



MINUTES
ECONOMIC DEVELOPMENT ADVISORY
COMMITTEE MEETING
1300 NE Village Street
Fairview, OR 97024
January 11, 2012

PRESENT: Dean Hurford, Chair
Ed Bejarana, Vice-Chair
Steve Prom
Rick Hall
Jeff Townsend
Dan Kreamier
Brenda Ziegler

STAFF: Allan Berry, Public Works Director
Erika Fitzgerald, Economic Development Program Manager

1. Presentation by Nancy Werner, City Attorney

a. Public Meetings Law

Nancy Werner, from the City's Attorney's office presented information to the committee regarding public records and public meetings law. Open meetings law requires that the public is allowed to attend all meetings. She stated that a quorum of the committee may not discuss committee business outside of a public meeting such as items that are on an upcoming agenda or how the committee will vote on an agenda item. A quorum would be no more than three committee members. Guideline – if a matter has been discussed in the committee or is an upcoming agenda item, it should not be discussed outside of the meetings.

Public records law requires that all committee related materials be available as part of the public record. The committee can determine how materials are kept and archived. For example, they can task staff with keeping materials organized for the public record. Personal emails are public records if they contain information regarding committee business – agendas, meeting materials, etc. City staff should be copied on all email among members if meeting matters are being discussed if staff is tasked with keeping track of all meeting materials for public records purposes.

Public Works director Berry asked about email correspondence among members. Ms. Werner said that it is important to avoid substantive email correspondence and be cautious about sending emails that may turn into discussions. Postings and discussions on Facebook and text messages are also subject to the public meetings law. Confidential information should not be disclosed to the public. The law has not caught up with technology and there have not been any decisions made specifically regarding this so Ms. Werner stated that she will address questions on a case by case basis in the future. Individuals can be held personally liable for violations of the public meetings law – used the Lane County case as an example. The only liability is attorney's fees in public meetings law cases.

b. Ethics rules for public officials

Committee members are public officials subject to ethic rules. Members of this committee are not subject to the statement of economic disclosure. First is use of position. Committee members may not vote on any action that could result in a financial gain for themselves or relatives. Should avoid

participating in discussion where a Committee member could potentially financially benefit or lose. Members shouldn't make recommendations to council that could affect members personally. Cannot receive or solicit gifts over \$50 from a party that may be affected by a committee action or who has legislative or administrative interest in Committee actions. Confidential information shall not be discussed outside of meetings. Staff will be clear about what information should remain confidential. Examples of types of confidential information regarding prospective or existing companies were discussed. The committee may not ask for or receive promises of employment based on potential committee recommendations or actions. Members should use judgment in these situations. Committee members shall avoid conflicts of interest. This applies to voting or participation in discussion. A conflict exists if action or decision/recommendation results in a financial benefit or detriment for a member or relative. All potential conflicts of interest shall be disclosed. If a potential conflict exists the member still may participate in a discussion or vote on a matter. A committee member must disclose facts and particulars of a potential conflict of interest. General guideline – if you are the only one that will benefit or lose from a recommendation there may be a potential conflict; if you are one of many that may benefit or lose there is not likely a conflict.

c. Scope of committee authority/duties

Reviewing and making recommendations to the City Council on economic development policy is the primary role of the committee. No authority to make any binding decisions. Anything beyond this limited role will have no effect. Individual committee members can make statements to the Council but if it is outside of the committee authority, it may have no effect. Ms. Werner went through the roles listed in the adopting ordinance. The Committee cannot spend city money but this does not preclude the committee from having a budget. The committee has no authority to decide how that budget is spent without approval from the City Administrator. Some expenditures may require approval from the City Council. Expenditures for the operation of the committee such as food/beverages may not need City Council approval. Example – use of a consultant would need Council approval.

Ms. Werner read through the duties of the Committee which are specified in the adopting ordinance including reviewing and making recommendations to Council and acting as a liaison between the elected officials and interest groups/businesses. A motion of the City Council is needed to specify "other" duties. Need a majority of Council to vote on a motion for authority for "other duties". Committee can take proposed agenda items to City Council or take direction from Council on agenda items.

Public Works Director Berry asked how the City Council gets information back to the Committee. Council may respond that night at a meeting, they may not address the issue at the meeting and ask Council liaison to bring information back to the committee. Werner stated that questions should be brought to the City Council at Council meetings by the Council liaison to the Committee and that no response is guaranteed. The Committee does not have the authority to speak to the public on behalf of the City. Can talk about what happened at the meeting but shall clearly state that this is advice and recommendations to be brought to the City Council. Committee members cannot represent or advocate a viewpoint of the City on any issues if the City Council has not voted on and adopted that viewpoint.

Dean Hurford asked how ideas get forwarded from the Committee to the City Council. Ms. Werner stated that an item is placed on the Council agenda and the Committee Chair or Council liaison can communicate recommendations at a Council work session. The Council liaison can also provide Committee reports at City Council meetings during the Councilor's Report portion of the meeting to communicate information from the Committee. Depending on the circumstances, the Committee could also speak to the Council during the "Citizens wishing to speak on Non-Agenda

Items” portion of the meeting. In this case there would be no staff report prepared for the item at issue and there will not necessarily be a response that night. Typically, the process is to go through staff. Staff would assist in getting an item the Committee took action on onto the agenda and staff would prepare a staff report for that item. The circumstance will dictate the path for information to get to City Council. The agreed upon approach is going to be to go through staff to get an item on the Council agenda.

