



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

CITY COUNCIL – WORK SESSION
Troutdale Police Community Center – Kellogg Room
234 SW Kendall Court
Troutdale, OR 97060-2078

Tuesday, December 19, 2017 – 6:00PM

Mayor

Casey Ryan


City Council

David Ripma
Randy Lauer
Larry Morgan
Glenn White
Rich Allen
Zach Hudson

City Manager

Ray Young

1. Roll Call
2. Discussion: A Presentation on Updating Fees and Charges. Ray Young, City Manager
3. Discussion: Possible Charter Changes:
 - 3.1 Elect City Councilors by a plurality-at-large system instead of by position. Councilor Hudson
 - 3.2 City Councilors to open their current seat for election at the point that they file their candidacy for Mayor. Councilor Hudson
 - 3.3 Voting on filling own vacancy Councilor Ripma
 - 3.4 Term Limits Staff
4. Adjourn



Casey Ryan, Mayor
Dated: 12/12/2017

Further information and copies of agenda packets are available at: Troutdale City Hall, 219 E. Historic Columbia River Hwy. Monday through Friday, 8:00 a.m. - 5:00 p.m.; on our Web Page www.troutdaleoregon.gov or call Sarah Skroch, City Recorder at 503-674-7258.

The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to: Sarah Skroch, City Recorder 503-674-7258.

MINUTES
Troutdale City Council - Work Session
Troutdale Police Community Center – Kellogg Room
234 SW Kendall Court
Troutdale, OR 97060-2078

Tuesday, December 19, 2017 – 6:00PM

1. Roll Call

Mayor Ryan called the meeting to order at 6:02pm.

PRESENT: Mayor Ryan, Councilor Ripma, Councilor Lauer, Councilor Morgan, Councilor White, Councilor Allen and Councilor Hudson.

ABSENT: None

STAFF: Ray Young, City Manager; Chris Damgen, Community Development Director; Tim Seery, Park & Facilities Superintendent; Travis Hultin, Chief Engineer and Kenda Schlaht, Deputy City Recorder.

GUESTS: See attached.

2. Discussion: A Presentation on Updating Fees and Charges.

Ray Young, City Manager, stated our current schedule of fees and charges vary on everything from what we charge for business licenses, use of the Sam Cox Building, permits in Building and Development and the court fees. They have not been reviewed or evaluated in at least 8 years and some cases maybe even longer. Over the last couple years this has come up from this Council as to updating these sometime. We should look at what we're charging and see if it reflects our costs and reflects what the market is charging in terms of other cities. Staff has gone through all of our current charges and fees and compared them and has come up with a proposed set of fees. Before we get to the point of wanting to bring actual resolutions we wanted to give you an opportunity to speak to what we're tentatively looking at increasing fees and you can ask any questions and you can give input. We will bring back a fee schedule for a vote that you will have an opportunity to give staff direction that we need to be able to make sure we're responsive to the needs of the citizens and the community. You have 3 documents you were provided that we're going to talk about this evening. Number one was the last time we did a resolution for fees is your Exhibit A. Where possible I had staff do changes in red in that document so you can actually compare the language of the last resolution to what staff is suggesting for changes. There are some fees that were not changed by this resolution. Mr. Damgen and Mr. Hultin are here from Development and from Public Works to go through Exhibits B and C with you to show you where there were certain fees that previously were not amended that we want to amend. I hope you understand that we want to make it easy for the first group of fees and then the

other changes will be in those other documents. Some of them may be repetitive in Exhibits B and C because they were previously amended 8 or 9 years ago. I'm going to go through the first section with you and then I'll go through the section in Exhibit A that covers other departments other than Development and Public Works. When you look at Exhibit A, Section 1, we have records requests, which is anytime somebody requests public records we have to give them an estimation of the charge. Generally in a lot of cities if it takes less than 30 minutes they just charge the copying charges and that's all you have to pay. Previously if it took time for staff to do some research it would have been 50% of total wage and benefit rate. So we really couldn't tell them ahead of time what it would cost because we didn't know which staff person would actually be doing the search. What we've done is we changed it so ahead of time we can know with a good degree of certainty what it will cost to provide those documents per hour and give them an estimate. We've actually broken down into a flat rate per hour depending on which staff person will do it. We no longer have the business license listings so there's no reason to charge anything for it. The business license application fee for home occupation businesses will be \$60 and for a regular business license fees we're taking it from \$70 to \$80 if you have less than 50 full time employees and \$100 a year with greater full time employees. Some cities like Gresham charge you \$70 and then \$3 a head for your employees. Ultimately they are a lot higher than we are. The utility bill late fee has always been \$5 and we would like to increase it to \$7.50 per month when somebody is late with their utility fee. The next section, public safety, we don't have a police department anymore so there's no reason to have the public safety fees. All that is covered under the Multnomah County Sheriff's Office now. Under the parking and traffic violation fees the only changes we made was to the over time limit, over space line and hotel zone. They were all \$8 and we made them \$25. On the traffic violation surcharge it's supposed to go to the police department and they have their own so we deleted that one. Those are the changes that are outside Public Works and Development.

Chris Damgen, Community Development Director, stated in the interest of legibility I'm going to refer to Section 3 but really the gist of the report is actually in Exhibit C of your packet. That really speaks to the PowerPoint that we gave to the Planning Commission a couple of months ago where we asked their initial input. I don't know if any of them have individually corresponded with you. They haven't necessarily made any formal recommendations to you but it was more in the interest to show how Planning fees stack up particularly with comparative cities. One thing that is not included with this proposal are building related fees. Building fees in Oregon, whenever you make a change, it has to be reviewed by the State. That takes time so in the interest of expediency to consider these options we are leaving building related fees out of this proposal. (Chris Damgen showed the Council a PowerPoint presentation outlining updated fees and charges in Exhibit C). The one thing you have to understand is that cities and planning while the procedures are often similar in how they structure can be very different. It's hard to do a table where you could do a side by side comparison so what the staff tried to do was basically use situations of scenarios out there to see how we want our costs to compare. In going back to the tables before the presentation what you're going to notice is several tiers of rates. Those tiers are set up based on the type of application that's in front of you and the estimate for how much time your staff actually spends on each of these applications. For a lot of them there were already fees in the current resolution which can be easily translated. There are a couple of instances though where

there are new processes or procedures which were not in the old code but are now in the new code where we're proposing a fee structure. We feel this is a pretty fair proposal based on staff time, your time and it adds consistency.

Councilor White stated I like where we're at on this chart. That's where Troutdale needs to be. These are reasonable requests. When Planning made the recommendations were they aware of the new System Development Charge (SDC) rate?

