

CHARTER
REVISION
COMMITTEE
MINUTES
1981-82

MINUTES OF A MEETING
OF THE FINANCE COMMITTEE

Thursday, 7:30 P.M.

Council Chambers

June 25, 1987

The meeting was called to order at 7:55 P.M. by Chairman Grobey.

Members Present:

Harold Grobey
Roger Gano
Joe Young

Others Present:

Brenda Stroud, Finance Director
Terry Mahr, City Attorney
Arvilla Page, City Recorder

Mr. Mahr presented a letter from the Mid-Willamette Risk Management Group reporting research by Huggins Insurance that shows the group has had a 66% decline in loss from year 1 through 4. Newberg's loss rate on number of accidents has improved greatly. The agent is preparing dollar figures that should be ready next month.

Mr. Mahr also reported on self insurance. The legislation may be making a change to \$100,000 per individual and \$500,000 per incident. House bill 915 has passed the House and it now goes to the Senate. A \$200,000 drop to \$100,000 on the Hospital's insurance could affect the assets of the City as the City could be responsible in a bad case.

Mr. Mahr reported on Oak Hollow. George Fox Foundation owed over \$16,000 for public land fees on the original subdivision. About one-half was paid. Also, the City allowed them to give us a note instead of surety bond. The City could have Old Stone Mortgage pay the other half of the public land fee and give them the note to collect from the Foundation. The City has offered to work with Old Stone Mortgage and refigure the amount of the public land fee based on the number of lots in the subdivision being reduced. If we receive payment in 30 days.

Councilor Young recalled the Flightway situation where the City lost money dealing with George Fox Foundation. He stated he is not willing to give George Fox Foundation anymore.

Councilor Grobey said there should not be final approval on the plat until we receive payment in full.

Mr. Mahr responded that we have given Old Stone Mortgage 30 days. If we are not paid the negotiated total, the entire original amount will be due.

Councilor Gano left on an Emergency Truck call leaving no quorum present.

Charter Revision Committee
Minutes

1981

1982

12/3/81

1/14/82

1/28/82

2/11/82

3/3/82

3/25/82

4/8/82

5/6/82

CHARTER REVISION COMMITTEE

Thursday, 7:30 P.M.

December 3, 1981

Newberg Schools Administration Office
1400 Deborah Road
Newberg, Oregon

The meeting was called to order by Chairman Gerald Post at 7:34 p.m.

Present: Gerald Post, Chairman
Harold Grobey, member
Herman Hughes, member
Jack Nulsen, member
Doug Delano, member
Richard Faus, member
Elvern Hall, Mayor
Michael Warren, City Administrator

Absent: Allyn Brown, member

Chairman Post introduced those present and indicated that the basic task for the evening would be to organize the committee to determine who does minutes, etc. and to better define the scope of the task of the committee. He then introduced Mayor Hall.

Mayor Hall indicated that most of his comments and concerns about the Charter were addressed in the twelve items outlined in the memo to the committee dated November 30, 1981. His list of concerns were very similar to these. The Mayor indicated that he and the City Administrator wanted to assist the committee in any way possible but wanted the committee to take the lead in making revisions they feel are needed and not make revisions simply because they were suggested by the Mayor.

Chairman Post suggested that we go forward and review the twelve points for consideration illustrated in the memo of November 30th. Points 1 and 2 regarding the number of councilmen, and limitation on number of terms were briefly discussed not as matters where changes were necessary but only as matters that should be considered possibly.

Item 3 alternatives to the reading of all ordinances in council sessions. There was some discussion by Chairman Post and others that there might be alternatives to doing actual reading short of amending the charter, however, appropriate alternatives for charter amendment will be considered.

Item 4 change to the charter regarding requirements of council vote to change the salaries of council members.

Doug Delano now present at 7:40 p.m.

Chairman summarized this item indicating there should be consideration as to whether council members should be able to change their own salaries and further what procedure should be followed. Nulsen indicated that currently section 13, chapter 3 of the charter applied. This section was read verbatim by Grobey. The Mayor indicated that this section at least needed clarity.

Memo item 5 consideration of alternative forms of government or modification of current form. The Mayor indicated that our current form of government was the Mayor/Council form. McMinnville had established the City Manager form of government. Warren indicated that the basic difference between Mayor/Council and City Manager or City Administrator form was that City Manager form all department heads reported to the City Manager who in turn reported to the Council, whereas under the current City Administrator form department heads report directly to the Council or may do so. The Mayor indicated that Newberg Ordinance No. 1730 currently gives authority to the administrator and that for all practical purposes Newberg under this ordinance operated as a City Manager form. The Mayor indicated the history on this ordinance was that about seven years ago there was a move in a tax base election to increase the tax base to accommodate the City Manager form of government. This tax base increase would have been to the amount of between \$30,000. and \$35,000. The plan was to pass this tax base measure, hire a city administrator who would essentially act as city manager and then have the new city administrator produce alterations in the charter for vote to convert a city manager form of government. The tax base up did not pass so no formal changes in the charter were made. However, the current ordinance giving broad powers to the city administrator was passed.

Item 6 establishment of wards for the election of council members. Chairman Post indicated that in many areas election at large resulted in disproportionate representation by the representatives involved. The Mayor indicated this item was listed here because other cities have a ward system. The Mayor recalled that some years ago the Mayor and at least 3 council members lived within a six block area of town. However, in recent years this has not been the case. The Mayor indicated there were disadvantages in going into the ward system, particularly involving difficulties in finding persons to fill these ward positions. The Chairman commented that one of the problems with the ward system was the redistricting difficulties. Warren commented that right now the Council is fairly well distributed throughout the community and this has resulted in a positive orientation of the council to consider the needs of the city as a whole instead of only the needs of one neighborhood. The Chairman indicated that in his experience, persons elected in the ward system tended to have a broader outlook than their neighborhood area as with the school board but did indicate that persons within a neighborhood who did have a problem would tend to go to the board member who represented and lived in their ward where there was some focusing of representation in that way.

Item 7 regarding alteration of relationships between the city council members and the administrative staff. It was felt this was covered somewhat in discussions of the form of government issues.

Item 8 terms of general alterations in the general state law. Faus indicated that these alterations would be primarily based on suggestions made by Bureau of Governmental Research and Service which was currently involved in revising their model charters to accommodate changes in the law and new techniques. Faus indicated he expected to pass along this information periodically as the bureau made new provisions to its model charters.

Item 9 the modification of vote requirement for passage of ordinances. It was explained that currently tie votes may only be broken by the Mayor and this is the only occasion on which he can vote. Further, the charter requirement is that for the passage of an ordinance there must be a vote of a majority of the entire Council. This resulted in difficulties, particularly on controversial issues. It was explained that while five members of the eight member council could constitute a quorum for doing business, should an ordinance come up for passage and consideration, this charter provision requires that all five members vote in favor of the ordinance, i.e. a unanimous vote. Otherwise, the ordinance would fail. This could sometimes result in

an inequitable result. The Chairman indicated that there quorum or majority rules for school board were based on state law. Nulsen indicated the problem was that you can have a quorum for doing business but be unable to pass an ordinance unless you get a unanimous vote and that it is possible that it might be better to be able to pass an ordinance on the majority of the council present. Nulsen indicated that there were many pros and cons on this issue. The Chairman indicated that in general he would not want to see anything passed without a majority vote of the entire council and that the problem situation outlined could be solved by having one of the council members that voted on the defeated side make a decision to vote on the prevailing side and then bring the matter up for reconsideration when a larger number of councilmen were present at a later date.

