

ORGANIZATION AND BYLAWS OF THE CITY OF EUGENE SUSTAINABILITY COMMISSION

(Adopted July 21, 2010
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INTRODUCTION

The City of Eugene is committed to enabling the Eugene community and City organization to become more sustainable, and with the help of the Sustainability Commission will work to develop or enhance programs or actions that will result in more sustainable practices within the community and City.

Sustainability Commission Mission Statement

The Sustainability Commission works to create a healthy community now and in the future by proposing measurable solutions to pressing environmental, social and economic concerns to the City of Eugene, its partners and its people.

The following sets forth information, rules and regulations concerning the Sustainability Commission. The rules and regulations herein are established pursuant to authority contained in the Eugene Code, 1971.

ARTICLE I. ESTABLISHMENT

The Eugene Sustainability Commission, hereinafter referred to as the commission, was established in February 2007 (Ordinance No. 20379) and was appointed by the City Council in conformance with Eugene Code 2.013 and 2.380. All powers and duties of the commission are derived from City of Eugene Ordinance 20379. Nothing in these bylaws shall be construed as expanding the authority conferred upon the commission by the ordinance.

ARTICLE II. PURPOSE AND OBJECTIVES

Section 1. The commission shall act as an advisory body to the City Council and City Manager in the development or initiation of programs or actions that will enhance and create sustainable practices within the City and the community. The commission shall advise on policy matters related to:

- a) sustainable practices
- b) businesses that produce sustainable products and services
- c) City building design and infrastructure
- d) related issues that directly affect sustainability efforts considered by the council

Section 2. The commission shall:

- a) recommend to the City Council and City Manager for programs or actions designed to implement the recommendations contained in the Sustainable Business Initiative Task Force Report as accepted by the City Council on October 23, 2006
- b) create and present an annual work plan to the City Council
- c) meet annually with the City Council to secure approval of the work plan
- d) provide a forum for addressing public concerns related to sustainable policies and practices
- e) work on sustainability-related projects as directed by the council and City Manager
- f) provide input on sustainability policies and practices that reflect community values
- g) assist the City Council and City Manager in balancing community priorities and resources by advising them on sustainability issues

ARTICLE III. MEMBERSHIP, APPOINTMENT, TERM OF OFFICE

Section 1. The commission shall consist of 12 community members and one City Councilor.

Section 2. Members to be selected are to represent a diverse range of interests and experiences with due regard given to the geographic distribution of the membership. The members of the commission shall be selected from, but are not limited to, several but not necessarily all of the following groups:

- youth
- students of the University of Oregon and Lane Community College
- persons with a demonstrated interest in sustainable business practices
- persons with a demonstrated interest in building and design
- persons with a demonstrated interest in energy conservation or alternative energy sources
- persons with a demonstrated interest in economic development
- educators
- members of community or neighborhood groups
- persons with a diversity of ethnic and cultural affiliations
- persons with diverse economic backgrounds and interests

Section 3. Each councilor shall appoint a single member to the commission, four members shall be appointed by vote of the full council, and the Mayor shall appoint the council member.

Section 4. The council member shall serve during his or her term of office, and community members shall serve for four-year terms, except for the first appointees, who shall serve for the following terms:

- four members shall serve initially for four-year terms (appointed by councilors for wards 1 through 4)
- four members shall serve initially for three-year terms (appointed by councilors for wards 5 through 8)

- four members shall serve initially for two-year terms (appointed by full council)

Section 5. All members of the commission shall be limited to two consecutive terms as a member of the commission.

Section 6. A vacancy shall be filled in the same manner as the original appointment, and the appointee shall hold office for the remainder of the unexpired term. A position may become vacant upon:

- a) death or resignation of the incumbent
- b) removal of a member by the City Council for being absent for three consecutively scheduled meetings without having been excused by the chair of the commission
- c) failure of the City Council to reappoint an incumbent at the expiration of his or her term
- d) the incumbent ceases to be qualified for initial appointment

If the City Councilor ceases to serve on the commission the Mayor shall appoint a replacement.

Section 7. Commission members shall receive no compensation, but shall be reimbursed for authorized expenses (see Article X, Section 2).