Chris Damgen replied to be clear, they didn't formally make a recommendation. I think they were aware that the SDC's were going to be considered. I don't recall when your presentation was with the consultants. My suspicion is that some of them might have been informed of some changes that were potentially coming down the pipe.

Councilor White stated I'm not going to hold this up because these seem pretty reasonable increases. I would like feedback from the Planning Commission. Maybe you could bounce that off that committee before this comes to Council.

Chris Damgen stated we have a meeting tomorrow night with them so we can ask them to consider or maybe offer more structured feedback.

Councilor White stated my only concern with this is if you get some guy that is considering doing a really small project, maybe as a side lot, we could still allow that person to get a briefing to decide if they want to go forward and spend that money or not.

Chris Damgen stated we would still have staff consultation. We do have formal pre-applications. Those are typically the norm involving projects that require other departments and agencies to look at. We usually try to advise people ahead of time. I forgot to mention this earlier, one of the issues that we face particularly on larger ticket projects is that the current resolution does not address increases in inflation. While it doesn't seem like a big thing when you're talking about a \$200 pre-application that is now \$223 but when you take an application like the Amazon application, had the 2008 resolution had a CPI or inflation adjustment for annual growth the City would've gotten \$153,000.00 instead of \$137,000.00. We effectively left \$16,000.00 on the table because we did not include a CPI or inflation adjustment. That's something a lot of communities do.

Councilor Hudson stated if we were to go ahead and approve this, a bigger consideration might be whether we want to have yearly automatic updates of these without a Council vote each time or whether we should address this every December.

Chris Damgen stated a number of cities do the escalation through that. Sometimes they don't split at hairs at dollars and cents. They might just say round it up to the nearest dollar or nearest 5 dollars. One consideration for my department is that you guys were generous in giving us an initial staff. Keeping in pace with our comparators with these fees helps us continue to maintain good services and good staff.

Ray Young stated let's ask Planning Commission maybe which fees they think may be subject to that.

Travis Hultin, Chief Engineer, stated I'm sitting in for Steve tonight. Most of these fees I'm pretty familiar with and maybe a couple I'm not and may ask Tim to help out with Parks fees. Many of these fees have not been changed since at least 2008 and there are a few in here that I know have not been changed since 1995. When we're looking at Section 6, Public Works fees, most of those are fees that I have recalculated and are approached as cost recovery. When you're talking about things like permits, permit fees and inspections, I was generally very generous and assumed the best case in most of those cases. Many of these permits and inspection processes end up taking up much more time than we might see reflected here. I'll go through them in Exhibit D. Tim can go over the Parks/Facilities fees.

Tim Seery, Parks and Facilities Superintendent, stated we have not had an increase on any of our fees since 1995. I came up with these fees that keep us competitive with other communities around our area. We're not the cheapest but we're not the most expensive. We tend to find that 80% of our rentals of our shelters and our buildings are from out of Troutdale so I've given major benefit to the citizens of Troutdale on their fees. This is very overdue.

Councilor White stated on the first time violation fee, it goes from \$100 to \$250. I remember Steve Winstead didn't exactly increase the fee for building permits but he made it so they could charge an hourly rate. His goal was to actually reduce that fine and he wanted to take a more educational approach. I really admired that.

Travis Hultin stated this is only for flagrant violations. We rarely actually impose those. I could write violations all day long every day. 98% of the cases we try to educate and we have kind of an informal policy that we give them a free pass the first mistake. We take a very soft approach. Having things in place allows us to have that hammer if we need it. We don't try to beat people up or make money on this. There is one fee that was not in this draft that I proposed. It is actually shown in some of the tables that you received. Having been the Chief Engineer for a while now and having a handful of different inspectors work for me about 6 months in, they ask the same thing. We really need a re-inspect fee for some of these situations. I've had all of my inspectors ask that over the years. We would like to look at putting that in. Something that the building officials already have. Where we would apply that would be when people are calling in inspection requests irresponsibly which wastes our time which is in short supply. This isn't something we're looking to beat people up with. We don't want people wasting our time when they know better. The 2 primary examples would be someone calls for an inspection when they know they're not going to be ready for inspection. We go out there, they're not ready and it's clear they knew they weren't going to be ready. They were just hoping by some miracle it was going to get ready and they just wasted our time. The other would be when we've given someone a correction on inspection and then they call for a re-inspect and we go out there and the correction hasn't been made. They know what they had to do and they didn't do it and they called us out there and wasted our time again. We're talking about a \$25 re-inspect fee just to try to keep people from wasting time.

Ray Young stated from this point on if you want to give some more input please ask questions to either Chris or Travis or Steve. Or direct them to me and I'll make sure you get your questions answered on these issues.

3. Discussion: Possible Charter Changes:

3.1 Elect City Councilors by a plurality-at-large system instead of by position.

3.2 City Councilors to open their current seat for election at the point that they file their candidacy for Mayor.

3.3 Voting on filling own vacancy.

3.4 Term Limits

Councilor Ripma stated I would like to address the Council before we get started. It has to do with the whole idea of the Council referring Charter amendments. Keep in mind that we don't have to do this. It should only be done when we on the Council think there's something wrong that needs to be fixed. The last time we had a real look at the Charter and proposed Charter amendments was in 2016 and it ended up being very divisive with some Councilors targeting amendments at others. We ended up compromising but let's not go back to that. I think we should only do the Charter amendments we think are going to improve Troutdale. Both Paul and Zach know I'm not a fan of this at-large voting but this applies to all of them. I encourage us to remember that referral by the Council for a Charter amendment should carry the endorsement of the Council. Charter amendments can be done by petition. Paul's out there circulating one with at-large voting right now. Any citizen has the right to propose a Charter amendment that goes to the vote of the people. I want to caution us that we shouldn't, as a Council, refer Charter amendments. This is my opinion.

Councilor Hudson stated I absolutely agree with you there and if there are not 3 others of you who like my proposal, please don't refer it on. If I haven't convinced you I'm okay with that.

Councilor Morgan stated I agree with Dave and I think that either these get referred or they don't. I don't know where some of these came from, if they have just been conversation pieces but I think that they are items that the public might want to vote on but I don't think the public is clamoring for them.

Mayor Ryan stated I do not want this to be divisive like last time.

Councilor White stated I think this might be a case of bad timing because the last discussion was 2016 just before the election and here we are again.

Councilor Hudson stated when I began my term in January I asked if we could get this done as quickly as possible so that we would not run into an upcoming election year. I came across the plurality of voting when I was serving on the Citizens Advisory Committee. We were looking for ways to increase accessibility to potential candidates for the City Council and term limits were brought up and none of the Citizens Advisory Committee liked the idea of term limits. Paul's idea of plurality-at-large voting really captured my attention because it asked what I see is a very important question. Since City Councilors don't represent Districts,

since we don't have Wards in the city that each of us represents, why do we have specific seats? Councilor Hudson presented a PowerPoint Presentation to the Council on Plurality-At-Large Voting (attached as Exhibit A to these minutes).

