancy on an appointive body occurs, the council shall fill the vacancy by appointment for the unexpired term. Vacancies shall be filled in accordance with the process set forth for appointment of members pursuant to this chapter.

C. Notwithstanding the above, the city council, with or without cause, may by majority vote of the city council at a regular meeting, remove any member of an appointive body prior to the expiration of the term of the appointment. Written notice of removal to the affected member shall be provided. Removal shall be handled with respect and courtesy. If a member resigns or is removed, the mayor and council shall appoint a replacement for the remainder of the term. Notwithstanding the above procedure, removal of a planning commissioner shall be governed by the procedures in ORS [227.030](#). Hearings under ORS [227.030](#) are hereby delegated by the governing body to a hearings officer designated by the city council. (Ord. 2017-05 § 1)

#### **2.06.040 Public meetings and public records law.**

All meetings of appointive bodies are subject to strict compliance with public meeting laws of the state of Oregon. Notice of meetings shall be sent to the media group, including a newspaper with general local circulation. Public notice may also be posted on the city's website. In the case of emergency or when a state of emergency has been declared, notice appropriate to the circumstances shall be provided and reasons justifying the lack of 36-hour notice shall be included in the minutes of such meeting. Agenda packets, materials and minutes must be retained in accordance with applicable public records law and retention schedule. (Ord. 2017-05 § 1)

#### **2.06.045 Hearings officer appointment.**

When a quasi-judicial appeal has been filed and an appointive body lacks sufficient members to conduct business, or when an appointive body requests assistance from the city manager on a complicated matter, the city manager is authorized to designate a city hearings officer to conduct the hearing and prepare a recommended order for the manager's or appointive body's consideration in making the decision. In the alternative, the city hearings officer, in appropriate circumstances, may conduct the hearing and make the decision. Such hearing shall be conducted consistent with the Uniform Administrative Appeals Ordinance. Notwithstanding this delegation, the city council may also by written order or resolution specify use of a hearings officer for individual appeals, or for classes of appeals in their sole discretion, with due consideration of budgeting. (Ord. 2018-11 § 1)

#### **2.06.050 Election of officers, secretary and subcommittees.**

At its first meeting of the year the appointive body shall elect officers, including a chair and a vice chair who shall hold office at the pleasure of the body. Neither the chair nor vice-chair shall serve as an officer for more than two consecutive years. Without the need for an appointment, the head of the city department staffing the appointive body shall be the secretary and shall be responsible for keeping an accurate record of all proceedings. The department head may delegate such tasks to a staff liaison. The department head or staff liaison shall consult with the city recorder and city attorney regarding matters such as public meeting notice, minutes, and records retention. Subcommittees may be formed by an appointive body for the purpose of gathering information and forming a recommendation to be brought forward to the full appointive body; however, only the full body can make

recommendations to the city council. Subcommittees must comply fully with the requirements of the Oregon Public Meetings Law. (Ord. 2017-05 § 1)

### **2.06.055 Role and time commitment of staff.**

At least one staff person shall be assigned to work with each regular appointive body. The city manager shall appoint a department head as staff liaison for each regular appointive body. The department head may delegate the staff liaison to a designee. Ad hoc entities are governed by the resolution creating them and do not have dedicated staff. The staff liaison provides professional guidance, continuity, and insight into city policy and attends all regular and special meetings and workshops. The staff liaison is not the employee of the appointive body or supervised by the body but supports the body as a whole. The staff liaison shall not do work at the request of individual members. Each staff liaison has a limited amount of time to devote to the appointive body. If additional staff time is needed the request should be made to the city manager. (Ord. 2017-05 § 1)

### **2.06.060 Agendas, minutes, order of proceedings.**

A. The staff liaison, after consultation with the appointive body chair, will be responsible for the agenda of all meetings of their respective appointive bodies. A member or staff liaison will be responsible for taking minutes. All meetings shall be noticed in accordance with the Oregon Public Meetings Law. Agendas, minutes and supporting packets will be posted on the city's website, when possible. Staff will email or mail documents to members upon request. Public review copies shall be available at the appropriate city department.

B. In the conduct of the business of the appointive body, the order of business shall be substantially as follows:

1. Roll call;
2. Pledge of allegiance;
3. Consent agenda;
4. Public hearings;
5. Appointive body deliberations;
6. Presentations;
7. Special order of business action items, if any;
8. Reports from city staff;
9. Comments by city appointive body members;
10. Adjournment.

Nothing in this section prohibits appointive bodies from holding public hearings or requesting public input on appointive body agenda items within the scope of their delegated authority. (Ord. 2018-11 § 2; Ord. 2017-05 § 1)

### **2.06.065 Powers and duties.**

A. The powers and duties of the respective appointive bodies are set forth in the Chapters [2.08](#) through [2.70](#) LCMC. Subject to approval of the public contracting officer, appointive bodies with quasi-judicial decision making authority are authorized to delegate, by majority vote, the conduct of the hearing and drafting of a recommended order to a qualified hearings officer. In addition, if the respective appointive body is without a quorum or otherwise unavailable to render a timely decision, the contracting officer is authorized to refer a quasi-judicial matter to a hearings officer for hearing and final decision or recommendation.