ARTICLE IV. OFFICERS AND DUTIES

Section 1. The officers of the commission shall be a chair and vice-chair, (see Article V, Election of Officers).

Section 2. The chair and vice-chair shall serve for one year or until their successors are regularly elected and take office. The nomination of officers for the upcoming term of the commission will be conducted in May of each year, with the election held in June, conducted as described in the City Council's acknowledged Recruitment Procedures for Boards and Commissions. If the chair cannot serve a full term, the vice-chair shall assume the office for the remainder of the chair's term. If the vice-chair cannot serve a full term, the commission shall, at the meeting following the departure from office of the vice-chair, elect a new vice-chair to complete the unexpired term. If both chair and vice-chair vacate their respective offices prior to the end of their terms, elections must be held at the following meeting to fill both offices.

Section 3. Commissioners may not be elected as chair for more than two successive terms.

Section 4. The chair shall preside at all meetings of the commission; call special meetings subject to requirements of Article VII, section 7; consult with staff on preparation of commission agendas; and perform all other duties necessary or incidental to the office.

Section 5. In the absence of the chair, or in the event of the chair's inability to act, the vice-chair shall perform the chair's duties. In the event of the absence or inability to act of both the chair and the vice-chair, the remaining members shall appoint one of their members to act temporarily as chair.

Section 6. The chair shall decide on all points of order and procedure during meetings and the decision shall be final unless overruled by a majority of the members present.

Section 7. The chair and vice-chair are entitled to vote on all issues.

Section 8. The chair or chair's designee is the official spokesperson for the commission on all matters of community concern that have been duly addressed by the commission. This includes media inquiries.

Section 9. The chair and vice-chair shall:

- a) conduct orientation of new commission members
- b) assist with educating commission members on procedures and responsibilities
- c) at the request of the commission, prepare recommendations on commission bylaws and other administrative matters

ARTICLE V. ELECTION OF OFFICERS

Section 1. Any commissioner may nominate a candidate from the commission for the position of chair or vice-chair. Nominations need not be seconded.

Section 2. A member may decline nomination because of an inability to serve, but may not withdraw in favor of another member.

Section 3. Any member may move to close the nominations; a second is required. Nominations will be voted upon in May. If the motion carries, the chair then calls for the election in June.

Section 4. The votes of all commission members will be recorded by the minutes recorder. The candidate who receives a majority of the votes cast becomes the new chair. In the event that no candidate receives a majority of the votes cast, a run-off election shall be held between the two candidates receiving the most votes. The same procedure is followed for the election of the vice-chair.

ARTICLE VI. OPERATING REQUIREMENTS OF COMMISSION AND MEMBERS

Section 1. The commission shall submit an annual report in addition to an annual work plan in writing to the City Council. The report shall list the activities and accomplishments during the previous year and assess these against the commission's

mission and the annual work plan. As a result of a significant event or unforeseen circumstances, the commission may request the City Council approve a work plan amendment at any time as a consent item on the council's agenda.

Section 2. All regularly scheduled meetings will be announced in the public meeting calendar at least one week prior to the meeting and will include a time for public comment.

Section 3. The commission may make and alter rules for its conduct and procedure, providing they are consistent with State law and applicable provisions of the City Charter, ordinances, and policies.

Section . The commission shall financially sponsor at least two (2) activities per year, budget permitting.

Section . Each member of the commission is encouraged to attend and actively participate in at least one activity sponsored or co-sponsored by the commission.

Section . When the commission sponsors or endorses an event, the commission shall send at least one member/representative to each activity so funded or endorsed. The commission's purchase of any goods and services is subject to the City's purchasing policies and legal requirements.

ARTICLE VII. MEETINGS, VOTING AND PROCEDURES

Section 1. The commission shall hold meetings at such times as it deems necessary to properly perform its duties, and shall meet upon the call of the chair. The commission shall meet at least four times each calendar year to conduct regular business. Additional meetings may include, but are not limited to, annual work planning and process sessions.

Section 2. The commission shall achieve quorum at a minimum of four of its regularly scheduled meetings each year.