Councilor Allen stated look at the number of people in this audience. Most people in this City don't pay attention. They don't show up to meetings. They don't know. They're just going to go off of what they hear which is largely controlled by who's willing to be the meanest and who has the most money.

Councilor Hudson stated that is an unfortunate aspect of our democracy and our times I suppose.

Councilor Allen stated we know who is being good or bad. We know who we agree with and don't agree with and I would just hate to run in an election and bump somebody off the Council that I think is really doing a good job.

Councilor Hudson stated you wouldn't be bumping them off. The voters would choose. I worry about the feeling that we should be strategic in our organization so that voters need to choose who we want them to choose. We hope that voters pay attention and hope they make the best selection based on policies and not aesthetics but we can't change whether or not they do.

Councilor Allen stated from my experience I just don't see the examples you're using to be realistic on how things actually work.

Paul Wilcox, Troutdale resident, stated as Dave mentioned I've been working on this for over 2 years and raised the issue initially with the Citizens Advisory Committee and the City Organization Review Subcommittee. This is basically my history going back to November or December of 2015. Paul read from a prepared statement which is attached to these minutes as Exhibit B.

Paul Wilcox stated as a side note I want to go back to Councilor Ripma's opening remarks. Back in 2010, there was possible Charter amendments being considered by the Council. One related to the ballot had the role of Mayor in relation to the City Manager. Another one was reverting back to a 2 year term for Mayor which was the case prior to 1994. The other one was follow the example of Wood Village and have the Council choose the Mayor from among themselves so the Mayor wouldn't be directly elected by the voters. Councilor Ripma, you may not remember a letter you wrote to the Council at that time. You essentially wrote a letter as a citizen at the time that said all of those ideas should be submitted to the voters.

Councilor White asked Paul, how long have you been collecting these signatures?

Paul Wilcox replied about a year and a half. I have 500 but if everybody came to the door I would be well over 1000 signatures.

Councilor Ripma stated you do remember I wanted it on the ballot when it was Mayor Kight in office.

Councilor Ripma stated I've talked to Paul and Zach for a year and a half about this. I've tried to dissuade them from the idea for what I consider good reasons. Let me give you the reasons I have. The essence of what started Paul out was he didn't like the fact that some candidates ran unopposed and got elected that way. I guess the theory is that a candidate hasn't been properly endorsed by the voters. I ask you gentlemen, is that really true? Is that really a problem? I say no it isn't. Someone doesn't draw an opponent sometimes because he or she is doing a good job and stands behind the positions they take. The fact that they got elected is endorsement enough and this is my argument why I don't think we ought to refer this. I can't stop Paul from circulating his petition and at that point if he gets it I'll have to urge the voters to vote against this or not. I want the Council to hear me out a little bit. As for challengers getting to pick their opponent, yes that is actually a good thing. I will get to that in some of the literature that Paul provided us in 2016. That makes us more accountable to the voters for the positions we take and the votes we take that someone could challenge us. I had the exact kind of targeted opponent the last time. He spent \$9000.00 and I spent less than \$1000.00. He tried to unseat me and he didn't. Zach, all your scenarios are plausible. I couldn't find any logical flaw with any of them but they're all just kind of theoretical in my mind. The question is, should we change the system we've got? I wouldn't feel so strongly about this if I didn't think it was bad for Troutdale. I'm against it because I think it's not as good. I have 2 documents that Paul sent us links to in 2016. One is from the Center for Voting Democracy fairvote.org and they did a study on various ways of doing this. The other is a study from the League of Women Voters. Paul had sent us links to both of these and it shows, in my opinion, that this at-large voting is worse than the problem it addresses. It forces every candidate, good or bad, to run an expensive city wide campaign regardless if they would've had an opponent. Since campaigns are expensive it favors dominant, well-funded groups. Both of these studies showed that. Which is not necessarily what is in the City's best interest. The increased need for money is actually more likely to result in a 100% sweep of all the positions by that dominant group and minority candidates are unlikely to win seats in a plurality voting system which is why some cities using at-large voting have been subject to voting rights lawsuits. It really makes it hard for outsiders to get in. On the other hand, the fairvote.org study clearly states that designated seat voting such as Troutdale has holds Councilors accountable for their votes because challengers can target individual incumbents if they disagree with them. The current system voting by position is not a problem that needs to be fixed. We shouldn't endorse at-large voting. I think it will make it worse. Let's not endorse this. This is not needed.

Councilor Hudson stated in response to fairvote.org that you quoted, if I remember that study both plurality-at-large and election by position voting were given the exact same score. The study itself actually ranked them the same on its ranking system as they were given points in different categories. The point total actually totaled up to the same amount.

Councilor Ripma stated they also had cumulative voting and all kinds of things they were studying.

Councilor Hudson stated you said it makes a sweep more likely and that minority candidates are underrepresented. The important point about those objections are that those were not in comparison to election by seats. Those were in comparison to other possibilities. The likelihood of a sweep is just as likely between our 2 current systems we're debating at the moment and the minority candidates underrepresented are both the same between those 2 possibilities.

Councilor Ripma stated the question is should we change to go to this.

Councilor Hudson stated as far as theoretical scenarios go, I was putting theoretical scenarios up there because I didn't wish to name names. All of those examples have happened.

Councilor Ripma stated they don't constitute reasons for making a change.

Councilor Hudson stated let me give you a nightmare doomsday scenario that actually happened on the Mt. Hood Community College Board recently. They do have district in-voting and so they couldn't have plurality-at-large if they wanted to. But they suffered from exactly the problem of having unchallenged seats. In that case a gentleman was the only person who filed for his district on MHCC Board. No one challenged him. When endorsements came out from the Outlook, the Outlook said we would endorse anybody but this guy. Please, somebody, run as a write-in against him. Unfortunately he was elected to the Board. He proved a terrible representative. He was in no way what the voters would want for the benefit of the Board and yet they had to put up with him because he was the only person who was in that particular spot. The Board asked him to resign and he refused. This was after he was posting racist cartoons on his Facebook page. He was finally removed only by election at the end of his term. The chance of getting a bad candidate in because that particular slot doesn't have a challenger is a very real possibility.

