

**A RESOLUTION ADOPTING REVISED BYLAWS AND RULES
OF PROCEDURE FOR THE ORGANIZATION OF AND
CONDUCT OF BUSINESS BY THE BEAVERTON BOARD OF
DESIGN REVIEW.**

BE IT RESOLVED by the Board of Design Review ("Board") of the City of Beaverton, Oregon:

The following bylaws, rules, and regulations are hereby adopted by the Board of Design Review for the transaction of its business effective on January 5, 2005:

ARTICLE I

GENERAL

Section 1. EXPLANATION AND INTERPRETATION

- (A) A seven member City Board of Design Review has been established by Ordinance No. 2050, as amended. Ordinance No. 2050 was enacted by the City Council pursuant to the authority of the home rule Charter of the City of Beaverton. The Council has also adopted other ordinances, resolutions, and policy statements relating to the organization, powers, duties, and procedures of the Board. The Board is empowered to adopt and amend rules and regulations, to govern the conduct of its business consistent with the Charter and ordinances of the City, and official policies promulgated by the Council.
- (B) It is the intention of the Board to set forth in this resolution not only rules and regulations governing its organization and procedures, but also certain other provisions relating thereto, now contained in various ordinances, resolutions, and other documents. The intent is to set forth in one document the essential information relating to the Board's organization and procedures for the benefit of the Board, applicants, and the general public. However, the omission in this resolution of any provision relating to the Board in some other documents shall not be construed as an implied repeal of such provision.
- (C) This resolution replaces and repeals Resolution Nos. 82-1, 1751, 2720, and 3253.

ARTICLE II

RESPONSIBILITIES OF THE BOARD

Section 1. RESPONSIBILITIES

The purpose, objectives, and responsibilities of the City Board of Design Review shall be:

- (A) Comprehensive Plan The Board shall carry out duties assigned to it by the Council relating to development, updating, and general maintenance of the Plan.
- (B) Capital Improvement Program The Board may assist the Council in the formulation of a Capital Improvement Program and, after adoption of said Program, may submit periodic reports and recommendations to the Council relating to the integration and conformance of the Program with the Beaverton Comprehensive Plan.
- (C) Application of Development Regulations Except for those matters which may be delegated to the Director, the Board shall review and take action on quasi judicial and legislative matters, and other proposals which result from the application of development regulations contained within the Development Code on specific pieces of property and uses of land, buildings, etc. The Development Code shall be followed in holding hearings and taking required action.
- (D) Coordination and Cooperation The Board shall endeavor to advance cooperative and harmonious relationships with the City's Council, Planning Commission, Committee for Citizen Involvement, Neighborhood Associations, other Board of Design Reviews, public and semi-public agencies and officials, and civic and private organizations, with a view to coordinating and integrating public and private planning and developmental and policy conflicts. The Board may, and is encouraged to, exchange research, information, ideas and experiences, participate in joint meetings, develop programs and undertake such other formal and informal actions to facilitate cooperation and coordination.
- (E) General Welfare Upon its own initiative or direction of the Council, the Board shall study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the City of Beaverton and its environs related to its particular area of responsibility.

- (F) Rules of Procedure The Board shall adopt and periodically review and amend rules of procedure. Rules of procedure shall govern the conduct of hearings and participation of Board members on all matters coming before the Board. These rules shall be consistent with State law and City ordinances relating to the same matters.

ARTICLE III

OFFICERS

Section 1. OFFICERS

The Officers of the Board shall be a Chairperson and Vice-chairperson. The Community Development Director ("Director"), appointed by the Mayor under the Charter, shall be the Secretary of the Board. Except in the event the Secretary is absent from any meeting, the Secretary may send a designee.

Section 2. ELECTION

- (A) The Chairperson and Vice-chairperson shall be elected in December for a term of one calendar year, and shall serve until their successors are elected and qualified. The term shall start with the first meeting in January, following election.
- (B) If the office of the Chairperson or Vice-chairperson becomes vacant, the Board shall elect a successor from its membership who shall serve the unexpired term of the predecessor.
- (C) Nominations shall be by oral motion. At the close of nominations, the Board shall vote by voice vote upon the names nominated for the office. If requested by any member, written ballots shall be used for voting purposes.
- (D) Members of the Board holding office at the time of adoption of this resolution shall continue to hold office for the term for which they were elected and until their successors are elected.

Section 3. CHAIRPERSON

- (A) Except as otherwise provided herein, the Chairperson shall have the duties and powers to:
1. Preside over all deliberations and meetings of the Board;
 2. Vote on all questions before the Board;

3. Call special meetings of the Board in accordance with these bylaws;
 4. Sign all documents memorializing Board action promptly after approval by the Board. The power to sign reports and other documents of the Board may be delegated to the Secretary.
- (B) All decisions of the Chairperson as presiding officer shall be subject to review by the Board members present upon motion duly made and seconded. Upon a majority vote of the members present, the Board may overturn a decision of the Chairperson.