The Committee is required to give an annual report to the City Council prior to February 1st. It was determined that Councilor Kreamier would present at the next City Council meeting that the Committee has been formed, has had their first meeting, has set meeting dates and has preliminarily discussed future action items for the Committee.

2. Elect officers - Chair and Vice-chair

The newly elected Chair and Vice-Chair will serve until the end of the calendar year. The Chair of the Committee will run the meetings and may give reports to City Council. Vice-chair will run the meeting when the Chair is not present. Election of a chair and vice-chair requires a majority vote.

Ed Bejarana nominated Steve Prom for Chair. Steve Prom declined the nomination due to time constraints and nominated Dean Hurford for Chair. Committee voted unanimously in favor of Dean Hurford for Committee Chair.

Dean Hurford nominated Ed Bejarana for Vice-Chair. Committee voted unanimously in favor of Ed Bejarana for Committee Vice-Chair.

Committee members went around the table and introduced themselves.

3. Committee Bylaws

Economic Development Program Manager Fitzgerald distributed draft Committee bylaws. It was decided that the Committee would review the bylaws for discussion at the next meeting.

4. Meeting frequency, location, and time

The Committee discussed meeting frequency, location and time. Ed Bejarana suggested that the Committee meet monthly. Brenda Ziegler agreed that because the committee is new it should meet more frequently. It was determined via discussion of the members that the Committee will meet every 2nd Thursday of the month at 5:15pm until 6:30pm at the latest. Fitzgerald commented that the Parks and Recreation Advisory Committee also meets the 2nd Thursday of the month in the Park View Conference room but the Heslin Conference Room should be available for meetings. The Committee consented to the proposed meeting frequency, location and time. Staff will make all necessary public announcements for meetings.

Director Berry brought up that there is a vacancy on the Committee and inquired if the Committee is involved in the interview process for the new member. Staff noted that according to the ordinance, committee vacancies are filled by City Council. Ed Bejarana requested that Councilor Kreamier take the issue to City Council for expedited appointment of a new member. Council Kreamier said that he will make an announcement of the vacancy and call for applications at the next City Council meeting. He stated that he will try to expedite the process in order that a new member is appointed by the next scheduled EDAC meeting.

Staff requested direction on how to record minutes for the EDAC meetings. Committee directed staff to write meeting minutes in brief summary format to be reviewed at each subsequent meeting.

5. Economic Development 101 – discuss possible topics

Director Berry introduced the agenda item of economic development 101 to the Committee to introduce the committee to some basic information about the city including zoning and comprehensive plan designations and why things are the way they are and how they got that way. The Committee was supportive of a presentation by staff on what these designations mean and the implications for economic development. The actions of the former Economic Development Committee were also discussed as an important topic. Chair Hurford stated that it is important to make a commitment to make the committee actions worthwhile by addressing important issues. Vice-chair Bejarana requested that staff send a copy of the Comprehensive Plan as well as reports from the former committee to EDAC members.

Chair Hurford stated that EDAC could act as a liaison to prospective businesses by giving an open arm invitation through acting as a welcoming committee and possible sub-committees could be created for this purpose. Director Berry stated that learning the basics of zoning in the City will help the Committee to understand an overall vision for future economic development. This overview will be presented by staff at the next meeting as well as a discussion of activities of the former committee. Director Berry stated that it is important to learn from that information to inform the Committee's future activities. He also stated that it is important to understand current regulations and how they are applied. Chair Hurford asked the question about rezoning the properties at the NW corner of 207th and Halsey to residential. Staff explained that this is a good example of why it would be beneficial for the Committee to understand why those properties are zoned commercial through understanding the history and the details of that zoning designation. Staff distributed a copy of City Council goals and suggested this could act as a guide for the Committee.

Steve Prom suggested a comparison of Fairview's system development charges and other fees to surrounding city's fees as a potential future presentation by staff. Director Berry prioritized the following topics for upcoming EDAC meetings: zoning/comprehensive plan (February meeting), urban renewal programs (April meeting), SDC and other fees review/comparison (March meeting). Vice-chair Bejarana stated that these presentations will help to set a foundation for what EDAC will be doing. Staff will send meeting materials to members the week prior to the meeting.

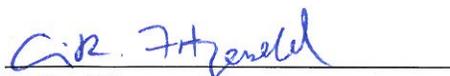
The Committee requested updates on the USS Ranger as new information becomes available. Fitzgerald summarized that the next meeting will be held on February 9th in the Heslin Conference Room. Tentative agenda items include discussion of bylaws, review of activities of former economic development committee, and a presentation on the basics of zoning and the comprehensive plan.

6. Adjournment

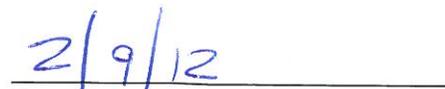
Chair Hurford adjourned the meeting at 7:00pm.



Dean Hurford, Chair



Erika Fitzgerald
Economic Development Program Manager
Public Works Department



Date