Bruce Wasson, Troutdale resident, stated I am not supporting this change. If you have candidates A, B and C and you only have one challenger, how are you going to get them to this plurality so you have 6 candidates running if you can't even get enough to challenge 2 incumbents that are unchallenged? It makes no sense. Some candidates are going to be unchallenged. If you can't get people to fill committees and you can't get people to run for office, voting on plurality won't make any difference at all. I agree with Dave on this. The reason we need these districts is so if I disagree with Dave or with Councilor Morgan or Councilor White about a lot of things they do I can say I want to challenge them because I don't believe they're doing the job they need to. But if I have to throw my hat into the ring of 6 or 8 candidates I'm just going to be in the mix of something and my message could very well get lost in the confusion. This thinking that big money or pacts won't get involved in backing one candidate over another is pure bunko because they will and they did in this last election for City Council. There was a pact involved in this and it irritated me to no end that I saw that happen. We know that there are people in this city behind the scenes who throw money around. That's typical in elections. But to say by doing PAL is going to change this, it won't. They're going to pick the candidates they want. As a voter in this city and someone

who has been on the Budget Committee for a while I just don't think it's going to help. I don't think the change is needed.

Councilor Morgan stated we receive a lot of emails and I have not received a single email on this particular topic. If we want the citizens to decide I think we should refer all of these, regardless of whatever they are, or none of them. Picking your predecessor or successor, they're all a function of how government works that are arguable amongst lawyers and folks like that. I agree completely with Councilor Ripma. Either we refer all of these or none of these. They're all just the same flavor of the same discussion. None of the voters have written me an email except for Paul.

Councilor Lauer stated coming into this I support all of them. But I think it's inappropriate for us to pick and choose which one we think is the best for the City of Troutdale when really it should be the voters that choose. Like Councilor Morgan said, I say we send them all or nothing. On the term limit ones, I did have a change of heart on that one. I did like the term limits. I was thinking more along the lines of national stuff like Senators and Representatives that have been there for 50 years. In the information that Paul sent from former Tualatin City Councilor, Bob Haas, it says there already is term limits and it's called elections. I think term limits take the power out of the voters. Send them all or none at all. I don't think it would be appropriate for us to decide.

Paula Goldie, Troutdale resident, stated one other thing when you're talking about our system and we can bring things forward and let's let the voters vote on this. Every time we do that there's a cost. It's not cheap and if you put everything to the voters you're going to be spending a lot of money every election.

Councilor Lauer stated I hear that and I understand and respect that. But as a citizen, would you rather have us decide up here and take the power out of the voters' hands?

Councilor Ripma stated that is what we were elected to do and use our best judgment. You can't decide everything by putting it to the voters. I'm in favor of not referring any of these but I am in favor of picking and choosing the ones we do refer as we should only refer ones we think are really good. I might add, these Charter amendments can be very divisive and very negative. They haven't been because we have generally referred things that the entire Council agreed on were good ideas.

Ray Young stated the only thing I would add is that the bar is pretty high in Troutdale. You need a lot of signatures to get something on the ballot. This is a quicker way to do it. I don't think you should say all or none though. Mr. Wilson, on the term limits, has filed and moved along to gathering signatures for term limits in the next 10 days. Mr. Wilson is pursuing term limits on his own and Mr. Wilcox is proceeding with plurality-at-large on his own.

Councilor Morgan asked, these are initiative petitions? Citizen petitions?

Ray Young replied yes.

Councilor Morgan asked, the Council could put something in place that would prevent both citizen initiatives from taking place, right?

Ray Young replied no. There's nothing you can do to stop those two. You could pass something that's similar to it and reduce the desire for somebody to go forward.

Councilor Morgan stated if Councilor Hudson has enough votes to do the plurality, a citizen could also in the same election refer something and the greater vote total would be the one that would take effect. There could be competing ballot initiatives.

Councilor Ripma stated we're not proposing to do that.

Paul Wilcox stated to address what Larry is referring to, if the Council puts a measure on the ballot I'm not going to submit mine. I won't compete.

Councilor White stated I think it's time to do a straw polling because I think these original points didn't get fully explained. If we're not unanimous for this I don't want a divided city. The only one I agree on is voting on filling your own vacancy. Every other city has it spelled out a little more clearly than ours. It's more of a typo that got missed in my opinion. The other cities say the position isn't vacant until the person is no longer in that seat. So there's no way they could vote for their replacement. I think we should send that one off to the voters. The other one of plurality-at-large, there are only 19 cities out of 240 that follow that system.

Mayor Ryan stated let's talk about 3.1. Councilor Ripma, I know where you're at.

Councilor Morgan stated I'm all or nothing.

Councilor White stated I'm not in favor of it.

Councilor Allen stated I think it becomes less about issues and more about popularity.

Councilor Hudson stated given this discussion, I will gladly withdraw it.

Mayor Ryan stated the next discussion is the resign to run rule.

Councilor Hudson stated I think we should talk about this one because the staff report is actually significantly different from my proposal. If we're going to go all or nothing or not, personally I'd like to vote individually.

Councilor Ripma stated let's go through them.

Councilor Hudson stated the second proposal is the resign to run rule. The problem that this is designed to address is that under the current system, three City Councilors can run for Mayor in the middle of their Council term. Councilor Hudson showed a PowerPoint presentation on the resign to run rule (attached as Exhibit C to these minutes).

Councilor Ripma stated I agree it's a problem with the current Charter that seats 1, 3 and 5 can run in the middle of the term for Mayor. It was a problem when we voted on it in 1994. I did not like the idea of having 3 seats be different from 3 of the others. The fix for this is to go back to a 2 year term for Mayor. It's only been since 1994 that we've had 4 year terms and we had a tradition in Troutdale of long serving Mayors. Glenn Otto, Bob Sturges and Sam Cox all served 10 years under 2 year re-elections. I wish Kight and Daoust had only 2 year terms so they could've been up for re-election again. That's the fix for this but I'm not proposing it tonight. A 2 year Mayor term was traditional.

Mayor Ryan asked, do you guys want to take a straw poll on referring this one on?

Councilor Ripma replied no, we're not going to do it.

Councilor Hudson asked with Councilor Lauer and Councilor Morgan choosing not to vote on any of these, does that mean that this proposal has no support from the other four?

Mayor Ryan replied yes they didn't want to refer it.

Councilor Ripma stated let me give my reasoning on this. This has to do with resigning Councilors voting on their replacements. The Charter says filling vacancies is by appointment by a majority of the City Council. In 2016 we had an unusual situation where Eric Anderson said in January or February that he was going to resign in March. Something like that. Mayor Daoust and some of the Councilors wanted to pick his replacement before he resigned. That brought up this opportunity for Eric Anderson to vote on his own replacement which was an extremely divisive argument. Paul Wilcox sent us literature that says Wood Village, Fairview and The League of Oregon Cities Model Charter all say filled by appointment by a majority of the remaining Council members which would have taken care of the Eric Anderson issue.