Item 10 alteration of bidding requirements. This related to section 42 of the charter. Faus indicated that this did not present a direct problem because language was sufficiently general and it accommodated current state law regarding bidding requirements. Grobey indicated that one problem with the language was that it could be interpreted literally to require formal council approval of all plans and specifications prior to going out for bid and that perhaps this language should be clarified.

Item 11 general updating of the ordinance to eliminate archiac sections and terms. It was expected that this would be dealt with piecemeally by the committee going through the ordinance, section by section and was in a way related to item number 8 revisions.

Item 12 changes in the Mayor's role and ability to vote on issues. The Mayor indicated he had no strong feelings on this issue but felt it was appropriate for review by the committee. The Chairman indicated that the ordinances listed at the bottom of the November 30th memo should be considered when revisions to the charter were also considered. The impact of any changes in the charter should be assessed in terms of alterations that should be made in these ordinance particularly those relating to city council meetings, ordinances and the ordinances establishing the office of city administrator. These ordinances were present in the packet as clarification of the charter and the government established under the charter. It was further understood that all provisions of the charter should be assessed to determine which are archiac especially those sections authorizing various bond issues.

The Mayor commented in general that the origins of this committee were from Council considerations of August and September of last year when the Mayor's Task Force was in embryo stage. It was felt that the charter should be one of the considerations of the Mayor's Task Force. Late last year Alan Halstead moved in the Council that certain parts of the charter should be changed and that a general revision be undertaken. The necessity of doing this was recognized by the Mayor's Task Force and as a consequence the charter revision committee was appointed by the Mayor.

Grobey indicated that he would like to see added as Item 13 for council consideration a review of the Hospital and Library Boards. The Mayor indicated that currently the Mayor makes appointments to these boards, usually after suggestions from those boards as to who should be appointed to fill vacant places.

Warren indicated that other than the alteration to the charter to eliminate the reading of ordinances there were no pressing needs for changes in the charter. In fact, currently things were working very well under the current form of government. However, this does not eliminate the need for considerations involving the alteration and updating of the charter.

Nulsen commented that under the City Administrator form that we currently have, which is established by ordinance under our charter, our current form of government is defacto as City Manager form. Warren agreed with this indicating he had no real concerns with the existing form of government because it made him a defacto city administrator. Grobey indicated that we may not need a different form of government from that which we have. He suggested that we have an expert come in to brief us on the various forms of municipal government and the strengths of each and that we consider this information along with evaluation of form. Grobey further indicated we may find that what we should do is look for revisions of our current charter in order to make it more efficient and be sure that our current practices correlate with the charter but that perhaps a major revision is not needed. Warren indicated that one of the advantages of changing the form to a charter city manager as opposed to the defacto city manager status we currently have is that any professional administrator would look very hard at the form of government that existed in the city that employs him and that many might not seek employment where the form of government was other than the city manager form. That is why the consideration of formalizing the city manager form might be important. Warren reiterated that he was happy with the way things were working and that it was a defacto city manager situation but that city recruiting in the future might be somewhat limited without the establishment of the city manager form of government is clearly the form professional managers seek to work in. Grobey indicated that whether the form be city administrator/city manager, the administrator would always find himself in the same position of communicating between reelected council members and the city staff. He also commented that under our current form it would be somewhat easier to oust a city administrator than it would be if you had a city manager that was in his position and held his powers by virtue of the charter. There was general agreement that everyone was willing to work under the ordinance system of the city administrator but it might be beneficial to all parties in the future to have the city manager form established by charter. Warren indicated that because of his professional status he would, of course, be prejudiced towards the city manager form but has no current problems with the defacto city manager form we have. Nulsen asked Warren what the current trend in the future of the administrative profession was and Warren indicated there was no question but that the profession was moving towards the city manager form as were city governments and that city managers or administrators generally prefer the city manager position and form. There is a general feeling that as a city manager you manage but as a city administrator you are not a manager, though this is of course, not the case in the City of Newberg. The Chairman indicated that from this discussion his understanding was that the basic difference between the city administrator and the city manager forms was greater management authority in the city manager form combined with the lack of direct access by department heads to the council in a city manager form.

The Mayor indicated that when the city administrator ordinance was up for consideration there was some talk of a full-time mayor instead of a city administrator. The Mayor indicated that he disagreed with the strong Mayor form of government and indicated that it seemed appropriate only to the larger cities such as Portland or Beaverton which did have a full-time strong mayor form. The Chairman indicated that from his past experience, particularly in Longview, Washington which had a strong mayor form, the wages paid to strong mayor were not commensurate with the time required to fill that duty and as a consequence qualified professionals could not be recruited. The Chairman indicated that he felt that the city administrator or city manager form was the only appropriate form to be used in the City of Newberg. The Chairman indicated that with regard to item 3 on the agenda a discussion of packet materials we had already done considerable review of the packet materials and further review was not needed. The Chairman asked whether the McMinnville charter was meant to be a model for our deliberation and it was clear consensus of all that it was only meant to be an example.

The Mayor indicated that particularly the McMinnville charter gave the Mayor a veto and he is opposed to giving a Newberg Mayor the right of veto.

Grobey indicated that he felt the way to proceed would be to modify the existing charter after review. Nulsen indicated that much could be accomplished by just ordinance changes and that there would be some things we probably would not want to give up including giving the council the ability to approve the accounts payable. It has provided a good counterbalance and allowed the Council to keep informed of the accounts issues. Grobey also indicated this was a good method of letting the council know how the cash flow was of the city and Warren indicated that it was a good method of keeping the council informed and helps to increase the confidence of the council on how the City funds are being handled.

The Chairman then indicated that the way to begin this process would be to do as Grobey suggested earlier and get an expert in to discuss charter forms, city forms of government and charter revision. Suggestions were either Steve Bauer of the League of Oregon Cities or Jim Mattis of the Bureau of Governmental Research and Service.

Motion: Grobey-Delano to contact the Bureau of Governmental Research and Service and ask that they send one of their experts to brief the Committee on various government forms at its next scheduled meeting. Carried unanimously.

The Chairman directed Faus to set up this talk for the next scheduled meeting.

Motion: Grobey-Hughes to elect Faus as secretary of the Committee. Carried unanimously.

