

ORDINANCE 341-23

**AN ORDINANCE REPEALING CHAPTER 92, SECTIONS 92.02
THROUGH 92.04 HARBOR COMMISSION AND ADDING CHAPTER 32,
SECTION 32.09 HARBOR COMMISSION**

WHEREAS, the City of Depoe Bay adopted rules and regulations for the control and management of the harbor properties and facilities within the City of Depoe Bay; and

WHEREAS, in order to better manage the various Commissions and Committees of the City, the City Council of the City of Depoe Bay has determined that for the benefit of the City, repealing Sections 92.02 through 92.04 is necessary; and,

WHEREAS, in order to better manage the various Commissions and Committees of the City, the City Council has determined the need to the addition of Chapter 32.09 Harbor Commission.

NOW, THEREFORE, the City Council of the City of Depoe Bay hereby ordains as follows:

Section 1: Chapter 92, Sections 92.02 through 92.04 are repealed in their entirety.

Section 2: Chapter 92.05 Definitions, Harbor Commission, is replaced in its entirety as follows: **Harbor Commission**. The Commission appointed by the City Council and is an advisory body to the Harbormaster and City Council. The Commission acts under the ordinances of the City and recommends plans, regulations, and improvements to the harbor facilities. The Commission does not oversee the day-to-day operations and maintenance of the harbor facilities.

Section 3: Chapter 92, Section 32.09 Harbor Commission is added as shown in the attached Exhibit A.

Introduced and passed the first reading in a regular meeting of the City Council of the City of Depoe Bay, Oregon, on this 8th day of August, 2023.

Passed at the second reading, placed on final passage, and adopted by the City Council of the City of Depoe Bay, Oregon, on this 8th day of August, 2023.

Approved by the Mayor of the City of Depoe Bay, Oregon, this 8th day of August, 2023.


Kathy Short, Mayor

ATTEST

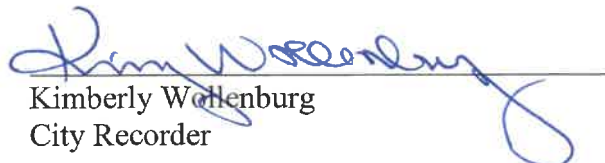

Kimberly Wollenburg
City Recorder

Exhibit A

Chapter 32: Commissions, Committees, and Agencies

Section 32.09

- (A) *Membership.* The Commission shall consist of five regular members to be appointed by the City Council. Not more than two of the regular membership can live outside of the city.
- (B) *Term of office.* The term of office for members shall commence on January 1 of the first year of appointment by the City Council, and shall expire four years thereafter on December 31, or until their successors are appointed and qualified.
- (C) *Removal from office.* Any member of the Commission may be removed by a majority vote of the City Council at any time without cause. No member shall miss more than two consecutive meetings. Should a member miss three consecutive meetings, a report shall be provided to the City Council. The member may be removed from the Commission unless the City Council deems the absences as excused.
- (D) *Vacancies in office.* Any vacancy in the Commission shall be filled by appointment made by the City Council for the unexpired portion of the term.
- (E) *Oath of office.* Members of the Commission shall qualify by taking and subscribing an oath of office to uphold the Constitution of the United States and the state and the Charter and ordinances of the city, and to perform the duties of the office faithfully and impartially to the best of his or her ability.
- (F) *Compensation of members.* The members of the Commission shall receive no compensation as such, except as the City Council may approve reimbursement to Commission members for out-of-pocket expenses.
- (G) *Organization of the Commission.*
 - 1) *Chair and vice-chair.* At the first regular meeting each January, the Commission shall elect a chair and vice-chair from the regular membership who shall serve in that capacity for a one-year term. Any vacancy will be filled by election for the unexpired portion of the term. The chair shall preside over all Commission meetings. The vice-chair shall preside over the meetings in the absence of the chair. The chair and/or vice-chair shall perform such other duties on behalf of the Commission as imposed by the Commission or ordinance.
 - 2) *Secretary.* The Commission shall elect a secretary, who need not be a member of the Commission, and who shall serve at the pleasure of the Commission. The secretary shall keep an accurate record of all proceedings of the Commission and shall perform such other duties as are imposed by the Commission.

- 3) Liaison to City Council. The Commission shall elect a liaison officer, who shall serve at the pleasure of the Commission. The liaison officer shall report to the City Council at a regular Council meeting.
- 4) Quorum. Three members of the Commission shall constitute a quorum.
- 5) Voting. The concurrence of a majority of the members present at a Commission meeting shall be necessary to decide any question before the Commission.
- 6) Meeting time and place/location of business records. The Commission shall meet at least once a month, or as Commission business requires. The regular meeting place of the Commission shall be as designated by the City Council from time to time. The Council shall designate a place for the transaction of the business of the Commission and keeping of its records. Workshops or portions of meetings may be held in the dock area or elsewhere when it is determined by the chair of the Harbor Commission that the change in location is necessary for conducting Commission business.
- 7) Commission procedures. The Commission may make, establish, and alter rules and regulations for its governance and procedures consistent with the laws of the state and with the Charter and ordinances of the city.

(H) *Powers and Duties.*

- 1) General powers and duties. The Commission shall have the powers and duties set forth by ordinance of the city or as delegated by the City Council. The Harbormaster and Public Works Director shall supervise the day-to-day operations and maintenance and oversee the administration of the Harbor Ordinance.
- 2) Recommendations to the Harbormaster or Public Works Director. It shall be the duty of the Commission and it shall have the power, except as otherwise provided by law, to make suggestions to the Harbormaster, Public Works Director, or such other person as designated by the City Council concerning the following matters:
 - a. The formation of rules and regulations for the operation and use of harbor facilities;
 - b. Planning for future growth, development, and improvement with respect to harbor facilities;
 - c. To recommend improvements and maintenance with regard to harbor facilities; and,
 - d. Review and recommend proposed leases to the City Council for consideration and execution.