Mayor Ryan asked, is that clearly stated in our Charter?

Councilor Ripma replied it could be clearer. I'm not in favor of just referring amendments unless there's really an error that needs correcting. I think it would be improved if we said "remaining" in the Charter. There wasn't really a vacancy until Eric was gone, you could argue. It seemed like 4 Councilors including the Mayor wanted to move forward and in the end we compromised. I'm not in favor of going ahead with a Charter amendment. I'll go along with not referring this.

Mayor Ryan stated this actually is more procedural. It's not written in stone so the procedure should've been better.

Councilor Ripma stated the policy had been that we don't let the outgoing Councilor vote on their replacement. We couldn't prove it though.

Mayor Ryan asked, you're not in favor of moving it to a Charter amendment but to clean it up.

Councilor Ripma replied not tonight but someday if we do a cleanup one we could do it.

Ray Young stated the problem is that somebody submits a letter of resignation from Council and they pick a date in the future that technically becomes a vacancy even when he's still on the Council. That's what created the problem. And Mayor Daoust scheduling it before he left. Maybe you could pass an ordinance that defines what the Charter means and how the Council conducts itself in the future.

Paul Wilcox stated Councilor Ripma, I think the solution you're talking about for this particular one is just wait until the resigning person is completely absent. Doug Daoust didn't want to wait.

Mayor Ryan stated I think the person should be gone then you can appoint the next person. The way it was done should probably be clearer. So we're not doing that one. I believe we don't need to talk about 3.4.

4. Adjourn

MOTION: Councilor Ripma moved to adjourn. Seconded by Councilor Morgan. Motion passed unanimously.

Meeting adjourned at 8:18pm.



Casey Ryan, Mayor
Dated: 1-25-2018

ATTEST:




Kenda Schlaht, Deputy City Recorder



PLURALITY-AT-LARGE VOTING

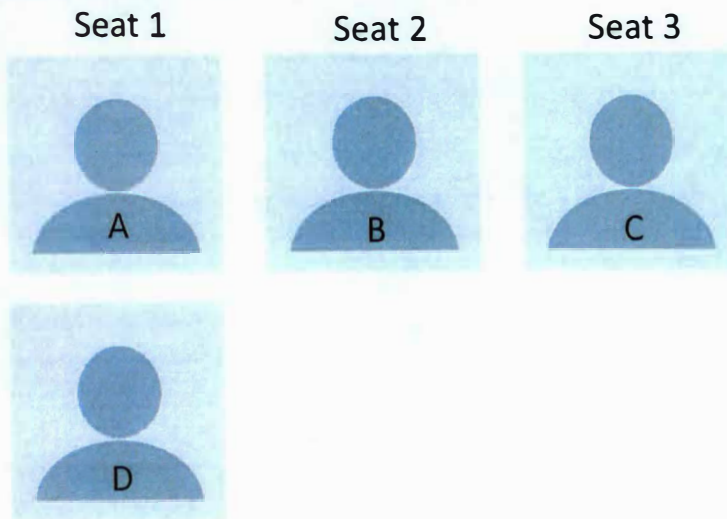




Since City Councilors don't represent districts, why do we elect them to specific seats?

- Separate races limit voter choice.
- Separate races make races less competitive.
- Separate races encourage rivalry and negativity.

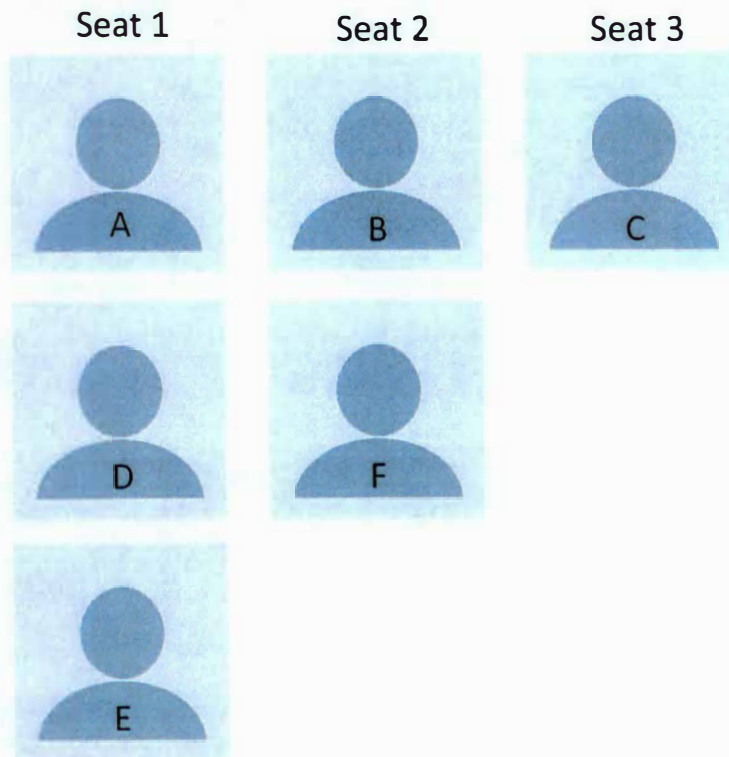
Scenario #1: one challenger.



Challenger must select one incumbent to challenge.

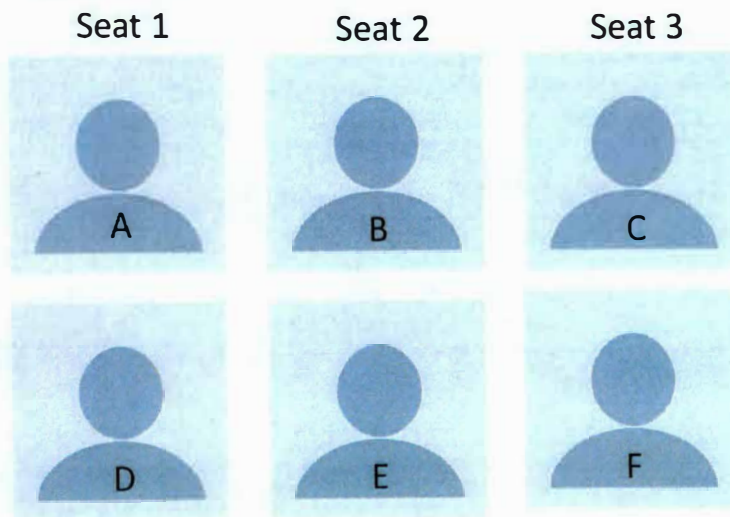
- Two incumbents get a free ride.
- Challenger has too much influence on the outcome.
- Voter choice is limited.

Scenario #2: multiple challengers.