Chairman next suggested establishing meeting times, dates and places and time frames for the work of the committee. Nulsen indicated this should be able to be done faster than the August 82 deadline originally set out. The Mayor indicated that probably this were to meet the next available election date it should go to the Council by September. Grobey indicated our process should be to review the existing charter and to be sure that we have as law what we do in practice rather than to make major changes in the form. We would be revieweing the existing charter and suggesting alterations to it. Nulsen suggested to Faus that the old City Attorney file should be used to guide committee for additional changes in the existing charter and that former city attorneys should be solicited for their ideas along these lines. Grobey brought up the discussion of some new ideas for city activities which he was exposed to at League of Oregon Cities Convention including the sale/lease back of municipal property to give private industry tax writeoff. Also results in monetary income and savings to the cities and that implementing such a program might be an issue that could be dealt with in charter revision. The Mayor had indicated that long ago this sale/lease back issue had been discussed with regard to the building of a new city hall. The Chairman indicated that Yamhill County ESD had used such an arrangement. The Mayor indicated that the City of Dallas and also the State of Oregon had used such arrangements. Upon further discussion, the Chairman indicated that it appeared that a reasonable target date for the completion of the work of the committee would be June, 1982. The Chairman then opened discussion on meeting times with the general consensus being that Thursdays would be best for everyone, that the first meeting in January should be set aside for the speaker and that it appeared that meeting twice a month on the second and fourth Thursdays of each month would be best. Everyone agreed that evenings would be better than morning meetings and it was expected that each meeting would go no longer than from 7:30 to 9:30 p.m. The Chairman also suggested consideration for the City of a consent agenda for routine matters. There was some discussion on this issue and it was generally felt that the City would not need this process yet but might need it

in the future. The Chairman indicated that January 14, 1982 would be the next meeting of the Committee and that at this meeting we would have an expert from the LOC or the BGRS to give us a discussion of the forms of government and other relevant charter issues. The Committee discussed and clarified that in addition on the November 30th memo, two more would be added, number 13 which would deal with the Hospital and Library Boards under the charter and number 14 to deal with appointments to various committees, etc.

At this point the Chairman suggested that the Committee begin its review of the Charter beginning with the first page and noting those items which should be changed or modified or into which more research should be done. The Chairman suggested that section 3 of our charter which gives a meets and bounds description of the boundaries of the City might be best modified by using the more general provision contained in section 3, chapter 1 of the model charter. All agreed this would be a good idea provided there were no hidden problems with generalizing the boundary description. The discussion moved to section 4 of the Newberg charter which delineated the powers of the City. There was discussion as to whether more concise language of the model charter should be used or the more detailed language of the existing charter should be used. Nulsen indicated that sometimes the language should be broader and there was considerable discussion as to whether the general model charter language should be used or whether the current language should be used on the possibility that it might contain some references to powers the city retains as a home rule city but which might be lost if we went to more general language. Section 6 of the Newberg Charter was considered regarding the liberal construction or charter provisions. Grobey suggested that this should be altered. Nulsen indicated that perhaps the same analysis regarding possible extra home rule powers should be applied to section 5 as was discussed applying to section 4. Delano indicated that Eugene was a home rule city and as such had some extra powers he did not want to see Newberg give up home rule powers that it had retained. Nulsen indicated that the extra powers given to home rule cities were based primarily on case law authority and while these were being continually narrowed, we should avoid giving up powers the city has under home rule by changing the language. The Chairman suggested the same home rule analysis might also be applicable to section 6 of our charter which deals with the exercise of power and that probably section 6 should not be modified. There was discussion going back to section 4(3) of the Newberg Charter with regard to modifying the definition of public utilities to include transportations, communications, and garbage services. The Committee indicated a strong desire to modify the term public utilities definition in this section to include these three items.

Chairman turned to discussion of where the next meeting should be held. He indicated there would be a problem in meeting at the school district administration office in January and February because of school board budget hearings. The Chairman suggested that the PGE building would be good for these meetings and as an alternative, Springbrook Middle School facilities could be used in January and February. As a note before finalizing these meetings discussions, the Mayor pointed out that section 14 of our current charter could probably be modified to exclude the requirement that a voter in the city be a freeholder. This is archaic and, of course, it is unconstitutional. At this point, the Chairman directed Faus to make arrangements to meet at the PGE building for the four meetings in January and February of next year and to arrange for a speaker on the form of government for the January 14, 1982 meeting. The Chairman indicated that review of the charter next time would commence with the review of chapter 3 of the charter and directed Faus to prepare drafts of changes through chapters 1 and 2 of the charter, particularly dealing with modifications of section 3 and 4 of the existing charter.

The meeting was adjourned by Chairman Post at 9:30 p.m.

A MEETING OF THE
CHARTER REVISION COMMITTEE

Thursday, 7:30 P.M.

Springbrook School

January 14, 1982

The meeting was called to order by Chairman Post.

Present:	Harold Grobey	Herman Hughes
	Jack Nulsen	Richard Faus
	Allyn Brown	Elvern Hall, Mayor
Absent:	Doug Delano	

Jim Mattis of the Bureau of Governmental Research and Service was introduced and he proceeded to give his presentation to the Committee on Charter Revision and forms of government. He pointed out that a large amount of city legislation is accomplished through ordinances rather than charter because ordinances are easily amended or changed. The essential items which need to be addressed in a charter are: 1) Procedure for enactment of ordinances with provision for remonstrance by the people; 2) Basic form of city government. Jim labeled our present form of government as weak Mayor/Council form of government but we have established the City Administrator's office by ordinance. Jim left written information from the Bureau on various forms of government with the Committee. The majority of government forms in Oregon cities are either weak Mayor/Council or the City Manager form of government. The Committee discussed with Mr. Mattis and asked questions on various cities in Oregon and their form of government and any variations of government. The role of the City Administrator, City Manager and Mayor were discussed. Beaverton is the only city in Oregon to have a strong Mayor form of government - in other words, he is a full-time paid employee. The advantages and disadvantages of having the office of administrator or manager established by Charter or by Ordinance was debated. It was determined that if the office is established by Charter it is supported by the people and if it is established by ordinance it is supported and subject to change by just the Council.

Mr. Mattis stated that a charter issue can be placed on any specified election date and not just on a particular date such as May or November which is the case with a tax base issue.

Mr. Mattis was asked to give a pro and con comparison of the various forms of government: Weak Mayor/Council form is designed for a small community, one that does not have a large staff or possibly no staff. Newberg and Dundee were used as a comparison. Commissioner form is an old form and is rarely adopted these days as it requires a city paying 5 or 6 persons to run the city both in policy and administrative functions. It allows for more authority and power and possibly more power plays and allows more politics to enter in than most cities in Oregon are willing to put up with. Strong Mayor form shares the same disadvantage of power plays and politics. There is also no guarantee that a mayor with administrative qualities will be elected. Strong Mayor operates best in very large cities, larger cities than are found in Oregon. A new trend is developing in Oregon and that trend is that council persons are quitting for the simple reason that they cannot devote 20 hours a week to the Council, attend to business and family, etc. This will become an issue and must be addressed for possible solutions. One remedy may be offering a worthwhile salary to council persons.

Newberg's Council people devote approximately 5 hours per council meeting in addition to 2 committee meetings which run 2 hours per meeting and then if they go into City Hall to check on things or discuss items or special committee or council meetings are called this time easily adds up to 20 or more meeting hours per month. There is also preparation time for most of these meetings. Newberg has one of the largest councils in the State. Corvallis has 9 plus a mayor. Corvallis' council are all elected for two years so every two years they have an entirely new council.

Mayor Hall stated that Mike Warren, who could not attend this meeting, was overwhelmed by the number of council persons. In California he had 5 council people. The Mayor is in favor of the 8 members but thinks we could possibly get by with six and combine some of the committees.

Jim Mattis suggested that at some point in the Charter deliberations that the former city attorneys and mayors be contacted for impressions and input into revisions of the charter. Do they feel comfortable with things the way they are or were there problems?

The Mayor asked the Committee if they would approve of a letter being made up stating that we are revising the charter and send it out to former city officials, mayors, attorneys and council persons and ask them to send in their thoughts. The Committee thought this would be very appropriate and that possibly a letter from Mike would be appropriate.

