

ORDINANCE NO. 4376

AN ORDINANCE AMENDING
CHAPTER NINE OF THE BEAVERTON CODE
RELATING TO NEIGHBORHOOD ASSOCIATION COMMITTEES (NACs).

WHEREAS, the involvement and participation of citizens in government enhances government decision-making and increases the likelihood policies, programs, and services will reflect the needs of the citizenry; and

WHEREAS, the City supports citizen efforts to become more involved and aware of City policies, procedures, and processes; and

WHEREAS, the City recognizes and supports neighborhood association committees as an effective way to increase involvement and participation and promote information sharing between the City and citizens; and

WHEREAS, the City seeks to update and contemporize language within the provisions of City code that pertains to neighborhood association committees; and

WHEREAS, the City seeks to include language that describes the requirements and process necessary for reimbursement of NAC appeals; Now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

BC 9.06.010 – 9.06.040, NEIGHBORHOOD ASSOCIATIONS, is amended to read as follows:

“9.06.010 Purpose.

A. The purpose of this Code section is to encourage and endorse citizen involvement through the formal recognition of groups of citizens that desire to form neighborhood association committees (NACs) for particular purposes, and to provide certain criteria for the formation, operation and continuation of the recognized NACs in order to insure a maximum opportunity for involvement by the citizens of Beaverton in the processes of government as well as other activities concerning neighborhood and community livability.

B. Although a major function of the NACs will be to augment the citizen involvement process in land use related matters, such as planning and zoning activities, as is required by applicable law, it is the intent of the Council to provide the basis for a wide range of activities that promote the general health and welfare of the community and a spirit of harmony and pride for all citizens of Beaverton.

C. Nothing in BC 9.06.010-.040 shall limit the right of any person, group of persons or organization from exercising a lawful right. Membership in a recognized NAC confers no extraordinary rights, standing or legal capacity solely on the basis of membership, nor is the NAC itself given any special status by this legislation that is intended to influence a court of law as to its capacity to commence litigation.

9.06.015 NAC Policy Statement. The Council hereby establishes criteria whereby it may formally recognize NACs within the City limits and adjacent areas. The Council encourages and endorses the formation, operation and continuation of such NACs pursuant to the criteria set forth below, to provide maximum citizen involvement in the community.

9.06.020 Criteria for Formal Recognition of a NAC. A NAC that seeks formal recognition by the City shall meet and continue to maintain conformity with the following minimum criteria for formal recognition:

A. General Membership Criteria:

1. a resident, a property owner, a business and a representative of a non-profit organization within the recognized boundary of a NAC shall be entitled to general membership;

2. a member who is at least eighteen years of age shall have one vote on any matter to be decided by the NAC. One high school student government representative from each high school within the NAC boundary who also lives within the boundaries of the particular NAC and who has been appointed by his/her school to serve as a NAC member, shall also have one vote and may be under eighteen years of age;

3. membership or other participation shall not be conditioned on the requirement of the payment of dues or fees. However, a NAC may accumulate funds to carry out its purposes through other means, including voluntary contributions, projects, grants, contracts and subscription to newsletters. Each NAC solely shall be responsible to account to the state and federal governments for the NAC's private revenue and expenditures, if any. A NAC's use of public funds provided to it directly or indirectly by a public entity shall be limited to only those uses allowed by controlling law.

4. Membership shall not be limited by race, creed, color, sex, national origin, income or any other status protected under federal, state, or local law.

B. NAC Boundaries. In order to implement the Council's stated purpose of insuring maximum opportunity for citizen involvement, the Council shall adopt a map containing suggested boundaries for NACs that will encompass the entire area of the City. Persons seeking formal recognition of a NAC may propose alternatives to the map suggestions. Following input in writing or through oral testimony at a City Council meeting by interested persons, the Council shall finally determine the boundaries of a NAC in accordance with as many of the following criteria as may be applicable under the circumstances:

1. boundaries should be contiguous and mutually exclusive of those of other formally recognized NACs;

2. boundaries should follow readily identifiable physical features, such as property lines or arterial or collector streets, or be set at some other clearly defined and relatively permanent natural or man-made feature; and

3. boundaries describing the territory should be logical, considering such other factors as:

- a. a community of interests, common identity and social communication;
- b. existing commercial patterns;
- c. existing boundaries of other agencies such as school districts; and
- d. the views and desires of citizens seeking NAC recognition.

