

SALEM PARKS AND RECREATION ADVISORY BOARD
BYLAWS

Authorized by Chapter 13 of the Salem Revised Code.

Revised June 8, 2017

1. ESTABLISHMENT

The Salem Parks and Recreation Advisory Board ("Board" or "SPRAB") was established by the Salem City Council through Ordinance No. 4414, codified as *Salem Revised Code* (SRC) Chapter 13.

2. BOARD COMPOSITION AND TERMS.

The number of Board members and qualifications for membership are set forth in SRC Chapter 13.

Members shall be appointed by City Council and will serve no more than two successive three-year terms. Terms expire December 31. One of the members appointed by the Council shall be a representative of the Salem-Keizer School District. One or more members shall have expertise in urban forestry, arboriculture, or horticulture, to the extent that professionals meeting these standards are available in the community. Members may be appointed to fulfill the remainder or unexpired partial term of a resigning, deceased, or outgoing member. A partial term shall not be counted as part of the successive three year term..

3. OFFICERS, TERMS, AND PRIVILEGES

(a) **Election of Officers.** At its regular meeting in January, the Board shall elect a Chair and Vice Chair from among the members willing and able to serve.

(b) **Chair.** The Chair shall act as Presiding Officer at all meetings of the Board. The Chair shall have all duties and privileges of any Board member and shall not be denied any rights or privileges by reason of the Chair's position as Presiding Officer.

(c) **Vice Chair.** In the event of the Chair's absence from any Board meeting, the Vice-Chair shall act as the Presiding Officer. Whenever the Chair is unable, on account of absence, illness, recusal, or other cause, to perform the functions of the office, the Vice-Chair shall act as Chair *Pro Tempore*.

(d) **Term.** A Board member may serve a maximum of two successive terms in any single office and may serve an unlimited number of non-successive terms in any office.

(e) **Privileges Not Affected by Status.** The Presiding Officer may move, second and debate from the Chair, subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges of a Board member by reason of acting as the Presiding Officer.

4. REGULAR MEETINGS AND WORK PLANNING

The Board shall hold meetings at such time as it shall determine. In January, the Board shall adopt a meeting schedule for the following year. In December, the Board shall adopt a work plan for the following calendar year commencing January 1.

5. SPECIAL MEETINGS

Special meetings may be called by the Chair, the Public Works Director, or the Director's designee.

6. QUORUM

A quorum shall be a simple majority of the number of filled positions on the Board. A quorum is necessary to transact business.

7. ABSENCE OF MEMBERS

If a member of the Board fails to attend at least seventy five percent of the meetings within a consecutive six-month period, the following procedure, as provided by SRC 2.550, shall be followed:

- (a) The City Manager shall inquire to determine the cause of nonattendance. If the cause of nonattendance is not of an excusable and temporary nature, including but not limited to illness, vacation or work, the City Manager shall remind the member that commitment to attendance is a key responsibility of membership.
- (b) If the member fails to attend at least seventy-five percent of the meetings within the next following six-month period, the Mayor shall ask the member to resign.
- (c) If the member refuses to resign upon request under subsection (b) of this section, the Mayor shall forward a report to the City Council recommending that the member be removed pursuant to SRC 2.555. Nothing in this section shall limit, or shall be deemed to limit, the City Council's authority to remove a member under SRC 2.555.
- (d) Notwithstanding the above, in the event a member's lack of attendance at meetings causes disruption in carrying on the business of the Board, the Chair may provide written notice to the member that the member's lack of attendance has caused disruption in carrying on the business of the Board, and upon approval of the Board, make a written request to the City Council that the member be replaced.

8. DUTIES AND FUNCTION OF THE BOARD

- (a) Duties and function of the Board are set forth in SRC 13.080 and SRC 86.020.

9. SUBCOMMITTEES

Sub-Committees may be formed by the Board as needs arise. Each subcommittee shall consist of at least two members of the Board. In February, the Board shall review and establish the goals and objectives of each subcommittee for the following year, and shall modify, eliminate or continue each subcommittee based on the goals and objectives.

10. PARLIAMENTARY PROCEDURES

The most current edition of Robert's Rules of Order, Revised, will govern procedures of the Parks and Recreation Advisory Board at business meetings. Pursuant to SRC Chapter 86, the Public Works Director may, by administrative rule, establish rules of procedure for appeals of decisions on permit applications issued by the Director.

11. VOTING

A majority vote of the members present shall be required to carry a motion, proposal, or resolution.

In the event of a tie vote, the motion, proposal, or resolution shall be considered to have failed.

In actions proposed by the Chair, unanimous consent thereto shall have the effect of a motion duly carried,

without the necessity of a formal vote.

The action of the majority vote of the Board shall be deemed the position of the Board as whole and shall be carried forward as such to City Council.

If a member disagrees with the Board position and wishes to express opposition to City Council, as a courtesy the Board Chair shall be so notified.

When the Chair of the Board is in minority, as a courtesy the Chair may appoint a member of the Board to carry and present the position of the majority.

12. COMMUNICATIONS - INFORMATION CHANNEL

Agendas of the Board will be sent electronically to members, neighborhood associations, and other individuals and groups who have so requested. Agendas shall be posted on the Boards and Commissions website, and shall also be made available in printed form upon request.

All written communications to outside groups shall be sent out over the signature of the Public Works Director or an officer of the Board, where that officer is given such authority by official action of the Board.