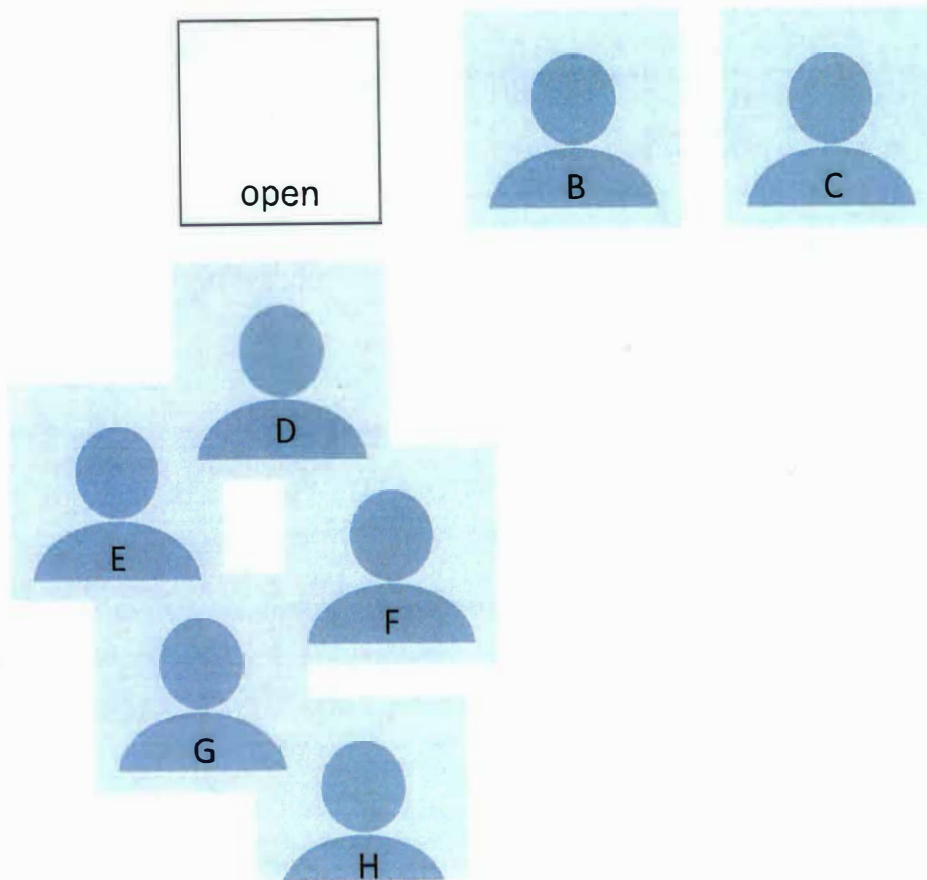
- Potential imbalance in challenged seats.
- Voter choice is limited.

Scenario #2: multiple challengers.



- Increased likelihood of forming coalitions.
- Voter choice is limited.

Scenario #3: open seat.



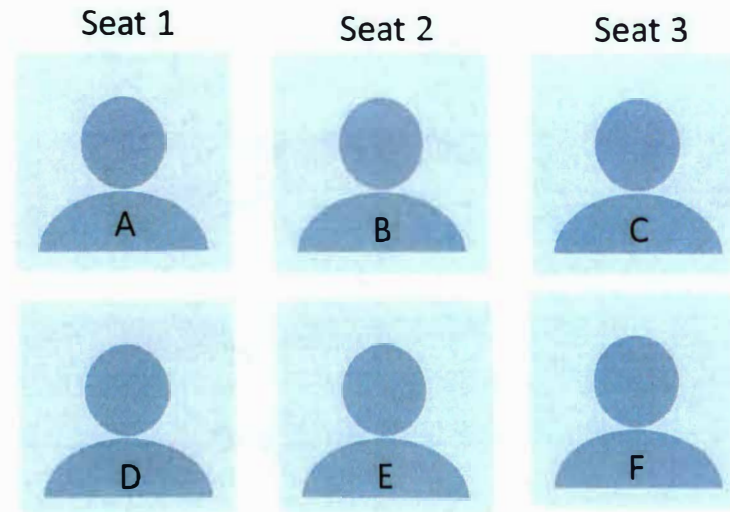
- Likely imbalance in challenged seats.
- Incumbents likely unchallenged.
- Voter choice is limited.



In each of these scenarios, voters are not free to pick their three favorite candidates.

- Candidates themselves have too much influence on the lineup.
- Races are often imbalanced.

Under the current system, there are eight different combinations of three that could be elected in this scenario.



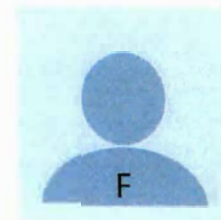
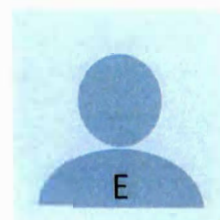
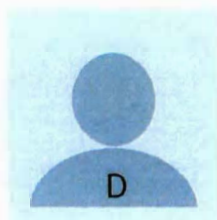
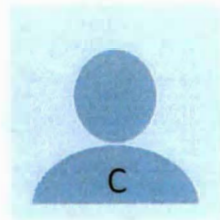
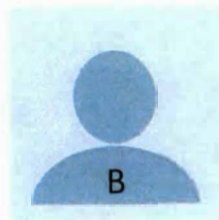
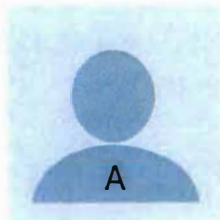
Under PAL, there are twenty different combinations of three that could be elected in the same scenario.

Seat 1

Seat 2

Seat 3

“Choose three candidates.”



Plurality-at-Large voting on the ballot

Troutdale City Councilor (vote for up to three)

- Abe Abramson
- Brenda Brown
- Carl Clark
- Doris Dean
- Edward Esterhazy

Plurality-at-Large voting on the ballot

Troutdale City Councilor (vote for up to three)

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- Brenda Brown
- Carl Clark
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Plurality-at-Large voting on the ballot

Final tally

| | |
|------------------|------|
| Abe Abramson | 4785 |
| Brenda Brown | 3020 |
| Carl Clark | 2150 |
| Doris Dean | 6068 |
| Edward Esterhazy | 5977 |

Plurality-at-Large voting on the ballot

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Another benefit...

If this council at some point passes a resign-to-run rule for councilors who run for mayor, a councilor could resign at the last possible moment. This would potentially leave a seat with no candidate, except...

PAL voting fixes this problem!

Who uses PAL voting already?

