

**CITY OF LA PINE  
RESOLUTION NO. 2010-14**

**A RESOLUTION REPEALING RESOLUTION 2010-06, A RESOLUTION CREATING THE CITY OF LA PINE'S UTILITY COMMITTEE, AND CREATING THE CITY OF LA PINE'S UTILITY COMMITTEE; PRESCRIBING THE COMMITTEE'S POWERS AND DUTIES; AND ESTABLISHING THE COMMITTEE MEMBERS' TERMS OF OFFICE.**

WHEREAS, the La Pine City Council (the "City Council") desires to establish a utilities committee (the "Committee") to, among other things, (a) review and evaluate the process by which the City of La Pine (the "City") may cause the La Pine Sewer District and/or La Pine Water District (individually a "Special District" and collectively "Special Districts") to be annexed or withdrawn and provide advice to the City Council and the City's Planning Commission on general utilities-related matters concerning or affecting the City; this committee is designed to sunset following the merger of the districts into the city as soon as reasonable and most duties have been completed; and

WHEREAS, the City Council desires to establish certain rules and procedures to govern and control the Committee.

NOW, THEREFORE, BE IT RESOLVED, by and through the City Council meeting in regular session, that the Committee be created and operate subject to, and in accordance with, the following:

1. Committee Membership. The Committee will consist of seven voting members. Members will be appointed by the City Council and will consist of the following individuals: (a) not less than four voting members will be residents of the City; (b) one voting member will own a business within the City (but need not be a City resident); (c) one voting member will be appointed from the Planning Commission; (d) one voting member will come from the public at large with preference given to members of the special districts. Members will receive no compensation but will be reimbursed for expenses authorized by the City Council. If the City Council is unable to fill the Committee membership with individuals meeting the classifications described above after the exercise of reasonable efforts, the City Council may appoint individuals to the Committee to fill the unfilled membership classification(s) even though such individuals may not meet the unfilled membership classification(s).

Notwithstanding the Committee composition requirements described above, the following individuals have been appointed by the City Council as Committee members: (i) Ted Scholer; (ii) Tony Debone; (iii) Jayne Benner ; (iv) Councilor Adele McAfee (v) Ken Mullenax; (vi) Virginia Classen. Successors of the Committee members identified in the immediately preceding sentence must satisfy the membership composition requirements described above.

2. Terms of Office; Vacancy. Except as otherwise provided in this Resolution, each member will be appointed for a term of two years, or until their respective successors are appointed and qualified. Terms will commence on January 1 and end on December 31. Any vacancy in the Committee will be filled by the City Council for the unexpired term of the predecessor in office. At the first meeting of the Committee, the initial members will choose their term of office by lot as follows: (a) four members will serve until December 31, 2011; and (b) three members will serve until December 31, 2012. The initial members will immediately notify the City Council in writing of the

chosen allotment. Subject to the terms of this Resolution, successors of the initial members will hold office for two years.

3. Removal of Committee Members. Notwithstanding anything contained in this Resolution to the contrary, a member may be removed by the City Council for any of the following reasons: (a) failure to attend three regular Committee meetings; (b) commission of a felony; (c) incompetence; (d) failure to declare conflicts of interest; and/or (e) any other member acts of misconduct or nonperformance.

4. Committee Duties. The Committee will act as an advisory body to the City Council. To this end, and except as otherwise provided or directed by the City Council from time to time, the Committee will have the following advisory duties and responsibilities: (a) develop an understanding of the range and depth of utility policy issues, the relationship utilities have in the community and in implementing the City's Comprehensive Plan, and the role that utilities have in the City's growth and development; (b) serve as an advisory body to the City Council and the Planning Commission concerning the City's withdrawal or extinguishment (by annexation) of the Special Districts; (c) collect, examine, and assess utilities-based data and information concerning or affecting the City; and (d) provide advice to the City Council and the Planning Commission on general utilities-related matters concerning or affecting the City; (e) provide advice on creating a smooth transition for all employees; (f) work to ensure a seamless transition for the public from the Special Districts to the City. The Committee will review utilities-related issues that have been referred to the Committee by the City Council from time to time and will make recommendations on these issues.