Section 4. VICE-CHAIRPERSON

During the absence, disability, or disqualification of the Chairperson, the Vice-chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson. In the absence of the Chairperson and Vice-chairperson, the remaining members present shall elect an acting Chairperson.

Section 5. SECRETARY

- (A) The Secretary shall be the Director or **his/her** designee.

The Secretary shall:

1. Maintain an accurate, permanent, and complete record of all proceedings conducted before the Board;
 2. Prepare the agenda and minutes for all Board meetings;
 3. Give all notices required by law;
 4. Inform the Board of correspondence relating to Board business and conduct all correspondence of the Board;
 5. Attend all meetings and hearings of the Board or send a **designee**;
 6. Compile all required records and maintain the necessary files, indexes, maps, and plans.
- (B) The Secretary shall maintain records indicating all applications, appeals, hearings, continuances, postponements, date of sending notice, final disposition of matters, and other steps taken or acts performed by the Board, its officers, and the Secretary.
- (C) **The** Secretary shall perform such other duties for the Board as are customary in that role or as may, from time to time, be required by the Board.

Section 6. CITY ATTORNEY

The City Attorney or an assistant shall be an ex-officio member of the Board. The City Attorney shall provide legal assistance to the Board on matters coming before it, prepare documents memorializing Board action, and may question witnesses testifying before the Board.

ARTICLE IV

MEETINGS

Section 1. REGULAR MEETINGS

Regular meetings of the Board shall be held in the Council Chambers, City Hall, 4755 SW Griffith Drive, Beaverton, Oregon, or at such other places as may be determined by the Board, at 6:30 p.m., or other time as determined by the Board, on every Thursday of each week of each month, except an official city holiday or the day before an official holiday. Meeting dates are normally chosen for timely action on applications submitted for the Board's consideration. At regular meetings, the Board shall consider all matters properly brought before it without the necessity of prior notice thereof given to any members.

Section 2. ANNUAL MEETING

The annual meeting of the Board shall be the first regular meeting of the Board in January of each year. Such meeting shall be devoted to orientation of new members, education, training, and other matters related to the organization and administration of the Board.

Section 3. SPECIAL MEETINGS

The Chairperson of the Board upon his or **her** own motion may, or upon the request of a majority of the members of the Board shall call upon a special meeting of the Board. Unless otherwise specified in the call, all special meetings shall be held at the regular meeting place and time of the Board. Notice of special meetings shall be given personally or by mail to **all** members of the Board and the Secretary not less than forty-eight (48) hours in advance thereof. In case of an emergency, a special meeting may be held upon such notice as is appropriate in the circumstances; provided, however, that reasonable effort is made to **notify** all members of the Board.

Section 4. OPEN MEETINGS

All meetings of the Board shall be open to the public, except that the Board may hold executive sessions, from which the public may be excluded, in such manner

and for such purposes as may be authorized by law. Representatives of the news media shall be allowed to attend executive sessions under such conditions governing the disclosure of information as provided by law.

Section 5. NOTICE OF MEETINGS

- (A) Notices shall conform to applicable provisions of state law and local regulations.
- (B) Notice shall be posted on a bulletin board in the City Hall and the City Library and disseminated to the City Recorder, local news media representatives, and other persons and organizations as provided by law. At the discretion of the Secretary, notice may also be provided to persons and organizations known to have special interest in matters to be considered by the Board.
- (C) Notice shall be given not less than twenty (20) days) in advance of a meeting; provided, however, that in case of an emergency, a meeting may be held upon such public notice as is appropriate in the circumstances.
- (D) Failure to provide notice as specified in his section, shall not invalidate any decision or proceeding of the Board

Section 6. AGENDA: ORDER OF BUSINESS

- (A) The order of business at all meetings shall be determined by the agenda which shall be composed generally of the following items:
 - 1. Call to order and roll call;
 - 2. Visitors;
 - 3. Staff Communications;
 - 4. Old business – continuances;
 - 5. New business;
 - 6. Minutes of previous meetings;
 - 7. Approval of orders;
 - 8. Miscellaneous business;
 - 9. Planning Director's report; and
 - 10. Adjournment
- (B) Any item may be taken out of order by direction of the Chairperson.
- (C) Actions of the Board are not limited to the prepared agenda.

- (D) Public hearings will be stopped at 10:30 p.m. unless there is a motion from the Board to extend the time of the hearing in progress. In the absence of that motion, pending matters shall automatically be taken up at the following meeting.
- (E) The Board shall not consider a new item after 9:30 p.m. unless there is a motion by the Board to extend the time for the agenda item.