One question asked was whether mayors were always elected by the people or were sometimes elected by the Council. The majority of mayors in Oregon are elected by the people. All of the cities that were incorporated under the 1941 incorporation act have home rule charters. All of those cities are the type which elect 5 council members and they select the mayor from among themselves.

Another concern expressed by the Committee was whether in revising the charter they would be losing some of the power that we have under our old 1906 home rule charter. Jim Mattis stated that the only thing he knows of that would be a potential loss would be if the older charter gives the city any special prerogatives that the people couldn't give to the city. One example is in Ashland. When their charter was revised, saving that portion of the old charter which provided for road taxes being county collected, but those inside the city paid to the city, this preserved an old special grant of the legislature and is still a good law.

Rick Faus expressed concern regarding preservation of home rule powers. Jim Mattis mentioned the LaGrande, Astoria and Roseburg cases which essentially involve conflicting State and local provisions. He summarized by stating that now since LaGrande, Roseburg and Astoria cases the area is narrowed in which the city by charter or by local ordinance can do something in variance with state law. The greater issue is the ability of the local electorate to charter and tax or do things without having to go to the State legislature for specific authorization.

Jim Mattis stated that the Bureau is working with the League of Oregon Cities to revise their model charter. It has not been revised in 13 years and in the interim some things have happened which make it necessary to revise it. The present model charter tends to be monolithic in some ways. An example is at-large elections. Even though such elections are the preferred way to go, they are not the only way to go.

The Mayor brought up material in Chapter 10 of the Charter, Section 43, which states that other provisions of prior charters are retained and suggested that these are the areas to look at in terms of whether they should be maintained in the new charter.

Jim was asked what other cities do for procedures in passing ordinances. The Mayor stated one of the reasons the Council desires the revision is the requirement of the charter that ordinances must be read once in full. Jim Mattis stated that most Oregon cities contain the model language in their charters and under that you can do it by reading the titles only. That can be blocked if you have enough council people that want the whole ordinance read. Jim was asked if reading the title only constitutes sufficient public notice. Jim stated that the cities own charter provisions govern this. If the charter requires publication it may mean newspaper publication. Canby is one city which does have a requirement of some form of publication. Milton-Freewater is another. A number of other city charters have a requirement that ordinances be available at the Recorder's office for 7 days prior to its passage, etc. The various requirements and variations of requirements were discussed by the Committee at length.

Jim Mattis brought up some recent developments which we may want to look at as we are going through our charter including case law that says that, absent a charter requirement, a city employee could run and be on the city council. A school teacher, prior to the last legislature, could run and be on the school board, etc. If your charter says nothing, you are in effect permitting. The number of employees could be limited by charter.

The question was asked regarding the advantages and disadvantages of having the city attorney report directly to the Council in cities with the manager form or a modified administrator form. Lincoln City and Beaverton are two places that have the City Manager system but the attorney is not accountable to the manager. He is accountable, as the manager is, directly to the Council. The theory behind it is that the role that the attorney plays is one in which he is the legal advisor for the whole city with the city made up of many agents, the council being one, the manager being another. It has been argued that the attorney is the one department head, in addition to the municipal judge, who ought to be kept out if for no other reason than appearance because you might get a council that in some way is not very happy with the administrator yet the attorney's job is accountable to the manager. The Council feels that the attorney is going to be the manager's boy and not the council's and does not give good advice. This is not necessarily true in practice, but there is an appearance there and for that reason alone it is argued that you set that department aside. Beaverton's city attorney is very militant on this point.

Among the things discussed for possible revision was the turning over of Municipal Court to the District Court. This would save Newberg costs in operating Municipal Court. If we get a new civic center, it could possibly house the District Court which would enable Newberg to get paid. Doing this would require an optional phrase in the Charter using the words "may" instead of "shall".

Some items for possible inclusion or revision were: 12 month residency to hold office, city employee being on the council, municipal judge, debt limitation, etc. Jim Mattis suggested that as these and other issues come up and are worked on that the Committee bring any questions to him and he will try to give as much information as possible to the Committee to help them with these revisions and provisions.

Jim Mattis closed his presentation with the thanks of the Committee. The City Attorney distributed to the Committee a redraft of the revisions made to the Charter, Chapters 1 and 2, based on the discussion of the Committee's last meeting. The Committee was asked if there were any other changes they desired based on the presentation Mr. Mattis just gave. The powers issue was raised but no revisions were suggested. The Committee decided to take a look at the present charter and plug things into it rather than try to come up with a brand new charter. Jim Mattis stated that on an older charter it seemed the best to go to the model charter and add to it. He also stated that the Committee could use the model as a guide and still keep our own charter, making revisions, additions, and deletions where necessary.

The Committee discussed the feelings of the citizens and it was stated that now more than ever, is the best possible chance to pass a new charter. We have the citizens interest and a good support network so we want to offer them the most appropriate improvement of our present charter.

The Committee discussed the need to codify our present ordinances. The cost was discussed. It was also suggested that Herb Swift, local attorney, who is about to retire might be an appropriate person to do this for the city. Not only does he know this well, he lived most of it. The Committee decided that charter revision and codification of ordinances should go hand in hand.

Chairman Post stated that the meeting would adjourn in 15 minutes and listed things to be accomplished before adjournment. They are as follows: 1) We need to decide what we are going to do at our next meeting and give clear instructions to any members of the Committee that had some homework to do. Rick has given us a revision of Chapters 1 and 2. Chairman Post opened discussion on the changes made in the public utilities section in light of the discussion tonight. In the future, public utilities could change. The Committee discussed public utilities but made no further recommendations. Chairman Post told the Committee that the next meeting will be Thursday, January 28, 1982 at 7:30 p.m. in the Springbrook School. The Committee decided that at the next meeting they would continue going through the Charter beginning at Chapter 3 and 4. The Mayor brought up for thought the possibility of the Mayor making up a part of the quorum and having the authority to vote. Chairman Post agreed this needs discussion but it will come up in Chapter 5.

Meeting was adjourned at 9:30 p.m.

A MEETING OF THE
CHARTER REVISION COMMITTEE

Thursday, 7:30 P.M.

Springbrook School

January 28, 1982

The meeting was called to order by Chairman Post at 7:30 p.m.

Present:	Chairman Gerald Post	Doug Delano
	Mayor Elvern Hall	Richard Faus
	Hall Grobey	

Also Present:	Pat Grobey	Elisabeth Harney
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Chairman Post began review of Chapter 3 with the Committee. The Committee decided to discuss the number of Councilmembers and how they should be elected. After discussion it was decided to leave at large as the method for electing Councilmembers. The consensus of the Committee members was to leave the number of Councilmembers at 8 because the City is well-represented this way and as the needs of the City grow we will need all of these Council members. The Committee discussed changing the role of the Mayor and making him a member of the Council, giving him the ability to vote in tie situations and giving him a vote on ordinances. Some members felt that there should be no change and that a distinctive difference or separation should be made between the legislative and executive levels of government. The requirements of our charter under Section 3 was compared with the model charter. Mayor Hall questioned whether a letter had been sent to former Mayors requesting their input on charter revision. He also asked whether any responses had been received. Rick Faus answered that a letter had been sent but that no response had been received to date.

Rick Faus questioned how changing the role of the Mayor to include him as a member of the Council would affect council and citizens appointments to Committees. The Committee came to the conclusion that these appointments fell under the rules of the Council and not under the Charter directly.