B. Appointive bodies cannot enter into contracts on behalf of the city. However, nothing herein prohibits staff from involving an appointive body in selection processes provided the appointive body makes only a recommendation on a contract award.

C. Appointive bodies are encouraged to review their powers and duties on an annual basis. After review of such powers and duties, appointive bodies should establish annual goals and action items that reflect the body's charge as stated in the specific code authorization for the body. Appointive bodies are expected to suggest, support, and advance council goals and are encouraged to look for ways within their own unique responsibilities to do so. (Ord. 2017-05 § 1)

#### **2.06.070 Rules for conduct of business.**

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All appointive bodies are authorized to adopt such rules of procedure as are necessary for the conduct of their business, such as the conduct of meetings, when not inconsistent with the Charter, the code, or Oregon law. These rules of procedure may be less formal than Robert's Rules of Order. In the event of conflicts that cannot be resolved less formally, Robert's Rules of Order may be used as the standard for meeting rules and procedures. Failure to strictly follow Robert's Rules of Order shall not be cause to void or otherwise disturb a decision or action. The body will strive to be clear in its proceedings. (Ord. 2017-05 § 1)

#### **2.06.075 Code of ethics.**

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The city of Lincoln City is committed to the highest ethical standards for its public officials, including elected and appointive officers. To ensure public confidence, all members of elected and appointive bodies (council, commissions, boards and the like) must be independent, impartial, responsible and not use their position for personal gain or to benefit or harm others. Members of appointive bodies shall operate in the general public interest serving the community as a whole and shall serve no special interests. Elected and appointive officers shall not endorse in their official capacity any commercial product or enterprise. Except for authorized reimbursements, elected and appointive body members shall not receive a salary or any payment for material or services provided to the elected or appointive body. Notwithstanding the above, council may provide volunteers with certain fringe benefits (e.g., community center privileges) in accordance with adopted council policy. Appointive body members should be familiar with the criminal codes, ethics and conflict of interest laws set forth in state statutes and city ordinances. (Ord. 2017-05 § 1)

#### **2.06.080 Deliberation.**

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It is the duty of the chair or presiding officer to ensure that each member has the opportunity to speak. Members speak only for themselves and shall be open, direct and candid. Members shall strive to deliberate to a decision and shall rely upon the chair to keep the discussion moving. (Ord. 2017-05 § 1)

#### **2.06.085 Council as final decision maker.**

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With the exception of certain delegated quasi-judicial actions, most appointive bodies do not make final decisions subject to appeal but rather make recommendations to, or act in an advisory capacity to, the city council. The city council is the final decision maker on all city policies and the use of city property and resources. Proposals by appointive bodies for endorsement or sponsorship of events, activities or programs must receive approval by city council or such matters must be formally delegated to the appointive body or manager. (Ord. 2017-05 § 1)

#### **2.06.090 Gifts.**

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Subject to the acceptance of the city council, an appointive body may receive gifts, bequests or devises of property in the name of the city to carry out any of the purposes of the appointive body, which funds, if required by the terms of the gift, bequest or devise, shall be segregated from other funds for use with the approval of the city council. (Ord. 2017-05 § 1)



### **2.06.095 Budget, compensation and expenses.**

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Public funds are generally set aside in departmental budgets for appointive body expenses. Should an appointive body require additional funds, requests should be submitted to the department through the staff liaison. Regular and ad hoc members of the appointive bodies shall receive no compensation for services rendered. Members must receive permission and instructions from the respective staff liaison in order to be reimbursed for training or conferences and associated travel expenses related to official business. Procedures and criteria for approval of expenditures are established by the responsible department head and finance department. (Ord. 2017-05 § 1)

### **2.06.100 Reports to council.**

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Each appointive body shall report to the city council upon the request of the city council or city manager. Council expects quarterly reports, but there shall be no less than one report per fiscal year. Staff liaisons for appointive bodies shall submit copies of its minutes to the city recorder for review by council and shall prepare and submit such reports as from time to time may be requested by the city council. Unless otherwise expressly provided in the Lincoln City Municipal Code or Oregon Revised Statutes or Administrative Rules, all reports or recommendations of city appointive bodies shall be considered advisory in nature and shall not be binding on the city. (Ord. 2017-05 § 1)

### **2.06.105 Lobbying and representing the city.**

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Members shall only represent the opinion or position of the appointive body if specifically authorized by the full membership at a duly advertised public meeting. Unless specifically directed by the city council to state the city's official position on federal, state or county legislative matters, no lobbying before other elected bodies or entities will be undertaken by members of appointive bodies. An individual member is free to voice a position on any issue as long as it is made clear that the speaker is not speaking as a representative of the city of Lincoln City or as a member of an appointive body. Appointive body members are prohibited from engaging in political activity in accordance with ORS [260.432](#). (Ord. 2017-05 § 1)

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**The Lincoln City Municipal Code is current through Ordinance 2018-14, passed October 22, 2018.**

Disclaimer: The City Recorder's Office has the official version of the Lincoln City Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.