- Canby
- Cascade Locks
- Cornelius
- Durham
- Estacada
- Forest Grove
- Happy Valley
- Hood River
- Johnson City
- King City
- Lake Oswego
- Maywood Park
- Molalla
- North Plains
- River Grove
- Sherwood
- Tigard
- West Linn
- Wilsonville

Furthermore...

Paul Wilcox has already collected 500 official signatures from Troutdale voters supporting this change.


Could special interests influence the election?

- No more or less than the current model.
- A “big donor” could donate to one or many candidates no matter the voting system.
- PAL would prevent an incumbent being “targeted” by a big donor backing a single challenger.



If an incumbent is doing a good job,
why shouldn't he/she run unopposed?

- Whether or not an incumbent is doing a good job should be up to voters, not to challenger candidates.
- Not drawing a challenger is a very different thing than having a solid platform and good ideas. Under the current system, the best the voters get is to hope than a bad councilor gets a challenger—but it might not happen.
- PAL protects councilors who are doing a good job from being “sniped” by a single challenger.



If you can't challenge an incumbent directly, how do you hold them accountable?

- By campaigning against them during the election.
- If an incumbent has done a bad job, a challenger can make that a campaign issue, but it is up to the voters which combination of candidates to select.

My History with the idea of Plurality-at-Large voting for City Councilors

1. I presented the idea of PAL to the CAC and City Organization Review Subcommittee, 12/15.
2. The City Organization Review Subcommittee chose to not propose the idea to the full Council.
2. I presented before Council 1/16. The Council took no action, perhaps because they considered it just one person's opinion.
3. I prepared a citizen initiative Spring '16.
4. I've collected about 500 signatures over the last year and a half, which indicates there is popular support for the idea.
5. I have more recently discovered the source of "Elect-by-Position". Previously, no one had been able to tell me why the current method is in use.
6. Resolution No. 125 placed "Elect-by-Position" on the Nov. 1976 ballot.
7. The resolution called for Positions 1-3 to be filled in 1978, and 4-6 in 1980. The election result abstracts show instead that the Position Numbers were designated 1, 3, 5 and 2, 4, 6, as is the current practice. I couldn't find how or when the Position Number designations were changed.
8. The ballot read:

Question: Shall members of the City of Troutdale Council be elected by position?

Explanation: Under the present City of Troutdale Charter everyone seeking a position on the Council runs at large, each against all the others. The three candidates who receive the most votes are elected. If amended as proposed, each candidate would run for one of the three open positions as he or she may choose. For example, if a candidate wanted to challenge the candidate holding position number 2 he would file for that position. Each council position would be elected separately.

Unfortunately, I was unable after an exhaustive search to locate a copy of the 1976 Voters' Pamphlet, which would have contained arguments for and against the Measure if any had been submitted.

9. A built-in assumption in the above is that there will be an incumbent running for re-election in every Position in every election. Of course, that is not the case.

9. During the 20 elections since 1978, there have been 23 instances of candidates running unopposed. There were two elections in which there was only one candidate for each of the three Positions. Of the remaining 17 instances of unopposed candidates, 10 were incumbents, and 7 were newcomers.

10. Viewed individually, only 8 of the 20 elections had a full complement of opposing candidates, 5 of which included incumbents.

11. The current system maximizes the opportunity and possibility for any candidate to run unopposed because there has to be a minimum of at least six candidates for each Position to be in dispute. However, there is no requirement that the candidates are distributed across all Positions. The 2010 election was a prime example of this deficiency, when the distribution of candidates was 2, 1, and 5 in the three Positions. Under PAL, only 4 candidates are required to prevent any one candidate running unopposed since they are all collectively running for the available open seats. Another anomaly is that incumbents are not required to run for re-election in their current Position Number, so if a challenger filed to run against a particular incumbent, he/she could not be certain until the filing deadline who his/her opponent was going to be. I have seen an instance of incumbents switching Position Numbers (Tualatin), and also ran across a city (Beaverton) which did require that incumbents run only for re-election to their current Position Number.

12. The current system severely restricts voter choice since in most cases there are only one or two candidates running for each individual Position, whereas under PAL the voters would be free to choose from among an entire field of candidates. Under the current system, there could be two

candidates in one Position neither of which would be a voter's choice, but voters are forced to choose one or the other, or opt to choose neither and undervote. Should voters be forced to take the lesser of two evils when there's an alternative? Conversely, there might be two, or more, candidates running within another Position who voters prefer over those in a different Position, but are again forced to choose one or the other when they'd rather have both.

13. From the standpoint of campaigning, a system which pits one candidate directly against another cannot avoid being negative to an extent because it requires arguing that the opponent must be denied re-election, or kept from taking office. Perhaps a challenger's intent is simply to offer an alternative among multiple candidates.

14. An additional downside to the current system is that when a Council decision is the result of a 4-3 vote, that "swing" vote may have been cast by a Councilor who had gotten into office unopposed, and have never been "endorsed" by the electorate by winning an election against competing candidates.

15. A potential side benefit to PAL is that all the candidates would be "ranked" according to vote totals, so if there were an additional seat that had become available for whatever reason, it would be logical to award the remaining time in that seat's term to the fourth-place finisher, or even further down, if necessary, avoiding the necessity of appointments.

16. In any case, the question before the Council tonight is not whether Council considers "Elect-by-Position" or "Plurality-at-Large" the better method, but rather whether Troutdale voters should be offered the choice of the alternate method. PAL is not an idea new to Troutdale, since it was in effect prior to 1978, nor is it a radical idea, as approximately half of the cities in the Metro area use PAL. I would encourage the entire Council to instruct staff to prepare a Resolution offering PAL for the voters' consideration on the May 2018 ballot, and to be in effect for the Nov. 2018 General Election.