Chairman Post reiterated the points of view discussed on electing the Council, and making the Mayor a member of the Council. Chairman Post suggested that we make the Mayor a member of the Council but put some limitations on him at other places in the Charter. It was also brought out that the President of the Council, who presides in the absence of the Mayor, has more power than the Mayor does. The President can vote on all issues whereas, the Mayor can vote only in case of a tie. Chairman Post closed the discussion on this section with the Committee unanimously wanting to keep the elections at large for Councilmembers and the number at 8.

Chairman Post stated that no changes were needed in section 9 which deals with the term of office and moved on to Section 10. The Chairman stated that we are not writing a whole new charter just making amendments so the people will be voting on changes to certain sections and not on a whole new charter. The Committee discussed modifying Section 9 to limit the number of terms a Council member can serve but made no recommendation for change.

Chairman Post open discussion on Section 10 which deals with the Mayor's term of office. The Committee decided on no changes at this time. They will reconsider when the letters from former Mayors and attorneys come in. It was also noted that the model charter uses 2 year term.

The Committee then moved to Section 11, tie votes. The Committee had no problems with this section and made no recommendation for changes. Chairman Post directed Rick Faus to do research on this section, particularly in regard to the following: 1) What the existing ordinance covering this says and 2) What state law says. Chairman Post made a note that when Rick reports back to the

Committee with what it will take to be consistent with state law and if the Committee doesn't like that they will substitute the existing ordinance for Section 11. Chairman Post's concern was with the fairness of drawing lots in a 3 way tie situation.

Section 12, Other Officers, was then discussed. The offices of Municipal Judge, City Administrator, and City Recorder were brought up. The Committee discussed the advantage of including the office of City Administrator under the Charter. Some felt that it would be more in line with the Charter and more powerful to include this office specifically. Establishment of this office by ordinance only seems somewhat weak. It makes no difference to our present Administrator, but it could make a large difference to future potential administrators. Under our ordinance, the City Administrator has the power to do a number of things but with the approval of the Council. Under the Manager form, where this office is established under the Charter, the Manager has a much broader form of power, particularly, in personnel matters which enables the Council to assume the role of an appellate body in these matters. The Committee decided to add the title of City Administrator in this section under officers. The Committee discussed whether or not to include the city attorney with the municipal judge as being accountable to the Council and not the City Administrator. Rick Faus, City Attorney, stated it would be difficult for him to request a charter defined role for himself where not previously existed. Rick stated this charter distinction could create a coordination problem. He feels that any city attorney given this charter distinction would coordinate all matters through the City Administrator but on the other hand you have the potential for the rogue city attorney, who would bypass administration and go directly to the Council. Every attorney likes to feel that there are no constraints placed on him in giving advice to his client. The Committee decided that City Attorney should be included. Chairman Post reiterated that the Committee has decided on the following changes for Section 12: 1) To add the words City Administrator into Section 12 and then when we get into Chapter 5, we are going to put in some duties; 2) To add City Attorney in Section 12 and add an exception for City Attorney along with Municipal Judge in the last paragraph but that the wording must be carefully chosen so as not to include the judicial functions exception for the City Attorney, as he has not judicial functions. It was decided that the City Administrator should be a supervisory officer. Chairman Post directed Rick Faus to prepare a draft of revisions to Section 12 before the next meeting.

The Committee moved on to Section 13. Chairman Post recommended changing the wording that the salaries shall be whatever amount the Council fixes. The model charter has the same wording as our Charter. Since our Charter language is consistent with model charter language no changes were made to this section.

Section 14 contains some sexist language. Chairman Post recommended changing the his and he to the or leaving it out entirely. Residency requirements and limitations of City Employess holding offices was discussed under this section. The Committee decided that the new language on restrictions should include the following statement: That no city employee may hold an elected office unless their employment is essentially on volunteer status (i.e. volunteer fireman). Freeholder is to be omitted from this section. Rick was directed to redraft Section 14.

Chairman Post stated that the next meeting would be held February 11, 1982 at 7:30 P.M. at the School District Office and Chapter 4 would be the topic of discussion.

Meeting adjourned.

MEMO

TO: Rick Faus, City Attorney

Date: January 28, 1982

FROM: Arvilla Page, City Recorder

SUBJECT: Charter Revision

Today I quickly went through the Charter looking for some problems which I was aware of and have found the following:

Chapter 3, Sec. 14. Qualifications of Officers. Language needs modernized. "Freeholder" is not clearly defined in Webster's New Collegiate Dictionary, 1977 Edition.

Chapter 4, Sec. 17. "Journal" Modernize wording.

Chapter 5, Sec. 23. Municipal Judge. Needs rewrite in order to allow movement of court out of City if desired.

Chapter 5, Sec. 24. Recorder. Delete "and sign all orders on the treasury" Reasoning is that Recorder position will no doubt be separated from Finance Officer at some time in future.

Chapter 6, Sec. 26. Change requirements for posting of notices at each precinct, etc.

Chapter 6, Sec. 27. State law prevails.

Chapter 6, Sec. 29. Rewrite to existing conditions. i.e. according to this, the Council must meet within five (5) days of an election. For instance, the election to be held November 2, the council would be required to meet before November 7 which is a Sunday.

Chapter 6, Sec. 42. Update to ORS.

A handwritten signature in cursive script, appearing to read "Arvilla Page". The signature is written in dark ink and is located in the lower right portion of the document.

A MEETING OF THE
CHARTER REVISION COMMITTEE

February 11, 1982

7:30 P.M., Thursday

The meeting was called to order by Chairman Post at 7:45 P.M.

Present:	Chairman Post	Elvern Hall, Mayor
	Doug Delano	Rick Faus, City Attorney

Chairman Post presented the two Section 12's prepared by Rick Faus for the Committee. Chairman Post stated that Mike Warren preferred the title of City Manager. Chairman Post felt that using the term City Manager might confuse the voters and lead them to think that we are changing the whole form of government which in fact, is not the case. Using the term City Manager will mean alterations in our form of government but most of those alterations are things already delegated to City Administrator by Ordinance. One of the biggest differences would be a transfer of power. The City Administrator can do many things subject to the approval of the Council and the City Manager would be allowed to do many things without the approval of the Council. The Committee after lengthy discussion decided to go with the term City Manager. We have a strong administrator form of government and the title does not confer the responsibilities, it is the Charter which confers the responsibilities. This Committee is updating the Charter and to leave the term as Administrator and not change it to Manager would not be truly doing the job assigned to the Committee.

Chairman Post then turned the Committee's attention to the proposed redraft of Section 14, Qualifications of Officers. Chairman Post informed the Committee that the redraft was done by Rick Faus as directed at the last meeting with one minor change. That change was with the number of hours a person works with the City. Rick felt that 20 hours was too many and proposed changing that number to 10 hours. After discussion the Committee decided on two changes to the proposed redraft of Section 14. They are as follows: 1) To add the words unless the employment is substantially volunteer in nature. This would eliminate any hours requirement and make the sentence read as follows: "In order to avoid conflict of interests and to provide a fully effective office holder, a person is ineligible to hold elective office of the City if employed by the City unless the employment is substantially volunteer in nature." 2) Add the words under this section to the last sentence of this section which make it read as follows: "For all other matters under this section, the Council shall be the final judge of the qualifications and election of its own members."