Section 7. ATTENDANCE

If a member of the Board is unable to attend a meeting, he or she is expected to **notify** the Chairperson or Secretary. If, without reasonable cause, any member is absent from 6 meetings within one calendar year or three consecutive meetings, then upon majority vote of the Board that position shall be declared vacant. The Board shall forward their action to the Mayor, who shall **fill** the vacant position.

Section 8. QUORUM

At any meeting of the Board, a quorum shall consist of four (4) members. No action shall be taken in the absence of a quorum except to adjourn the meeting and to continue public hearings to a time and place certain. For the purposes of forming a quorum, members who have disqualified or excused themselves from participation in any matter shall be counted as present.

In the event a quorum will not be present at any meeting, the Secretary shall **notify** the board members in advance of that fact, and all items scheduled before that meeting shall be continued either to the next regularly scheduled meeting, or to such date specified by the applicant in a request for a continuance as specified in Section 10. The Secretary shall post notice of the continuance on the door of the Council Chambers notifying the public of the continuance and specifying the date and time when the matter will be before the Board.

Section 9. VOTING

- (A) Except as provided by these bylaws, rules of conduct, or state law, each member of the Board is entitled to vote on all matters, at all meetings of the Board. The Mayor, the City Attorney, and such other City personnel as the Mayor may, from time to time designate, are entitled to participate in discussion, but do not have the right to vote. Each Board member is deemed to have notice of all prior Board deliberations and proceedings.
- (B) Unless otherwise **specified** herein, the concurrence of a majority of the members of the Board voting shall be necessary to determine any

question before the Board. Majority is based on the number of votes cast, excluding abstentions, disqualifications, and absences. A tie vote causes the motion to fail.

- (C) When a matter is called for a vote, the Chairperson shall, before a vote is taken, restate the motion and shall announce the decision of the Board after such vote.
- (D) Voting shall be by voice vote. All votes, whether positive, negative, or abstentions, shall be recorded in the minutes.
- (E) Voting "in absentia" or by proxy is not permitted.
- (F) A motion to reconsider can be made only at the same meeting the vote to be reconsidered was taken. Further, a motion to reconsider may only be made by a member who voted on the prevailing side of the issue.

Section 10. CONTINUANCES ;REMANDS

- (A) **Any** item before the Board may be continued to a subsequent meeting. ~~A motion to continue an item shall specify the date or event upon which continuation is to be based. If a matter which originally required public notice is continued without setting the time and place certain, the public notification must be repeated when time and place are made certain. A list of continued items, showing the date at which an item was continued, or the event upon which continuance is based, shall be recorded and kept by the Secretary and made available to the public.~~
- (B) Items on the Board's agenda may be automatically continued without the necessity of convening the Board members or the applicant if the following steps are met:
 1. The applicant has furnished the planning department a written request before the date and time of the established hearing which contains the following items:
 - a. Project name and file number;
 - b. The name and signature of the applicant or, if more than one, the principal applicant involved in the project;
 - c. The date of the requested future hearing;

- d. A re-notice fee as deemed appropriate by the Planning Director; and,
 - e. A statement that the 120 day rule or ORS 227.178 shall be tolled during the period of the continuance.
2. Community Development Department staff have placed a date stamp on the written request to memorialize its arrival in advance of the public hearing.
- (C) The continuance request provided in Section 10 Subsection B becomes discretionary if a quorum of the Board is present. Under this subsection the submission of a request for a continuance by an applicant which meets the standards of ~~Section~~ Subsection A and B above does not provide a right for an automatic continuance nor does it guarantee approval of a requested continuance.
 - (D) A notice containing the information required by Subsection A and B above ~~recitations~~ shall constitute adequate grounds for a continuance. The hearing set for the project shall be continued by operations of law to the Board's meeting on the date listed in the request as if the Board itself moved and approved the same.
 - (E) Neither the presence of the applicant nor the Board members at the date and time set for the original hearing shall be required for the procedures in this section to take effect. However, the procedures contained in this section are inapplicable if there is a quorum of the Board present at the meeting date and time.
 - (F) The project planner shall cause a written notification to be posted on the door of the premises where the original hearing was to occur, informing interested persons of the new hearing date and time.
 - (G) A **notification** of the continued hearing containing the new date and time shall be mailed to the applicant and ~~the~~ any person who at the time has participated in the hearing and would be entitled to a notice of decision under state or local law. The cost of such a notice shall be the responsibility of the applicant requesting the continuance.
 - (H) A list of continued items, showing the date at which an item was continued, or the event upon which continuance is based, shall be recorded and kept by the Secretary and made available to the public.

Unless otherwise provided by the Council any item remanded by the Council for reconsideration by the Board shall be treated as a new item

and proceedings shall be provided for as if the matter were initially before the Board.