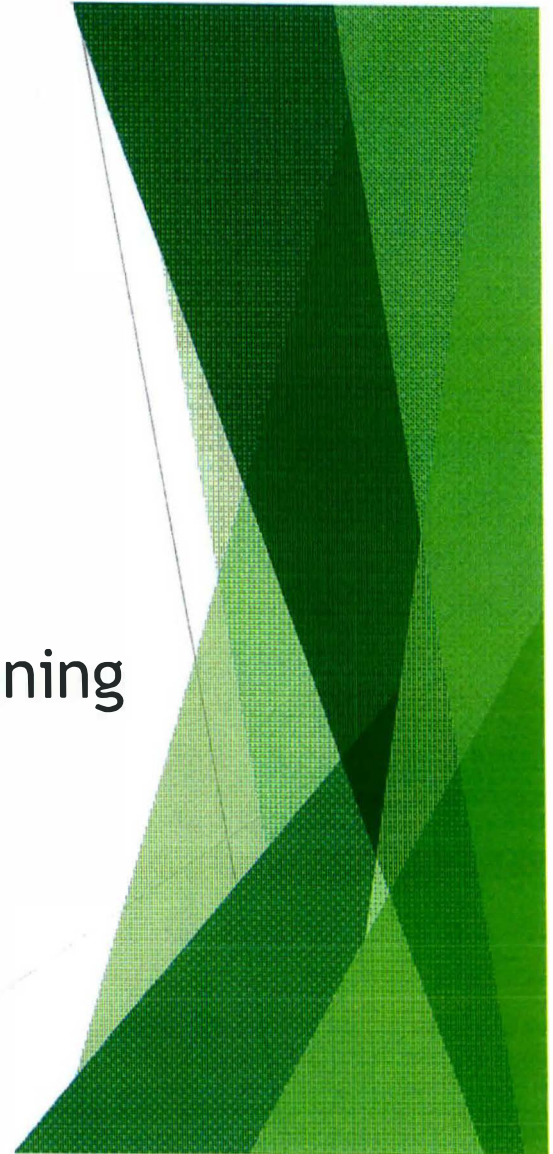
Submitted by: Paul Wilcox, Troutdale 12/19/17

Resign-to-Run



Problem #1

- ▶ Under the current system, three City Councilors can run for Mayor in the middle of their Council term.
 - ▶ The three City Councilors must choose between running for re-election and running for Mayor.
 - ▶ This is unfair.

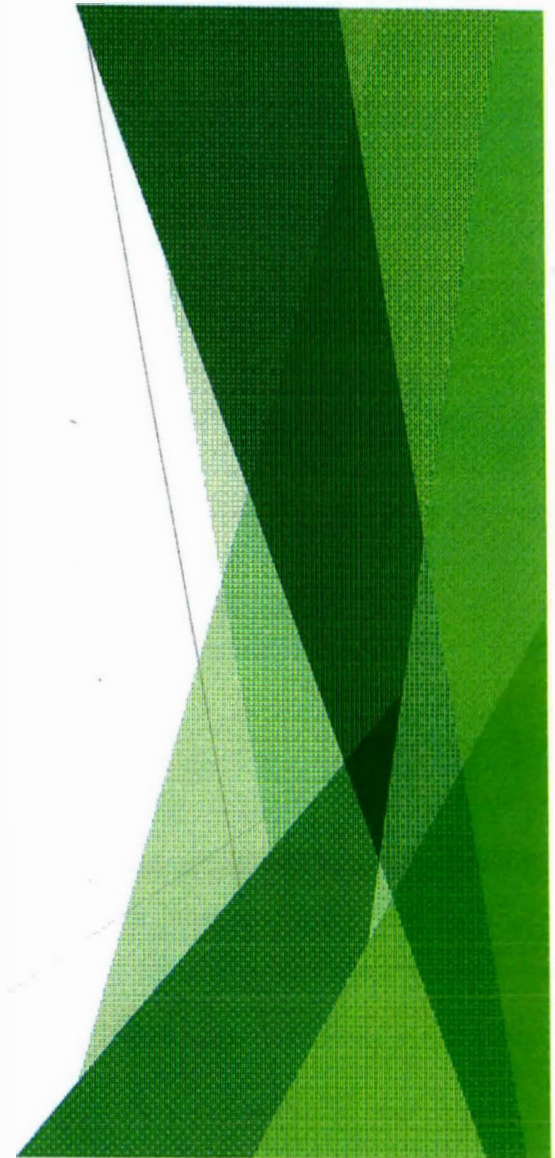


Problem #2

- ▶ A mid-term Councilor elected Mayor leaves a vacancy which must be filled by appointment or special election.
 - ▶ A special election is inconvenient and expensive, and leaves a vacancy until the election.
 - ▶ A Council appointment circumvents the will of the voters.

Proposal:

- ▶ A City Councilor must declare his/her seat open for election at the next election upon filing to run for Mayor.
- ▶ This Councilor's term would end December 31st of that year.

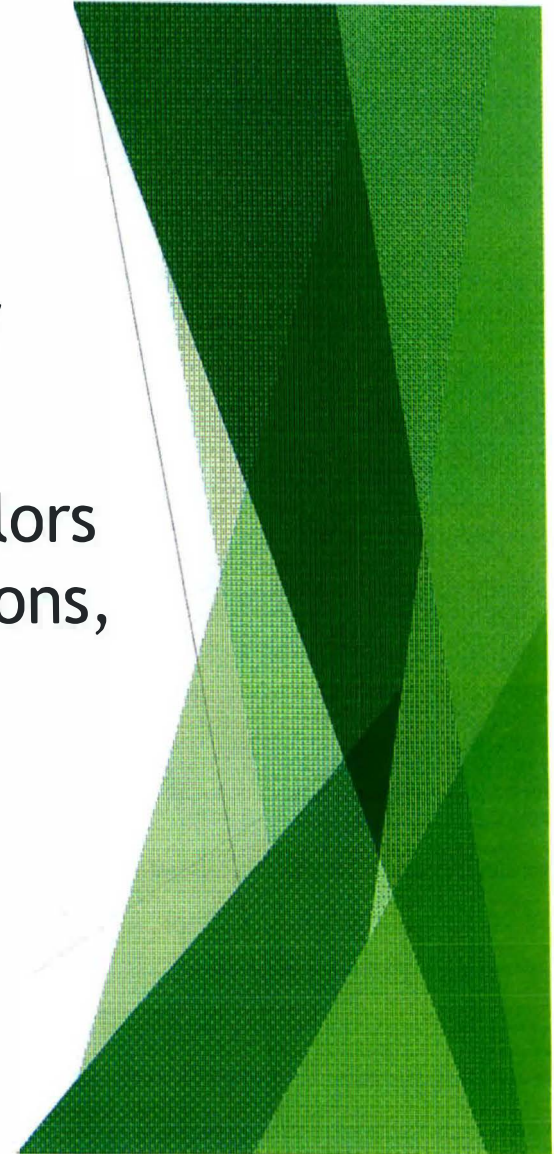


Not my proposal:

- ▶ A Councilor must resign immediately upon filing for Mayor.
 - ▶ This would create an unnecessary vacancy on the Council that must be filled by appointment or left vacant.
 - ▶ The problem was never with a Mayoral candidate also being on Council; all that needs fixing is the discrepancy between Council positions.

Not my proposal:

- ▶ A Councilor must resign to run for any other elected office.
 - ▶ This is not intended to keep City Councilors from also serving in other elected positions, such as school boards, soil and water districts, etc.



Potential Problem:

- ▶ If a Councilor files for Mayor late in the summer, another candidate may not have time to file for that seat.
- ▶ PAL voting fixes this problem, because candidates do not file for specific seats.