Section 3. Seven members of the commission shall constitute a quorum for the transaction of official business. In the absence of a quorum at a meeting, any member present may cancel the meeting fifteen minutes after the scheduled beginning time. If no member is present by fifteen minutes after the scheduled time, the meeting is automatically adjourned.

Section 4. Each voting member of the commission shall be entitled to vote at all regular and special meetings of the commission, except that a member shall not vote or take part in discussion as a member when there is an actual conflict of interest. If a member wishes to abstain in a situation where there is a potential conflict, or no direct conflict of interest, but where the public might construe that such a conflict exists, or if a member has a conflict deriving from his or her relationship with persons involved in the issue,

then he or she may ask to abstain. In this case, it is up to the commission to decide whether the abstention is necessary. If members are in doubt about the nature of a conflict, they may ask for the advice of the City Attorney through a designated staff contact.

Section 5. All members of the commission shall be involved in commission activities, including regularly attending commission meetings. Any member, who misses three consecutive regular commission meetings with or without a quorum and without having been given a leave of absence by the commission chair, may be recommended for replacement to Council for regular absence. This does not limit the ability of Council to replace a Commissioner, or for the Commission to recommend replacement of a Commissioner, for other reasons. If members are unable to attend a meeting of the commission or a committee, they shall notify the commission chair or staff as soon as possible.

Section 6. The chair, vice-chair and lead staff person establish the commission meeting agenda. An item may be placed on the agenda or removed by a majority vote of the commission. Requests to place an item on the agenda may be made by individual commission members, City Councilors, staff or members of the public. Through a formal action, City Council may direct the inclusion of an item on the commission's agenda.

Section 7. The chair or seven members of the commission may call special meetings by delivering a written notice requesting such a meeting personally or by mail to each member of the commission and to staff representatives a minimum of 24 hours in advance of the meeting. The call and notice shall specify the time and place of the special meeting and the business to be transacted as required by Oregon Public Meeting Law. Seven commissioners shall constitute a quorum for a special meeting.

Section 8. Members shall not vote on a question unless they are present before the vote is called for or when their names are called by the chair. Proxies are not permitted. Member may participate and vote over phone, video, or other means as allowed by Oregon Public Meetings Law.

Section 9. Members may at any time explain their votes, or file written explanations of such votes, after the result of the voting has been announced and recorded.

Section 10. In general, communication to and from the public during meetings occurs during the public comment period. Except for the right to vote and to move a motion, the privilege of the floor may be granted to any member of the public at the discretion of the chair.

Section 11. The commission shall generally use consensus decision-making in an effort to incorporate all interests and gather full support for the final decision. Consensus is considered to be round-the-table support for outcomes under discussion. The majority voting decision-making approach can be used when the commission is taking a formal position on a topic and consensus is not possible. The conflict of interest laws (in State ethics law) apply in consensus or majority decision-making. Any member with an actual

conflict of interest must recuse her/himself from deliberation or voting on the issue.

Section 12. To further its mission, the commission may agree to invite specific group representatives, community members or staff to participate with the commission in the evaluation, discussion and problem solving of specific issues or policies.

Section 13. The commission and work group meetings shall follow Oregon's Public Meeting Laws.

Section 14. Commission members may refer to Robert's Rules of Order regarding rules of procedure for guidance with respect to the conduct of meetings or points of order.

ARTICLE VIII. STAFF

Section 1. The City Manager may furnish staff assistance to the commission or to the commission's committees and work groups.

Section 2. A City staff member shall mail or electronically provide minutes of the previous meeting with the agenda for the next regularly scheduled meeting to all members at least five working days prior to the meeting date. All printed information to be distributed to the members with the minutes will be submitted to staff ten days before the meeting so that the materials may be made available to the media and public.

Section 3. A recorder may be furnished to the commission by City administration to record the minutes of each regular meeting in accordance with ORS 192.650. The minutes of all meetings shall be filed with the staff person appointed by the City Manager to serve the commission. The written minutes shall include at least the following information:

- a) all members of the commission present
- b) all motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition
- c) the results of all votes and the vote of each member by name
- d) the substance of any discussion on any matter
- e) a reference to any document discussed at the meeting (subject to ORS 192.311 to 192.338 relating to public records).