C. Organization and By-laws. Following determination of a boundary for a NAC, the person or persons seeking formal recognition shall:

1. Hold at least one public organizational meeting that has been well publicized in the neighborhood, with City assistance and approval, and adopt written by-laws that provide, at a minimum, for the following:

a. election of officers, provided that every elected officer and the NAC's representative on the Beaverton Committee for Citizen Involvement (BCCI) meet the membership requirements of subsection 9.06.020 (A);

b. meetings of the general membership, and board, executive committee and subcommittee meetings, provided that general membership meetings shall be held on any matter on which the NAC acts in an advisory capacity to the City Council or to the Planning Commission or other advisory body to the Council, including but not limited to action by the NAC on a pending application to the City for a land use permit or land use decision.

1. All decisions of a NAC shall be by majority vote of the duly constituted board.

2. Votes of the general membership shall be advisory only to the board.

c. Any such meetings shall be conducted in conformance to the requirements of Oregon public meetings law and Oregon public records law regardless of the size of its membership;

d. written minutes as required by the Oregon public meetings law and that also record minority opinions and provided that copies of minutes and meeting sign-in sheets be forwarded to the City within a time period determined by the City;

e. a current list of the names and addresses of the officers of the NAC to be kept on file with the City; and,

f. a minimum of one general neighborhood meeting to be held per calendar year and the time, place and meeting agenda be publicized throughout the neighborhood through mail, on the City website, and in local newspapers no fewer than five business days in advance of the meeting.

2. Following adoption, a copy of the NAC's by-laws shall be filed with the City subject to review and approval by the City Attorney for compliance with applicable federal, state, and local law, including this code, and that any amendments be forwarded to the City in a reasonable time period with all such amendments subject to similar review and approval.

D. Formal Recognition. Providing the NAC meets the criteria set forth in subsections A, B and C of this section, a NAC may be formally recognized by Council resolution. The mayor shall give written notice of the Council's formal recognition within 60 days of the adoption of the resolution to members of the NAC. The Council's resolution shall include at least the following:

1. an encouragement to participate in the activities of the newly formed NAC;

2. a map or other designation describing in general terms the NAC boundaries;

3. the names and addresses of the NAC's officers and board members; and

4. the name, if any, of the City's designated liaison person who will be serving as a primary contact with the NAC.

9.06.022 Criteria for Eligibility for Fee Reimbursement for NAC Appeals. The City, through the mayor's office or the mayor's designee, may reimburse a recognized NAC for the fee

payable for an appeal of a City land use decision or City Traffic Commission decision to the City Council, Planning Commission, or Board of Design Review. Each NAC is eligible to apply for reimbursement for one appeal per fiscal year. Budgeted funds for such appeals are at the discretion of the City Council. Reimbursement will only be for appeal of a land use or Traffic Commission decision occurring within the boundary of the subject NAC. Eligibility can not be transferred to another NAC or carried over to the next fiscal year. The NAC may appeal a decision issued by another jurisdiction; however, the fee associated with the appeal of a decision made by a jurisdiction other than the City of Beaverton is not eligible for reimbursement from the City. Nothing in this code shall prevent a NAC from appealing a land use or traffic decision made by another entity at the NAC's initiative and expense. In order to be eligible for reimbursement, a NAC must meet the following criteria:

A. Recognition Status. The NAC shall be a recognized NAC, meeting the criteria listed under 9.06.020.

B. Meeting Requirements. The NAC shall hold at least one public meeting as to the potential appeal that has been publicized in accordance with City Code 9.06.020(C) and that meets, at minimum, the following:

- 1) the NAC shall be notified of the meeting no fewer than five business days before the date of the meeting; and,
- 2) the meeting shall be conducted in conformance with Oregon public meetings law and Oregon public records law; and,
- 3) the vote to appeal conforms to the voting procedures and voting requirements in the NAC's by-laws; and,
- 4) NAC board members shall conduct a vote on whether or not to appeal the action and whether or not to request reimbursement; and,
- 5) the subject of the potential decision to file an appeal shall appear on the meeting agenda.