The Committee then discussed the research done by Rick Faus on Section 11, the drawing of lots. Chairman Post, in view of the research, withdrew any objections he had and suggested the drawing of lots was adequate and the Committee moved on to consideration and discussion of Chapter 4. Further discussion of the drawing of lots brought up one change. That change was to add the words "or their designate" after the title of City Recorder and Chief of Police. This would take care of the possibility that the Recorder or Chief of Police might be unavailable to draw lots as prescribed by Ordinance and would provide for the acting Chief or Recorder to take their place in the drawing of lots.

Chairman Post presented Chapter 4 beginning with Section 15, Meetings as the next item for discussion. The Committee discussed the number of meetings and date of the meetings and suggested no changes in this section.

The Chairman then moved on to Section 16, Quorum. The Mayor stated that he was happy with this section as it is. There was only one meeting in that last year at which a quorum was not present. Occasionally, it is necessary to call absent members to get a quorum present. The Chairman felt the key issue was whether or not it was necessary to have a quorum to conduct official business and pass an ordinance. Some feel that the Mayor should not vote because he has too much power already. At present the Mayor can vote on everything else to break a tie, except an ordinance. The Committee recommended no changes to Section 16 at this time. However, this section will be reconsidered at the next meeting with the hope that more members of the Committee will be present. Handouts for consideration at the next meeting will be Section 8 as it now is and proposed Section 8 stating that the Council shall be composed of the Mayor and 8 Councilmen; Section 19 as it now is and Section 19 redrafted to show that the Mayor has a vote on all matters before the Council; and Section 16 as it now is and proposed Section 16 requiring 5 members of the Council to vote yes to pass any business, including ordinances. In these 5 votes, one could be the Mayors.

The Chairman then opened Section 17, Journal. Our Section 17 and the model charter Section 17 use the same language. No changes were made to this section.

Section 18, Meetings to be Public, was changed and model charter Section 16 is substituted for our Charter Section 18.

Section 20, President of the Council, was the next item discussed. The Committee decided that the words "At its first meeting after this charter takes effect and thereafter" from the first sentence of this section.

The Chairman then moved on to Section 21. It was decided that this Section goes hand in hand with sections 8, 16 and 19. This section will be reconsidered at the next meeting at which time a redraft will be handed out which will read as follows: Except as this charter otherwise provides, the concurrence of a majority of the members of the Council shall be necessary to decide any question before the Council.

Chairman Post set the next meeting of the Committee for Wednesday, March 3, 1982 at 7:30 p.m. at the Newberg School District Office. The Committee discussed a new meeting date as Thursday is a problem for several of the members. It was decided to give Wednesday nights a try and see if more members would be in attendance. At the March 3, 1982 meeting Sections 8, 16, 19 and 21 will be reconsidered and then the Committee will move on to Chapter 5. Chairman Post adjourned the meeting at 9:28 p.m.

A MEETING OF THE
CHARTER REVISION COMMITTEE

Wednesday, 7:30 p.m.

March 3, 1982

The meeting was called to order by Chairman Post at 7:30 p.m.

Present:	Chairman Post	Doug Delano
	Hal Grobey	Allyn Brown
	Jack Nulsen	Rick Faus

Also Present: Mike Warren, City Administrator
Elvern Hall, Mayor

Absent: Herman Hughes

Chairman Post opened the meeting by presenting Sections 8, 16, 19 and 21 for summary consideration. These sections deal with membership of the Council and whether the Mayor is a member of the Council or not and his voting rights and quorum of the Council. No concensus was reached at the last meeting so these sections are being presented once again when more members of the Committee are present. The Chairman then reiterated to the Committee concerns discussed about these sections at the last committee meeting. He then opened discussion among the committee members on these issues. Each member of the Committee was called upon to give his views on these sections. After lengthy discussion, the Chairman called for a show of hands changing Section 8 to have the Council be composed of the Mayor and 8 Councilmen. The hand count showed four in favor of the change and 2 against the change. Chairman Post stated that since the Committee's concensus was to include the Mayor as a member of the Council, that this resolved a number of issues in Sections 16, 19 and 21 and they could then be amended respectively as necessary to make this inclusion. The Committee recommended that Sections 21 and 36 be left as they are.

Chairman Post then proceeded into Chapter 5 beginning with Section 22, Duties of the Mayor. Rick Faus stated that our Section 22 is the same as the model charter and it is the point at which the powers and duties of the City Manager are established and suggested redrafting Section 22 to include the City Manager and not just the Mayor, Municipal Judge and Recorder. Chairman Post asked that the Committee finish Section 23 and 24 and then go back to Section 22 and the City Manager issue. Chairman Post then moved on to Section 23, Municipal Judge. It was suggested that the rest of the sentence after City which reads "and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by an ordinance of the city.", be eliminated. The Committee felt this language was unnecessary. This is the fourth sentence of this section. It was discussed that possibly the Municipal Judge should be an elected official but this change was not recommended. It was also suggested that this Section could be abolished and thereby eliminate having a Municipal Judge. This would be accomplished if the City were equipped to house a District Court which would eliminate the need for a municipal court in our City. Rick Faus stated that this issue had already been dealt with when Section 5 was changed to exclude the statement that "officers shall be a Municipal Judge" and substitute "officers may be a Municipal Judge". In view of the change in Section 5, the Committee felt that the first sentence of Section 23 should be change to read "The Municipal Judge, when appointed, shall be the judicial officer of the City." Rick Faus was directed to redraft this section with the appropriate changes before the next meeting of the Committee. The Committee also requested that the sexist language of this section be eliminated in the redraft.

The Committee moved to Section 24, Recorder. Mr. Nulsen raised the question of the Recorder, Administrator and Mayor signing all orders of the treasury. He questioned whether it needed to be mentioned in this section as well. The Committee suggested that using language which states the Recorder has authority to sign all orders on the treasury would take care of any problem in this area. It was also mentioned that this issue is covered in an ordinance which deals with the City Administrator. The Committee decided to make a change in the first sentence to eliminate the words "by the council." The sentence would then read "The Recorder shall serve ex officio as clerk of the council, attend all its meetings unless excused therefrom, keep an accurate record of its proceedings in a book provided for that purpose, and shall have authority to sign all orders on the treasury."

Chairman Post then questioned Rick Faus about the best place to seek sample language on the powers and duties of the City Manager. Rick Faus stated that in the model charter Manager follows directly after the Mayor Section. The City Manager Section follows the Mayor's section so we need to resection our charter. The first issue discussed was requiring the City Manager to be a resident of the City of Newberg. Rick Faus stated that rather than have this as a charter requirement it could be handled as a part of the contract entered into between the City and the City Manager. One disadvantage of having residency as a charter requirement is that it locks you into this requirement until the charter is changed. The Committee decided that the residency requirement should be eliminated from the Charter and handled separately in contract between employee and the City as Rick Faus, City Attorney, suggested.

Chairman Post stated that the next issue for discussion in this section dealing with the City Manager was that the model charter language states very simplified powers and duties. Our Ordinance No. 1730 is almost a job description. He asked the Committee to decide how specific they wanted to get in the Charter along these lines. The Committee decided to establish the office of City Manager in the Charter and then state that his duties and powers would be governed by ordinance.

