

RESOLUTION NO. 2322

A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF AMENDING SECTION 21(I) OF THE 1994 TROUTDALE CHARTER TO ALLOW THE MAYOR OR CITY COUNCILORS TO DISCUSS EMPLOYMENT MATTERS, CONTRACTS, OR PROPERTY WITH CITY MANAGER

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City Council of the City of Troutdale, Multnomah County, Oregon (The "City"), has determined that a need exists for the 1994 Troutdale Charter (the "Charter") to be amended to allow the mayor and city councilors to discuss the strengths, weakness, or need for city staff, employees, and matters regarding city contracts or property.
2. This need may be accomplished by amending Section 21(I) of the charter to read as shown below with new language underlined:

Section 21 (I).

No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business. Nothing in this Charter restricts the authority of the mayor or any council member to discuss the strengths, weaknesses, or need for city staff, nor to discuss any city contract or property that either exists or is contemplated, with the city manager. Such discussions may be held privately, at the discretion of the participants, but shall conform to the requirements of law.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. A measure election is hereby called in and for the City of Troutdale, Multnomah County, Oregon, for the purpose of submitting to the legal voters the following question:

Shall charter authorize mayor and council discussions with city manager?

Section 2. Tuesday, May 17, 2016 is hereby designated the date for holding the election for the purpose of voting on the measure. As authorized by the County Clerk of Multnomah County, Oregon and the Oregon Secretary of State, the election shall be conducted by mail pursuant to ORS 254.465 and 254.470.

Section 3. The precincts for said election shall be and constitute all of the territory included within the corporate limits of the City of Troutdale.

Section 4. The City authorizes the City Manager (an "Authorized Representative") or a designee of the Authorized Representative to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes herein in compliance with the applicable provision of law.

Section 5. Pursuant to ORS 250.275(5) the City Recorder (the "City Elections Officer") shall publish a notice of receipt of ballot title in the Gresham Outlook or Oregonian, including notice that an elector may file a petition for review of the ballot title not later than the seventh business day after the title is filed with the City Elections Officer (the "Notice").

Section 6. Pursuant to ORS 254.095(2) and no later than 61 days prior to the election date, the City Elections Officer will file the ballot title with the county clerk and include the proposed measure in the statement of city measures to be voted on.

Section 7. The City Manager or designee is authorized to prepare and sign, and the City Recorder is authorized to submit, an impartial explanatory statement for the measure and submit it to the county clerk for inclusion in the Multnomah County voters' pamphlet on behalf of the City, as provided in ORS 251.345.

Section 8. The ballot title to appear on the ballots shall be:

CAPTION

Clarifies mayor, councilors may discuss city business with city manager.

QUESTION

Shall charter authorize mayor and council discussions with city manager?

SUMMARY

Under the existing charter section, it is not clear that councilors may talk to the city manager about concerns they may have concerning staff, city contracts, or city property. This amendment makes clear that councilors may discuss their concerns, so long as their actions do not coerce the city manager into actions the manager might not otherwise take. It requires that such discussions comply with the public meetings laws and other laws.

Section 9. This resolution takes effect immediately upon its adoption by the City Council.

YEAS: 7
NAYS: 0

ABSTAINED: 0



Doug Daoust, Mayor

2/10/16

Date



Sarah Skroch, City Recorder

Adopted: February 9, 2016