ARTICLE IX. COMMITTEES, PROGRAMS AND WORK GROUPS

Section 1. The commission may establish temporary committees for specific tasks. A consensus decision or majority vote of the commission members present is required to form a committee. No temporary committee shall continue for more than six months without City Council approval.

Section 2. The size, term, membership and duties of a committee shall be established

by the commission at the time the committee is approved. Committee membership shall consist of no more than six commission members.

Section 3. Vacant positions on a committee shall be filled by commission appointment of a person nominated by the committee. A position shall be considered vacant under the same conditions as set forth for a vacancy on the commission.

Section 4. The officers of each committee shall be a chair and a vice-chair elected by the committee. The chair shall be a member of the commission and shall preside over meetings of the committee and shall have the right to vote. The vice-chair shall perform the duties of the chair in the absence or disability of the chair. The officers shall serve for terms of one year or for the term of the committee whichever is less.

Section 5. Each committee shall meet as it deems necessary to properly perform its duties.

Section 6. Each committee may make and alter rules for its conduct and procedure, providing they are consistent with State law and applicable provisions of the City Charter, ordinances, policies and commission bylaws. All committees shall be subject to Public Meetings Law and be accessible to the public. Summary minutes recorded by staff will be an acceptable record of meetings.

Section 7. Fifty percent plus one of the current membership of a committee shall constitute a quorum for the transaction of official business.

Section 8. The commission may recommend that the City Council establish any additional committee or task force that the commission feels will assist the commission and the City in meeting the goals of the commission.

Section 9. The chair of the committee and lead staff shall be responsible for calling and developing agendas for all meetings.

Section 10. Committees may base their recommendations upon a consensus or upon majority and minority points of view.

Section 11. Committees may take action on behalf of the Commission only with the approval of the commission.

Section 12. Committee chairs shall submit names of committee members who are absent from three consecutive committee meetings to the commission chair, who may replace them.

ARTICLE X. FISCAL POLICIES

Section 1. The commission may expend public funds with the approval of the City Manager or designated representative and may accept contributions and expend the

same, as long as the funds are related to the commission's own purposes and work plan and clearly benefit the City.

Section 2. The commission does not sponsor events that are not open to the public or that are strictly fund-raising events. The Commission does not support events held in locations on the Lane County Labor Council's Unfair Labor Practices List.

Section 3. The commission may endorse and provide recommendations to staff for financial support to events that meet the criteria of the City and the commission. Levels of support include:

- A. Endorsement--the commission may endorse specific events whose values it supports but to which it does not contribute money. The commission's name may be used in advertising for these events.
- B. Support--provide up to \$250 for events in which commissioners are not actively involved.
- C. Cosponsorship--the commission may provide up to \$1,000 for events in which commissioners will be actively involved. Active involvement means that, at a minimum, the group planning the event works directly with a commissioner who serves as a formal liaison between the group and the commission and reports back to the commission regularly with updates on the planning and results of the sponsored event.

Section 4. Organizations must apply in writing for endorsements and financial support. All requests for funding are approved or denied based on majority vote after consideration by the full commission. If approved, the applicant must provide a follow-up report to the commission within one month of using the funds.

Section 5. Members wanting to attend meetings or events to represent the commission shall first ask the chair to place the item on a commission agenda. Proposed expenses must receive the commission's recommendation for approval in advance. Any member who incurs expenses as a result of commission work shall submit to the chair a statement itemizing the expenses. The chair may seek reimbursement for the member from the City Manager or nominated designee.

Section 6. The fiscal year of the commission runs from July 1 to June 30.

ARTICLE XI. AMENDMENT OF THE BYLAWS

Section 1. These bylaws may be adopted by a majority vote at any session of the commission and will continue in force for the commission until rescinded or amended. They may be suspended, rescinded, or amended by an affirmative vote of seven members of the commission at a regular meeting. Public notice of proposals to amend the bylaws shall be included on a regularly scheduled agenda with notification included in the public meeting calendar at least one week prior to the meeting where the amendments will be considered by the commission.