The Chairman then turned the Committee's attention to the section of the model charter which states that the City Manager shall designate a City Recorder. This is a strange statement since the office of recorder is established specifically by Charter. The Charter states that this office may be appointed or removed by the Mayor which conflicts with the language of this section. The Committee recommended removing the language which states that City Manager shall designate a City Recorder. Rick Faus stated that removing "shall designate a City Recorder" out of that sentence would take care of the problem. Everything else reads okay if this is deleted. The Committee felt that the elected officials should have at least some input on the appointment and removal of city officials. However, Ordinance No. 1730 states that the Council shall not interfere with any appointment or removal of city employees, except with regard to formal actions in public meeting. These directions are found in Section 4 of Ordinance No. 1730. Mike Warren felt that with regard to employee actions, he had closer contact with the employees than the Council did. He also deals with the complaints, etc. on a daily basis and is more in touch with problem areas. Therefore, he would like to see his power in the area of employee actions left with him in a strong, powerful position, as he is now. The key here is to have a Council which is fully informed of all happenings in the City. If the Council is informed and responsive, things should run smoothly. One thing to remember is that ordinances may be amended or repealed easily, while the charter is much more difficult to change. For the purposes of coordination among the city staff, it makes more sense to avoid the multiple boss situation. After discussion, the Committee decided to take another look at the City Recorder and removing her from being under the supervision and

control of the City Manager. The Committee decided that the City Attorney should be left as reporting to the City Council and not the Administrator. The Committee recommended following the model charter language for the City Manager section of our charter and leaving the City Recorder section, Section 24, just the same but eliminating the City Recorder in Section 12.

Chairman Post directed Rick Faus to redraft the sections covered at this meeting before the next meeting of the Committee. The next meeting will be Thursday, March 25, 1982 at 7:30 p.m. at the Newberg School District Office.

Chairman Post adjourned the meeting at 9:25 p.m.

A MEETING OF THE
CHARTER REVISION COMMITTEE

Thursday, 7:30 P.M.

March 25, 1982

The meeting was called to order by Chairman Post.

Present:	Chairman Post	Mayor Elvern Hall
	Herman Hughes	Arvilla Page, Recorder
	Richard Faus	

Public Present: Linda Faus

Chairman Post distributed copies of the draft of all changes made to this point which were done by Rick Faus. He thanked Rick for all the work done on this project. The Committee then took a quick look at the changes they had decided on so far.

Chairman Post then moved the Committee's attention to Section 25, Regular Elections. Rick Faus stated that there were very few problems he was experiencing in this section because they are held under general state rules, with the exception of our special elections. No changes were recommended for Section 25.

Arvilla Page stated that posting of the notices in one public place in each voting precinct was not a practice that the City followed. She stated that the City is bound by specific dates set by the State and the State says we can not post ourselves at each precinct. Since the State prohibits us from posting, then there is no need to include this statement in the Charter. Rick Faus stated that the model charter is almost word for word the same in this Section 26. The Recorder stated that it would be very difficult to post these notices since the City does not handle the precincts or voting rolls and the boundaries change without her being notified. The Recorder said that about the only thing she has to do with an election anymore is to see that the extra notice is published. The actual election is handled through the County Elections Officer. The Committee decided to change Section 26 to read as follows: "The Recorder, pursuant to directions from the Council, shall give such notice as required by State law." This is a change in the first sentence. The rest of the section will remain the same. After further discussion, Rick Faus was directed to check with the Bureau of Governmental Research and Service and determine if this statement could be added to Section 25 and eliminate Sections 26 and 27 in their entirety. Rick Faus stated that these sections were relative to the Home Rule. Rick will report his findings back to the Committee at the next meeting, and also present the Committee with some proposed language for Sections 25, 26, 27 and 28.

Chairman Post then moved on to Section 29, Canvass of Returns. After discussion the Committee decided that Mr. Faus should check this section and possible revisions with the Bureau before the Committee made any changes.

The Committee then looked at Section 30, Commencement of Terms of Office. The Committee recommended no changes in this section, and moved to Section 31, Oath of Office. The Committee recommended changing Section 31 to read as follows: "Before entering upon the duties of office, each officer shall take an oath supporting the constitutions and laws of the United States and of Oregon and promising faithfully to perform the duties of office."

The Committee moved quickly through Section 32, Nominations and recommended no changes here. Rick Faus informed the committee that the ordinance providing for nominations follows the model charter provisions closely.

The Committee next discussed Vacancies in Office, Section 33, and Filling of Vacancies, Section 34. There were no problems in these sections and no changes were recommended.

Section 35, Enacting Clause, was presented to the Committee. The Committee felt this section was a good one and needed no changes. This section is the beginning of Chapter 8 and deals with ordinances.

Rick Faus opened discussion on Section 36, Introduction, Reading and Passage, with some concerns he has with this section. He stated that the council does not require the reading of ordinances on two separate days as is stated in the model charter and does not want to see this included in our charter. He felt that this reading requirement was more relevant to larger cities where the Council met more often. Rick was also concerned about the posting requirements listed in the model charter. Rick recommends the following eliminations from the model charter section dealing with ordinance introduction, reading and passage: 1) In number, first sentence, delete "and third"; take the "s" off of paragraph and add an "s" to provide and put a period after council meeting in this sentence; 2) Eliminate subsection 2 entirely; 3) Change section 3 to section 2 and eliminate the words "any of" in the first sentence and "s" after reading; corrected typo to read "later" instead of "lated"; eliminate first in the next line and eliminate the words "and two other places in the city or by advertising in the newspaper of general circulation in the city."; Change section 4 to section 3 and adding to the end of the section the words "the concurrence of a majority of the entire membership of the council shall be required for the passage of an ordinance."; 4) Change section 5 to section 4 and remove sexist language; and 5) Add onto last sentence the following language from our present charter, section 37: "or at any time therein specified". One of the main things needing revision in this section was the requirement to read the ordinance in full. The Committee recommended reading the ordinance title only if no councilman present requested to have the ordinance read in full. The Committee discussed when an ordinance should take effect after passage. The Committee decided that when an ordinance will take effect should not be put into the Charter. Rick Faus recommended that the title of each ordinance should specify when it will take effect. The Committee consensus after discussion of Section 36 was to replace it with the Section 35 of the model charter as modified by the City Attorney. Section 37 will be left as it is.

The Committee then began discussion on Chapter 9, Section 38, Condemnation. After a brief discussion the Committee decided that Section 38 and 39 were not abusive or dangerous to the citizens since state law permits condemnation and no changes were recommended to these sections.

Chairman Post stated that Section 40, Improvements, does not provide for remonstrance as the model charter does and questioned how the Committee wished to cope with that. Rick Faus stated that we do provide remonstrance rights in ordinance form. This ordinance conforms to state law. No changes were recommended for Section 40.

The Committee then compared Section 39 and 41. It was decided that the only real difference in these sections was that Section 41 went into more detail on the parts of the procedure involved. Rick Faus told the Committee that our charter airs more on procedural rights than the model charter does. No changes were recommended for Section 41.

Section 42, Bids was next placed before the Committee for discussion. The Committee consensus was to eliminate the language requiring giving the contract to the lowest bidder. Rick Faus stated that the ordinance governing bid procedures is in conformity with the State Public Contracting Law and state law provides the ability to go with the bidder who is not the lowest bidder, not necessarily even the lowest responsible bidder, but provides overall for going with the better contract. The Committee recommended changing Section 42 to read as follows: "A contract for public improvement to be made by a private contractor shall be awarded in accordance with the ordinance enacted by the City Council and shall be done in accordance with plans and specifications approved by the City Council."

