

**ORDINANCE NO. 149**

AN ORDINANCE ESTABLISHING A ROAD COMMISSION, DEFINING DUTIES AND RESPONSIBILITIES; ESTABLISHING TERMS OF OFFICE, AND GENERAL PROCEDURES; AND DECLARING AN EMERGENCY.

Dunes City ordains as follows:

**I. CREATION OF A ROAD COMMISSION.**

A road commission ("Commission") is hereby established for Dunes City.

**II. ORGANIZATION OF COMMISSION.**

- (1) Number of Members: The Commission shall consist of seven (7) members, one of whom shall be a member of the Council, who shall act as the non-voting chair of the Commission, five (5) voting members appointed by the City Council who shall be legal residents of the City, and shall not be employees of nor hold any official position with the City and the City's Director of Roads who shall be an ex-official non-voting member of the Commission.
- (2) Terms: The resident members of the Commission shall serve for a three-year term, except that the initial appointments to the Commission shall be for one (1) one-year term expiring 12-31-96, one (1) two-year term expiring 12-31-97; and three (3) 3-year terms expiring 12-31-98.
- (3) Vacancies: Vacancies shall be filled by council appointment for the remainder of the unexpired term of the predecessor in office.
- (4) Qualifications: No person shall be a voting member of the Commission unless such person is a legal resident of Dunes City, is of legal voting age, and, except

for the Council member and the City's Director of Roads, is not an employee of nor official of the City.

- (5) Removal of Commission Members: Any member who, unless officially excused, fails to attend three consecutive meetings of the Commission, or fails to attend at least fifty (50) percent of the meetings in any one (1) year, may be disqualified from serving on the Commission, and upon certification of such absence by the chairman of the Commission shall be replaced in the manner prescribed in subsection (3) of this section.
- (6) Meetings: The Commission should meet at least once each month and shall meet on the call of the Chairman or on call by a majority of its members. In the absence of the Chairman, the Director of Roads shall chair the meeting. Minutes shall be taken of meetings and are to include the meeting date, members present, items discussed, citizen input, matters voted upon by the members and recommendations to the Council. Minutes shall be presented in written form to the Council at its next regularly scheduled meeting.
- (7) Quorum: A majority of voting members shall constitute a quorum.

### **III. PURPOSE.**

The purpose for the creation and continued existence of the Commission is to maintain the public health, welfare, and safety of its citizens, and:

- (1) To standardize road construction specifications; prepare and maintain an inventory of streets including length, traveled width, right-of-way width, and condition, in order to prioritize road projects, improvements, and maintenance;

- (2) To provide long-range planning of street improvements, including but not limited to the laying out, widening, extending, and location of streets; construction of sidewalks, boulevards, and storm drains; control of parking, street light placement, and use of street rights-of-way;
- (3) To study the public need for street construction improvements, and/or maintenance and to establish priorities therefor;
- (4) To develop long-range strategies for financing capital improvements and make recommendations on such strategies to the Budget Committee and to the Council;
- (5) To serve in an advisory capacity to the Council.

**IV. GENERAL PROVISIONS.**

Neither the Commission, as a whole, nor any member or members individually or collectively shall exercise authority to bind Dunes City, its officers or agents to any financial commitment or obligation (except as specifically directed or authorized by the Council). The Commission has only those powers and duties as are now or hereafter granted and imposed on it by the City Charter, ordinances and directives of the Council. All actions of the Commission shall be deemed advisory to the Mayor and Council and shall have no legislative or judicial effect unless and until formally adopted by the City Council.

**V. DUTIES AND RESPONSIBILITIES OF COMMISSION.**

The duties and responsibilities of the Commission shall include but not be limited to the following:

- (1) It shall conduct studies of the current condition of streets which are within the

purview of this Commission and make recommendations to the Council for the construction, repairs, modifications, or other needs in order for the streets to meet relevant city, county, state and federal regulations.

- (2) It shall solicit and consider comments from the general public regarding the need for new, repaired, and/or modified street improvements;
- (3) It shall review and make recommendations to the Budget Committee and Council, for construction, repair or modification of any street improvements;
- (4) It shall consider citizen requests for placement of street lights and make suggestions and recommendations to the City Council.
- (5) It shall consider citizen requests for temporary use of City street rights-of-way and/or removal of trees and/or vegetation from street rights-of-way, and make recommendations thereon to the Council.

**VI. HAZARDOUS CONDITIONS / EMERGENCY PROVISIONS.**

In the event of storm or other disasters creating hazardous conditions on City streets, rights-of-way, or other roadway related conditions which may be determined to be hazardous, injurious, or detrimental to the public safety and welfare, such as, but not limited to, wind storm damaged trees on City rights-of-way, the Chairman and/or Director of Roads may declare an emergency and shall report immediately to the Mayor and/or Council President so that emergency action may be taken to alleviate the hazardous condition(s).

**VII. SEVERABILITY.**

The sections and subsections of this ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

