

W.7.a.

Memorandum Date: October 17, 2006
Order Date: November 1, 2006

TO: Board of County Commissioners
DEPARTMENT: Public Works
PRESENTED BY: Orin Schumacher, Vegetation Management Coordinator.
AGENDA ITEM TITLE: ORDER/IN THE MATTER OF APPROVING THE AMENDED BYLAWS OF THE VEGETATION MANAGEMENT ADVISORY COMMITTEE

I. MOTION

Move approval of Board Order.

II. AGENDA ITEM SUMMARY

The Board is being asked to amend Bylaws of the Lane County Vegetation Management Advisory Committee. The proposed changes would amend Article VI, Section 4 of the Bylaws. The following highlights the proposed amendment to the Bylaws of the Vegetation Management Advisory Committee, approved by Committee members at their October 11, 2006, regular meeting.

Article VI, Section 4 – The Chairperson shall be a voting member of the committee. A majority of the voting members shall be necessary to constitute a quorum. Except as otherwise provided by these rules, all actions of the Committee shall require the affirmative vote of the majority of the quorum.

(The proposed amendment would change the final word in the paragraph of Article VI, Section 4 from "Committee" to "quorum").

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The Board has historically, in both written reports and by voting action, supported the idea that the Vegetation Management Advisory Committee have a broad-based membership and that a majority of that membership would be necessary to take an affirmative action.

The Board's original Vegetation Subcommittee (Commissioners Jerry Rust and Ellie Dumdi), in their report to the Board on February 2, 1988, wrote: "Citizen Advisory Committee - A broad-based advisory group will lend itself to a good vegetation management program. The role of such a group would include dealing with significant vegetation management issues. The composition of the group should include a wide range of disciplines such as agriculture, horticulture, forestry, civil engineering, lay citizenry, wildlife and environmental interest groups. It is recommended that we establish such an advisory body to help implement the vegetation management program."

The Board's unanimous approval of the original VMAC Bylaws in 1989 (Board Order 89-7-12-1), further demonstrates their support for the language that was drafted to insure that a majority of that broad-based membership would need to reach an agreement in order to pass an affirmative action.

B. Policy Issues

Supporting the Vegetation Management Advisory Committee's proposed Bylaw changes would be a change in the original policy set by the Board, which was crafted to help insure a range of viewpoints would be necessary to take an affirmative action.

C. Board Goals

One of Lane County's Strategic Plan goals is to provide opportunities for citizen participation in decision-making, voting, volunteerism and civic and community involvement.

D. Financial and/or Resource Considerations

There are no financial implications in taking action regarding the motion.

E. Analysis

During the regular meeting of the Vegetation Management Advisory Committee on October 11, 2006, a vote of 6-2 in favor of amending Article VI, Section 4 of the Bylaws occurred. This would change an affirmative vote from representing a majority of the Committee to that of the majority of the quorum. Instead of needing at least five votes for action of the Committee, all that would be needed to take an action would be five members present, with three votes in agreement of any given action, reducing the current number of needed votes by two. This issue needs to be resolved to provide clarity of the voting structure of the Committee, for all future votes and recommendations provided by the Committee.

F. Alternatives/Options

Option #1 – Move adoption of the Committee recommendation to amend Article VI, Section 4 of the Bylaws to read; “The Chairperson shall be a voting member of the Committee. A majority of the voting members shall be necessary to constitute a quorum. Except as otherwise provided by these rules, all actions of the Committee shall require the affirmative vote of the majority of the quorum.”

Option #2 – Do not approve the Board Order – retain the Vegetation Management Advisory Committee Bylaws as they currently exist.

Article II, Section(s) 1-6 outline the responsibilities of the Vegetation Advisory Committee. A key foundation of the Committee is to provide recommendations to staff and the Board of Commissioners, and to serve as a liaison group in representing the concerns of the community with regard to vegetation management. Reducing the number of votes required for affirmative action, to that of a majority of the quorum, could result in affirmative votes/actions that may not represent the Committee or community as a whole.

Advisory committees at times face vacancies limiting the number of committee members present at any given meeting. Reducing the number of votes required for affirmative action, to that of a majority of the quorum, could keep business moving forward at times when membership is low, and that could be a potential advantage of amending Article VI, Section 4.

IV. TIMING/IMPLEMENTATION

If the Board chooses Option 1, the amended Vegetation Management Advisory Committee Bylaws would become effective as soon as the Order and the amended Bylaws are signed by the appropriate personnel.

If the Board chooses Option 2, the Vegetation Management Advisory Committee would continue to operate according to the current wording in their Bylaws.