Under no circumstances is any member to take any action or make any statement committing, or acting on behalf of, the Board as a whole unless given authority to do so by the vote of the Board.

Official actions of the Board or recommendations to City Council shall be forwarded directly to the City Council with a copy to the City Manager.

A copy of any Notice of Intent to Appeal a decision on a permit application issued by the Director regarding: (1) an application to remove a tree on City-owned property; or (2) a request for a variance to the requirements set forth in SRC Chapter 86 will be provided to the Board by the Public Works Director, or the Director's designee, along with any supporting information and statements by the applicant, person(s) participating in the appeal, the Director, and the City's Urban Forester. The appeal will be heard at the next available meeting following the close of the appeal period.

13. APPEARANCE OF INTERESTED PERSONS

The Board shall provide at least two opportunities to receive public testimony during its meetings. First, the Board shall allow time for persons wishing to provide written or oral testimony on a specific agenda item. Additionally, the Board shall allow time for persons wishing to address items of general interest not on the agenda.

Persons providing oral or written testimony shall state their first and last name, and shall have the choice of providing their address, ward, or neighborhood association. Written testimony shall contain the same information. Oral testimony shall be limited to a maximum of five minutes, not including time taken to answer questions from Board members. The Board may provide any person an extension of time to present additional testimony if a majority of members present pass a motion allowing such an extension.

14. HEARINGS OF APPEALS

In addition to the functions and duties assigned to the Board in SRC Chapter 13, the Board has the authority under SRC Chapter 86 to issue a decision on an appeal of a decision by the Director regarding: (1) an application to remove a tree on City-owned property; or (2) a request for a variance to the requirements set forth in SRC Chapter 86. This section shall apply to such appeals, subject to the Director's creation of appeal procedures, as permitted by SRC 86.095(e).

The Board shall conduct a Public Hearing on an appeal of a decision by the Director. At the hearing, the appellant shall have the burden of proof to show why the decision of the Director was in error. Opponents or staff may rebut the appellant's testimony by showing alternative facts or by showing that the evidence submitted does or does not satisfy the approval criteria.

The Presiding Officer shall declare the opening of the Public Hearing and announce the subject of the hearing.

Each person shall, prior to giving testimony, give his or her name, shall indicate whether a resident of the City of Salem, and shall provide an address or identify the ward of residence.

All remarks shall be addressed to the Board as a body and not to any member thereof.

Speakers at a Public Hearing shall be conducted in the following order and subject to the following time limits:

- (1) Staff presentation shall not exceed 15 minutes total.
- (2) Appellant presentation shall not exceed 15 minutes total.
- (3) Affected Neighborhood Association(s) comments shall not exceed five minutes per association and must present the official position on the matter.
- (4) Testimony by other interested persons shall not exceed three minutes per person.
- (5) Questions of staff shall have no time limit.
- (6) Rebuttal by appellant shall not exceed seven minutes total.

Board members may, after recognition by the Presiding Officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony. Questions posed by Board members should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Board members are expected to use restraint and be considerate of the meeting time of the Board when exercising this option. The Presiding Officer may intervene if a Board member is violating the spirit of this guideline.

Board members may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by Board members should be to provide clarification or additional information on testimony provided.

The scope of rebuttal by the Applicant is limited to matters that were introduced during the hearing.

The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matter. The Presiding Officer may order the testimony, alternating those speaking in favor and those in opposition, or having all speaking in favor testifying, followed by all those in opposition. The Presiding Officer, with the approval of the Board, may further limit the time and/or number of speakers at any public hearing; provided that the Presiding Officer shall announce any such restrictions prior to the commencement of the testimony. In the event of large numbers of interested persons appearing to testify, the Presiding Officer, to expedite the hearing, may in lieu of testimony call for those in favor of the pending proposal or those in opposition to rise and note the numbers in the minutes.

Written testimony or physical evidence may be introduced into the record of the hearing.

All documents, testimony, and physical evidence submitted to the Board during the Public Hearing are public records.

At the conclusion of all testimony, including questions of staff and rebuttal by the Appellant, the Presiding Officer shall declare the Public Hearing closed. Any participant may request that the hearing be continued or that the record be left open for submission of additional evidence or testimony. The Board, by motion, may continue the hearing to another date and time, leave the record open to receive additional evidence or written testimony, or decide to close the hearing.

Following the close of the Public Hearing, each member of the Board has the opportunity to comment on or discuss testimony given during the Public Hearing.

After comments and discussions by the Board, the Presiding Officer shall call for a motion regarding the appeal. Decisions shall be based on SRC Chapter 86 and Salem Department of Public Works Administrative Rule 109-500-002. The appeal may be approved, conditionally approved, or denied on the basis of conformity with the code and administrative rules. Conditions of approval, if any, shall be limited to project modifications required to enable the project to meet the intent of the code or administrative rule.

A decision by the Board on an appeal shall be based on a simple majority vote. In the event of a tie, the motion shall be considered defeated.

15. AMENDMENTS

These bylaws may be amended at any regular meeting of the Board by a majority vote, provided that at least ten days' prior notice is given to the members. The Salem Parks and Recreation Advisory Board has no authority to amend, modify, or delete any rule, regulation, or ordinance established by City Council or the Salem Charter.

Annually, the Board shall readopt or modify these bylaws and will take effect immediately.

SPRAB ACCEPTED AS SUBMITTED ON THIS DAY,



KASIA QUILLINAN, CHAIR
SALEM PARKS AND RECREATION ADVISORY BOARD

June 8, 2017
DATE