

CHAPTER 3313: Area Commissions: Procedures for Establishment

3313.01 Purpose

Area commissions are established to:

- o afford additional voluntary citizen participation in decision-making in an advisory capacity, and
- o to facilitate communication, understanding, and cooperation between neighborhood groups, city officials and developers

General standards and filing procedures

- o serve as guidelines for establishment of commissions,
- o assure compliance with minimum requirements
- o effect area representation
- o permit flexibility and individuality without the legislative burden of detailed codification and periodic amendments for each commission

3313.02 Petition

Persons residing, working, or owning property in an area meeting qualifications herein may petition City Council for

- o establishment of a commission area
- o approval of bylaws, rules and selection procedures, and
- o creation of a commission

The petition shall contain:

- a. a concise description of the area,
- b. residents that agree to serve on a task force until commission is organized,
- c. a designated agent to receive notices,
- d. a statement that bylaws, rules and selection procedure are attached to the petition and will be filed with the City Clerk, and
- e. the signatures, residence addresses, and signing dates of no less than 500 residents or property owners in the area.

Bylaws, rules and selection procedures shall be:

- o reasonable,
- o consistent with this code and applicable law, and
- o attached to the petition and filed with the City Clerk.

3313.03 Notification of Residents

Within 30 days of filing petition, the Task Force shall notify residents of the filing, its general provisions (including area), and the method for objecting thereto.

Suitable notice may be given by:

- o door-to-door distribution or
- o publication in an area newspaper
(notification shall also be in The City Bulletin)

Within 60 days, any interested party with objections may:

- o file a written objection, or
- o file an alternative petition (with attachments) in accordance with 3313.02

(no petition shall be considered less than 60 days after notice of filing has been given to residents)

3313.04 Revision of Documents

Prior to Council's approval, a revised version of a document which was attached to the filed petition may be submitted by the Task Force in order to comply with this chapter, a generally accepted practice, or an objection raised.

Thereafter such documents may be amended only in the manner provided in the appropriate bylaws. Any amendment shall be certified to and filed with the City Clerk immediately after its adoption and no amendment shall take effect within less than thirty days after promulgation in The City Bulletin.

3313.05 Commission Area

To qualify, an area shall:

- a. consist of a compact, homogeneous area that is manageable in size, being large enough for recognition and small enough for effective representation,
- b. maintain neighborhood identity and cohesiveness
- c. coincide with a designated city planning area (when feasible)
- d. be compatible with areas of existing commissions
- e. be described by
 - o boundaries with the fewest changes practical, and
 - o an indication of the number of acres and dwelling units

Existing commissions are in conformance with this section.

New commission area boundaries are set forth in Chapter 3315.

3313.06 Area Commissions Ratified

Existing commissions are declared in conformity upon filing with the City Clerk of:

- o certified copies of bylaws, rules and selection procedure
(~~all of which reasonable and consistent with this code and applicable law~~)

(no petition required)

3313.07 Commission Members

Commissions shall consist of between 7 and 21 members (odd number suggested), appointed by Mayor with Council concurrence.

3313.08 Selection Procedure

Nominations for Mayor's consideration shall be made using the commission's selection procedure (also to be used by the Task Force to select the first commission).

3313.09 Terms

Members serve without compensation.

Terms are specified in the bylaws but no less than 2 years nor more than 4 years. (Initial appointments for no less than 1 year nor more than a full term.)

3313.10 Vacancies

Vacancies are filled for the unexpired term by Mayoral appointment with Council concurrence. The commission may nominate a candidate.

3313.11 Task Force Duties

The Task Force shall:

- o file petitions and documents
- o make any necessary revisions
- o give notice to the area
- o institute the selection procedures (if any)
- o certify selection results to the Mayor and City Clerk
- o between Council approval and commission organization, perform necessary functions in C.C. 3313.14
- o disband as soon as appointed members organize the commission

3313.12 Appointment Delay

If certification of mayoral appointment is not received by the City Clerk within 30 days after

- (1) receipt of the certified results of the selection process or
 - (2) receipt of notice of a vacancy or nomination of a candidate to fill such vacancy (which ever occurs later),
- the nominee shall be presumed qualified to serve until actual notice of a Mayoral appointment is received

3313.13 Organization

As soon as convenient after members have been appointed and approved (or qualified) but not more than sixty days thereafter, the commission shall meet and organize by:

- (1) the election of chair, secretary and other office prescribed by the bylaws
- (2) the adoption of rules of procedure
- (3) the provisions for regular and special meetings

Records of all proceedings shall be maintained and open to the public.

3313.14 Functions and Duties

Area commissions are advisory and no action or function of a commission shall invalidate any action of City Council.

Area Commissions shall:

- a. identify and study the problems and requirements of the commission area in order to
 - o create plans and policies which serve as guidelines for future development
 - o bring problems and needs to the attention of government or residents
 - o recommend solutions or legislation
- b. aid and promote communication within the commission and between it and the rest of the city by means of
 - o regular and special meetings open to the public
 - o public hearings on problems, issues and proposals
 - o public forums and surveys
 - o soliciting active cooperation of organizations, institutions, government, etc.
 - o initiating proposals which enhance quality of life or preserve the unique residential and commercial mix
 - o promoting and encouraging businesses consistent with the character and requirements of the area
- c. initiate, review and recommend criteria and programs for the preservation, development and enhancement of the area by
 - o reviewing the proposed CIP and CIB and proposing new items and changes
- d. recommend priorities and review government services and operations by
 - o requesting and receiving periodic reports concerning government services or practices
 - o meeting with staff for more information
 - o requesting and receiving full reports on proposed changes and recommending approval or disapproval
 - o receiving and making recommendations on applications and notices of all public hearings related to rezonings, special permits, variances, demolitions and zoning appeals
- e. recommend persons from the commission area for nomination to ~~membership on city boards and commissions which make~~ decisions or recommendations affecting the commission area.

3313.15 Land Use Procedure

In a timely manner (and in an advisory manner), the area ~~commission may meet with applicants for rezonings, special~~ permits, demolition permits, or variances to discuss the proposal and possible modifications. Failure of the applicant to consult

with the commission or inability of the commission to make a recommendation may be grounds for postponement of subsequent action by other bodies.

3313.16 Assistance

Pertinent technical and planning assistance and liaison will be made available by the City to the area commission to the extent practical and in relation to planning programs, budget and priorities.

3313.17 Notice

Each applicant for a rezoning, special permit, variance, zoning appeal or demolition permit shall be notified of the existence of an area commission with advisory jurisdiction and shall be advised to contact the commission. Any necessary documents shall be forwarded to the commission by the Department of Trade and Development.

The administrator of the Development Regulation Division shall promptly transmit a copy of agendas and notices as issued for public hearing related to rezoning, special permits, variances and zoning appeals to the chairperson of the commission as a matter of information and for comment and advice.

The City Clerk shall include the commission chairperson on Council's mailing list for agendas. However, the area commission shall be responsible for confirming that mailing lists contain currently appropriate names and information. Failure of notification shall not constitute grounds for denial of a requested action or reversal of a prior decision; however, such failure may be cause for postponement if appropriate.