V. RECOMMENDATION

Committee Recommendation: Option #1 – The Committee voted 6-2 in favor of amending Article VI, Section 4 of the Bylaws.

Staff Recommendation – Option #2 – Do not approve the Board Order; retain the Bylaws as they currently exist.

VI. FOLLOW-UP

Staff will notify the Vegetation Management Advisory Committee of the Board's decision.

VII. ATTACHMENTS

Board Order
Exhibit 1 – VMAC Bylaws, legislative format
Exhibit 2 – VMAC Bylaws, amended

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY,
OREGON

ORDER NO.

)IN THE MATTER OF APPROVING
)THE AMENDED BYLAWS OF THE
)VEGETATION MANAGEMENT
)ADVISORY COMMITTEE

WHEREAS, Lane Manual 3.552 provides for the establishment of a
Vegetation Management Advisory Committee; and

WHEREAS, Board Order No. 89-7-12-1 approved the Bylaws of the
Vegetation Management Advisory Committee; and

WHEREAS, the Committee further amended and adopted said Bylaws on
March 14, 1991, on February 6, 1992, on July 14, 1993, on December 14, 1995,
on July 10, 2002, and on October 11, 2006, in keeping with the Board of
Commissioners' revised policies concerning advisory committees; and

WHEREAS, Board Order No. 91-12-17-3 amended Lane Manual to
provide for revisions to the membership of the Vegetation Management Advisory
Committee, reducing the size of the Committee from its original size of fifteen
members to its current size of nine members, as of January 1, 1992, NOW
THEREFORE BE IT HEREBY

ORDERED that the Vegetation Management Advisory Committee Bylaws,
attached hereto and incorporated herein by reference, be approved as amended.

Adopted this _____ day of _____, 2006

Bill Dwyer, Chair
Lane County Board of Commissioners

10-23-06
Bill Dwyer

IN THE MATTER OF APPROVING THE AMENDED BYLAWS OF THE
VEGETATION MANAGEMENT ADVISORY COMMITTEE

**BY-LAWS
OF THE LANE COUNTY
VEGETATION MANAGEMENT ADVISORY COMMITTEE**

ARTICLE I NAME

This Committee shall be known as the Lane County Vegetation Management Advisory Committee, hereinafter referred to as the Committee.

ARTICLE II RESPONSIBILITIES OF THE COMMITTEE

It shall be the responsibility of the Lane County Vegetation Management Advisory Committee to review vegetation management needs and related issues and make recommendations to the staff, or the Board of County Commissioners, as appropriate. Specific duties of the Committee shall be as follows:

Section 1. Review vegetation management needs throughout the County, working with Department of Public Works staff to establish priorities in keeping with available funds.

Section 2. Review requests for vegetation management activities beyond the scope of routine maintenance brought to the attention of the Committee by the Board of County Commissioners, citizen groups or individual citizens, and make recommendations to staff as appropriate.

Section 3. Review the Vegetation Management Program standards and policies and prepare recommendations for Board action as necessary.

Section 4. Review and provide recommendations to the Board regarding long-range planning for future Vegetation Management Program needs in Lane County, including long-range planning as may be required by other governmental agencies or determined by the Committee to serve the public interest.

Section 5. Recommend criteria and resulting priorities for projects involving the County and other governmental agencies to the staff.

Section 6. Serve as liaison group in representing the concerns of the community with regard to vegetation management to the Board of County Commissioners and representing Board decision to the community.

ARTICLE III MEMBERSHIP

Section 1. The Committee shall consist of nine members appointed at-large by the Board of County Commissioners. The terms shall be for four years.

Section 2. For good cause, such as missing three consecutive meetings, or four out of six consecutive meetings, a majority of members present at any regular meeting may recommend to the Board of County Commissioners that they request the delinquent member to resign and a new member be appointed.

Underline = Material being added
~~Strikethrough~~ = Material being deleted

Section 3. In the event that a member is unable to complete his/her term on the Committee, the Board shall be notified as soon as possible for appropriate consideration and action. The newly appointed member shall serve the remainder of the original term.

ARTICLE IV OFFICERS

Section 1. The officers of this Committee shall consist of a Chairperson and a Vice Chairperson.

Section 2. The Chairperson and Vice Chairperson shall be elected from the voting membership of the Committee at its first regular meeting in January of each year. The term of office shall be one year. No member shall be eligible for more than three consecutive terms as Chairperson or Vice Chairperson. In case of vacancy occurring in the office of Chairperson or Vice Chairperson, the Committee shall fill the same by an election at its regular meeting.