C. Filing the Appeal Reimbursement Request. The NAC shall file the written request attached to the appeal within the appropriate appeal period with the City Recorder's Office or Community Development Department, as appropriate. In addition to the appeal, a NAC filing a request for reimbursement shall include the following:

- 1) the appropriate appeal fee as established by City Council; and,
- 2) the minutes from the meeting in which the NAC voted to appeal and voted to request reimbursement of the City's appeal fee; and,
- 3) All other requirements for appeals as required by City ordinance.

D. The mayor, or designee, shall determine whether there is money in the budget for the fee reimbursement and whether the request complies with the requirements above. This decision is not a land use decision and the above criteria on fee reimbursement shall not be applied to determine whether the NAC properly filed their appeal or the merits of any appeal. Nothing in this code obligates the City to appropriate funds for or to reimburse the appeal filing fee nor creates any right or entitlement in any NAC or any person to a claim on City funds.

E. If the NAC meets the above criteria and the fee reimbursement is granted, the City shall reimburse, within a timely manner, the appeal fees to the NAC.

9.06.025 Termination of Recognition. The formal recognition of a NAC may be terminated by the Council for failure to abide by its by-laws or the provisions of BC 9.06.010-.040. The NAC in question shall have notice and an opportunity to be heard before the Council prior to termination.

9.06.030 City Support of NACs. The City may, through the mayor's office and subject to the mayor's judgment concerning the availability of resources or budgetary limitations, provide support and assistance to recognized NACs. The mayor or the mayor's designee shall develop administrative procedures, as the mayor considers appropriate, to provide such support which may include:

- A. Materials, supplies, and services to aid a NAC in formation, recognition and operation;
- B. Staff assistance, as available;
- C. Use of City facilities for regular membership, board, executive, and subcommittee meetings; and
- D. As determined by the City in its sole discretion, other economic assistance and support.

9.06.035 Newly Annexed Areas. The Washington County Citizen Participation Organization (CPO) that includes the area of a proposed annexation to the City within that CPO boundary and the Beaverton NAC whose boundary is nearest that same area, shall be deemed to be "interested parties" as referenced in Chapter 3.09 of Metro Code relating to notice of annexation and shall be notified of any proposed annexation of such area to the City. When an area is annexed to the City, based on the circumstances of each case the Council shall determine:

- A. That the area be added to the territory of an existing NAC;
- B. That the area be recognized as immediately appropriate for one or more NACs and its citizens encouraged immediately to seek formal recognition as a new NAC;
- C. That the area be recognized as appropriate in the future for one or more NACs but, because it is yet undeveloped or is of too small a size, it should be represented temporarily by another NAC, until such time as it is appropriate to be formally recognized as a separate NAC; or
- D. That some other treatment of the area is deemed appropriate under the circumstances.

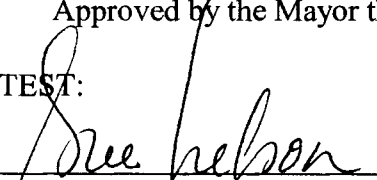
9.06.040 Council Review of NACs. From time to time, the Council may seek review of one or all of the NACs, their boundaries or the criteria for formal recognition and may amend, modify or change any decision made pursuant to the criteria for formal recognition or any other provision of BC 9.06.010-.040."

First reading this 7th day of _____ November _____, 2005.

Passed by the Council this 14th day of _____ November _____, 2005.

Approved by the Mayor this 15th day of NOVEMBER, 2005.

ATTEST:


SUE NELSON, City Recorder

APPROVED:


ROB DRAKE, Mayor