5. Member Responsibilities. In addition to any other duties or responsibilities assigned to the members under this Resolution, each member must regularly attend Committee meetings and must notify the City Recorder or chair when he or she will be unable to attend a Committee meeting. In addition, if requested by the City Council, one or more members will attend any City Council meeting that relates to utilities issues that may impact or affect the City. Prior to each Committee meeting, members will review all pertinent written documents in preparation for deliberation and decision making. All Committee recommendations and suggestions made to the City Council will be in writing.

6. Election of Officers. The Committee will, at its first meeting of each calendar year, elect a chair, vice-chair, and secretary. The chair and vice-chair will be voting members and will hold office at the pleasure of the Committee. The secretary need not be a member of the Committee. The secretary will receive no compensation but will be reimbursed for expenses authorized by the City Council.

7. Duties of the Chair and Vice-Chair. The chair will call Committee meetings, preside at all meetings, and sign all correspondence on behalf of the Committee. The vice-chair will perform the duties of the chair in the absence of the chair and such other duties as may be assigned by the chair from time to time. In the absence of the chair and vice-chair, the Committee will elect a temporary chair for the particular meeting in question.

8. Minutes and Reports. The secretary will keep an accurate record of all Committee proceedings, including written minutes of all meetings. A copy of each meeting minutes will be delivered to the City Recorder for filing. Committee minutes are a public record available for public

inspection. At the request of the City Council, the Committee will prepare and deliver to the City Council a written report summarizing all Committee activities, actions, and matters before the Committee (and any other information requested by the City Council).

9. Staff to the Committee. The City Manager, City Attorney, and other City staff requested by the Committee will support the work of the Committee. The City Attorney will act as the Committee's legal advisor in the conduct of all hearings and matters. Notwithstanding anything contained in this Resolution to the contrary, the Committee must obtain the consent of the City Council or Mayor prior to requesting the assistance of the City Manager, City Attorney, or other City staff.

10. Committee Meetings. The Committee will hold at least one regularly scheduled meeting per calendar quarter, unless canceled at the direction of the chair due to lack of Committee business or other reason. In addition to the regular meetings, the Committee will meet at such other times, dates, and places as may be deemed necessary or appropriate to carry out Committee business. Special meetings may be called by the chair, a majority of the voting members, the City Manager, City Attorney, or the City Council by giving at least forty-eight (48) hours' prior notice. All meetings of the Committee will be held in accordance with applicable Oregon law.

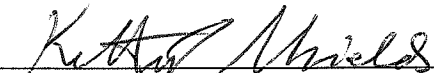
11. Quorum and Voting. A majority of the voting members will constitute a quorum. A majority vote of a quorum will be necessary to act on any matter before the Committee.

12. Conflict of Interest Activities. A member will not participate in any Committee proceeding or action in which any of the following has a direct or substantial financial interest: (a) the member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member; (b) any business in which the member is then serving or has served within the previous two years; or (c) any business for which the member is negotiating or for which the member has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest will be disclosed at the meeting of the Committee where the action or proceeding is being taken. Notwithstanding anything contained in this Section 12 to the contrary, the ex-officio member appointed from one of the Special Districts may participate in Committee proceedings and discussions.

13. Authority and Expenditures. The Committee will operate at the direction of the City Council and in conformance with, and subject to, this Resolution, Oregon law, and any and all City rules, procedures, resolutions, and ordinances now in force and/or which may hereafter be created, amended, modified, enacted, or promulgated. The Committee has no authority to bind the City or represent to any person that the Committee may bind the City. The Committee has no authority to make expenditures on behalf of the City, or to obligate the City for payment of any sums of money, unless and until the City Council has authorized such expenditures by appropriate ordinance or resolution (which ordinance or resolution will provide the administrative method by which funds will be drawn and expended).

14. Severability. Each provision contained in this Resolution will be treated as a separate and independent provision. The unenforceability of any one provision will in no way impair the enforceability of any other provision contained herein. Any reading of a provision causing unenforceability will yield to a construction permitting enforcement to the maximum extent permitted by applicable law.

APPROVED, ADOPTED, AND MADE EFFECTIVE by the City Council on this 13<sup>th</sup> day of October 2010.

  
Kitty Shields, Mayor

ATTEST:

  
Richard L. Allen, City Manager