Section 3. The Vegetation Management Coordinator, or other staff representative as designated by the Department, shall serve as Secretary of the Committee. The Secretary, with the approval of the Committee, may designate an Acting Secretary in the absence of the Secretary.

ARTICLE V OFFICERS' DUTIES

Section 1. It shall be the duty of the Chairperson to preside at all meetings of the Committee; to enforce observation of the By-Laws; to decide all question of order; offer for consideration all motions regularly made; apportion duties of the members of the Committee; call all special meetings; appoint all necessary subcommittees; and perform such other duties as the office may require.

Section 2. In the absence of the Chairperson, the Vice Chairperson shall perform the Chairperson's duties.

Section 3. In the absence of the Chairperson and the Vice Chairperson, the Committee shall elect a temporary chairperson for the particular meeting in question.

Section 4. It shall be the duty of the Secretary to provide information and services, and to keep complete records of Committee activities.

ARTICLE VI MEETINGS

Section 1. This Committee shall hold its regular meetings on the second Wednesday of each month beginning at 5:30 P.M. Meetings may be changed at the discretion of the Committee. Special meetings may be called by the Chairperson provided advance notice is provided at the regular meetings or in writing by the Secretary and posted in the mail at least seven days in advance. Meetings of regular nature may be suspended for a period acceptable to a majority of the membership of the Committee.

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Section 2. The place and hour of any meeting may be changed by affirmative act of the Committee, and the hour of any meeting may be changed by the Secretary, if adequate notice can be given to the public and all interested parties.

Section 3. All meetings shall adjourn at 7:30 P.M., unless the Committee, by majority vote, decides to extend business beyond that time.

Section 4. The Chairperson shall be a voting member of the Committee. A majority of the voting members shall be necessary to constitute a quorum. Except as otherwise provided by these rules, all actions of the Committee shall require the affirmative vote of the majority of the ~~Committee~~ quorum.

Section 5. Except as otherwise provided to the contrary by these By-Laws, Robert's Rules of Order shall apply to the procedures of all Committee meetings.

Section 6. When a motion has been made to approve an agenda item and the motion is defeated by proper vote and no later alternative motion is made for approval, the defeat of any such motion to approve shall be deemed a denial of the matter before the Committee, without further separate motion to deny and vote thereon.

Section 7. All meetings of the Committee shall comply with the Public Meeting Law as set forth in ORS 192.610 through 192.710. The Committee is responsible for the compliance with the law, including but not limited to the requirement of notice and written minutes of meetings.

Section 8. The agenda for each meeting will include a Public Comment period, not to exceed twenty minutes, with allowance for a maximum of three minutes per speaker. Where the number of speakers is so large so as to preclude all speakers from being heard, the number of speakers and the maximum time shall divide either the twenty-minute period allowed per speaker adjusted accordingly, or a special meeting shall be called.

ARTICLE VII CONFLICT OF INTEREST

Members shall be required to vote on all matters which require a decision except, in accordance with ORS Chapter 244, no Committee member shall participate in a decision in which that member has a private pecuniary interest. When such apparent or potential conflict of interest arises, the affected member shall disclose such conflict of interest and disqualify himself/herself from voting on the matter, and he/she shall not be considered as being present for the purpose of determining whether a majority vote has been cast. Furthermore, the affected member shall notify the Board of county Commissioners as required under ORS 244.120.

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ARTICLE VIII SPECIAL RECORDS

The Secretary for the following matters shall maintain special records:

Section 1. All reports made by the Lane County staff, Committee, subcommittee of the Committee, individual staff or Committee members, technical consultants, or other interested parties and presented to the Committee, shall be maintained on file, and made available upon request as provided by law.

ARTICLE IX ADOPTION OR AMENDMENT OF RULES OF PROCEDURE

The adoption of the amendment of these By-Laws shall require the vote of a majority of members of the Committee and the approval of the County Board of Commissioners. The proposed amendments shall have been posted in the mail to all members of the Committee at least ten days in advance of said meeting.

Adopted by the Vegetation Management Advisory Committee on the 14th day of June 1989.

Amended and adopted by the unanimous vote of the members at the regular meeting of the Vegetation Management Advisory Committee on the 14th day of March, 1991; on the 6th day of February, 1992; on the 14th day of July 1993; on the 14th day of December 1994; and on the 10th day of July, 2002.

Amended and adopted by the majority vote of the members present on October 11, 2006, and by the Board of County Commissioners on this _____ day of _____, 2006.

Committee Chair

Committee Secretary

EXHIBIT 2

BY-LAWS OF THE LANE COUNTY VEGETATION MANAGEMENT ADVISORY COMMITTEE

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Committee Chair

Committee Secretary