A member absent during the presentation of any evidence in a hearing may not participate in the deliberations or final determination regarding the matter of the hearing, unless he or she has reviewed the evidence received.

Section 11. RULES OF PROCEDURE

All rules of order not herein provided for shall be determined in accordance with the latest edition of "Robert's Rules of Order Newly Revised. However, the Board has an obligation to be as clear and simple in its procedure as possible.

Section 12. MINUTES

- (A) The Secretary or a designee shall be present at each meeting and shall cause the proceedings to be stenographically or electronically recorded. A full transcript is not required, but written minutes giving a true reflection of the matters discussed at a meeting and the view of the participants shall be prepared and maintained by the Secretary. Executive sessions are excluded from published minutes.
- (B) Minutes shall be available to the public, upon request, in either draft form or as approved by the Board, within a reasonable time after a meeting and shall include the following:
 - 1. Members present;
 - 2. Motions, proposals, measures proposed and their disposition;
 - 3. Results of all votes, including the vote of each member by name is not unanimous; and
 - 4. Substance of any discussion of any matter.
- (C) The Secretary may charge a reasonable fee for copies of minutes and other materials relating to Board matters.
- (D) Board members are expected to vote for approval of the minutes based on the accuracy of representation of events at the meeting. If there are no corrections, the Chairperson may declare the minutes approved as submitted, without the need for a motion and vote. A vote in favor of adopting minutes does not signify agreement or disagreement with the Board's actions memorialized recorded in the minutes.

- (E) Any Board member not present at a meeting must abstain from voting on approval of the minutes of that meeting.

Section 13. ORDERS.

- (A) The decision of the Board shall be by written order signed by the Chairperson or designee. The Chairperson may refer the order to the Board for approval prior to signing. In the event that there is not a regularly scheduled meeting, a copy of the order shall be mailed to the Board members for their review. The Board members shall submit their vote on the order in writing to the Chairperson. If there is a majority vote for approval, the Chairperson may sign the order. If there is not a majority vote for approval, then the order shall return to the next regularly scheduled meeting for consideration. Adoption of the order is expected to be a formality establishing the Boards' action and not a further consideration of the matter. Board members opposed to the matter are nevertheless expected to vote for the approval of the order if it accurately reflects the previous determination of the Board.
- (B) Board member must abstain from voting on approval of an order prepared as a result of action taken at a meeting at which he or she was not present.

ARTICLE V

ADVISORY COMMITTEES

Section 1. APPOINTMENT.

The Board may form advisory committees for the consideration of special assignments.

ARTICLE VI

PUBLICATION AND AMENDMENT OF BYLAWS AND RULES OF PROCEDURES

Section 1. PUBLICATION AND DISTRIBUTION

A copy of these approved bylaws and rules of procedures shall be:

- (A) Placed on record with the City Recorder and the Secretary of the Board;
- (B) Available at each Board meeting;

- (C) Distributed to each member of the Board; and
- (D) Available to the public for the cost of publication.

Section 2. AMENDMENT AND SUSPENSION

- (A) These bylaws, rules, and regulations may be amended by approval of a majority of the members of the entire Board at a regular or special meeting, provided notice of the proposed amendment is given at the preceding regular meeting, or at least five (5) days written notice is delivered to, or mailed to the home address of each Board member. The notice shall identify the section or sections of this resolution proposed to be amended. The Council shall give final approval to any amendment of the bylaws.
- (B) Notwithstanding subsection A above, any rule of procedure not required by law may be suspended temporarily at any meeting by majority vote of those members present and voting, except the rule on reconsideration.

ARTICLE VII

EFFECTIVE DATE

This Resolution shall take effect upon August 15, 2006, after approval by the Council and signature by the Mayor.

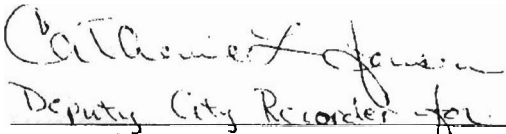
Adopted by the Board of Design Review of the City of Beaverton, Oregon, with a quorum in attendance at its regular meeting of April 13, 2006, and signed by the Chairperson in authentication of its adoption this 14th day of August, 2006.


Chairperson, Board of Design Review
City of Beaverton, Oregon

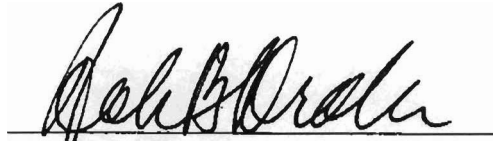
Adopted by the Council this 14th day of August, 2006.

Ayes: 4 Nays: 0

ATTEST:


Deputy City Recorder for
Sue Nelson
City Recorder

APPROVED:


Rob B. Drake
Mayor