Chairman Post then directed the Committee's attention to the material drafted by Rick Faus in accordance with previous meetings. He asked them to look particularly at the middle of page 6 dealing with contracts, section f, interference with administration in election. This section states that no member of the council shall directly or indirectly by suggestion or otherwise attempt to influence the appointment, or removal of any officer or in the purchase of supplies, etc. He wondered if the statement "or in the purchase of supplies" is strong enough. The Committee decided to change "or in the purchase of supplies" to "or in the expenditure of budgeted funds".

The Committee also decided that on page 7 of the redrafts, dealing with the City Recorder being required to attend council meetings unless excused therefrom that it should be specified who can excuse the Recorder from attendance. The Committee decided to have this read "unless excused therefrom by the Mayor."

Chairman Post stated that the Committee is making rapid progress. This meeting has brought the Committee half way through the Charter. The next meeting of the Committee will be on April 8, 1982 at 7:30 p.m. at the School District Office.

Meeting adjourned at 9:20 p.m.

A MEETING OF THE
CHARTER REVISION COMMITTEE

Thursday, 7:30 P.M.

May 6, 1982

Chairman Post called the meeting to order at 7:30 p.m.

Present:	Gerald Post, Chairman	Herman Hughes
	Harold Grobey	Doug Delano
	Jack Nulsen	Richard Faus
	Allyn Brown	Elvern Hall, Mayor

The entire committee was present for this meeting.

Chairman Post informed the Committee that the task before them at this meeting is to review the entire charter revision to see if it reflects all the changes, additions and deletions the Committee wants it to have.

Chairman Post noted that on page two under Public Facilities that there was no longer a mention of sewage and sewer services. He questioned whether this was the intention of the Committee. Rick Faus suggested and the Committee agreed that the term sewage services and treatment should be added to this section. It is a service and facility that the City has now. In this same paragraph change reference after Subdivisions to A-G of Section 49. The Committee discussed whether or not to delete Section 49 which gives the city authority to enter into public power business. After lengthy discussion, the Committee decided to leave this section in the Charter. It would give the city the opportunity to go into the power business but not without a vote of the people, because money would have to be authorized for such a venture.

As the Committee moved through the redraft, Chairman Post highlighted the areas of the Charter in which the Committee made major changes. This was done to make certain that all the changes desired were properly indicated in the redraft. The Committee moved quickly through the Charter with no major changes until Section 19, Mayor's Functions at Council Meetings. In this Section the Committee wanted the first sentence rewritten as follows: "The Mayor is a member of, and shall chair the council and preside over its deliberations."

The Committee then discussed Section 20 and asked that the words "by ballot" be deleted as ~~there~~ will be no official written ballots on this issue.

The Committee then discussed Section 23, City Manager. Rick Faus informed the Committee ~~that~~ Jim Mattis of the Bureau of Governmental Research and Service recommends ~~drafting~~ in Section f, the last sentence. This change was reflected in the redraft already. The Committee asked to have in Section f, middle of the paragraph, ~~the~~ words "with him" deleted. The Committee also wanted the words "and elections" in the title to be deleted since this section no longer had any reference to ~~elections~~. The Committee also felt it necessary to add the words "if determined by the Council under Section 14" to the next to last sentence in this section.

Motion: Delano-Brown to extend the time limits in Sections 23B and 23E from four to six months. Aye - 6; Nay - 1, Nulsen. Motion carried.

Motion: Grobey-Brown to add the word consecutively to the last sentence in Section 23E. Aye - 6; Nay - 1, Nulsen. Motion carried.

The Committee commented that Section 24, the Municipal Judge, contained numerous instances of sexist language. The Committee members asked that "him" be deleted wherever it appears in this section.

In Section 25, the Committee asked that the word Mayor be capitalized in the last sentence of this section. The Committee also asked that the last phrase of this sentence be changed to read as follows: "shall perform the duties of the recorder." This would eliminate the words "have the authority and".

Section 29, Regulation of Elections, there is a phrase repeated in this section. The Committee asked that this language be changed in the first sentence of this section. The Committee directed that the third line of this section "and, as the Council provides otherwise by ordinances".

Section 30 contained two typos and these were requested to be corrected. They are as follows: 1) Change "jude" to "judge"; 2) change "an court" to "a court".

Section 32, Oath of Office, needs the addition of the words "and the ordinances of the city" to this section. The Committee also asked that the sexist language "his or her" be deleted.

Section 33, Nominations. The Committee asked that the word "mode" be changed to "Method".

There was a change in the title of Section 34. The title was changed from What Creates a Vacancy to simply "Vacancy" and the sexist language "his" was eliminated from this section.

The Committee asked that the sexist language in the next two sections be removed. In Section 35, the word "his" is to be eliminated and in Section 37 the words "his or her" was deleted in the last sentence of subsection 4.

The Committee decided that the title of Section 38 should be changed from "When Ordinances Take Effect" to "Effective Date of Ordinances".

The Committee asked that the historical footnotes, sentences in parenthesis which show when a particular section was added to the charter, be eliminated as they occur in the remainder of the Charter dealing with bond issues. They serve no legal function. After further discussion, the Committee recommended these sentences be deleted only on bond issues which have been paid in full.

The Committee moved on through the Charter making only typographical error changes until it reached Section 56, Outstanding Bonds and Other Provisions of Prior Charter Retained. In Section 56, Rick Faus was directed to add appropriate language to state that as bond issues are paid they shall be deleted from the Charter. Chairman Post suggested language as follows: "The foregoing Sections 1 - 5 inclusive, shall be removed from this Charter when the principal and interest of the bonds are retired."

In Section 3 of the Sewage Treatment Plant Bonds, it was noted that there was a typo. A sentence was repeated and this additional language should be deleted.

The Committee noted that there was a Section of the Charter missing on a 1979 Sewer and Water Improvement Bond Issue. Rick Faus was asked to check this out and make the necessary corrections to the redraft.

Motion: Hughes-Brown to recommend to the City Council that the City Charter be revised as we have proposed and presented to the people for a vote. Aye - 6; Nay - 0; Abstain - 1, Nulsen. Motion carried.

The Committee asked that the Chairman attached a letter to the redraft which is presented to the Council that will highlight the major changes made in the Charter at the June 7th Council Meeting. The Committee also asked that the Chairman make an oral presentation to the Council at this meeting.

The Mayor thanked the Committee and Chairman Post for the very fine work of the Committee. The Chairman also expressed his appreciation to the Committee for making this Committee both fun and successful.

Meeting adjourned at 9:25 p.m.

N E W B E R G P U B L I C S C H O O L S

Gerald E. Post, Ed.D.
Superintendent



Newberg, Oregon
97132

May 7, 1982

Mayor Elvern Hall and the Council
City of Newberg
Newberg, Oregon 97132

Dear Mayor Hall:

Transmitted herewith is a recommendation for a major and complete revision of the Charter for the City of Newberg. The revision is the result of six months of study and examination by the committee appointed by you for this purpose.

Members of the committee were: Doug Delano, Herman Hughes, Al Brown, Jack Nulsen, Hal Grobey, and Rick Faus. Your regular participation as ex officio added to the effectiveness of the committee, as did the occasional participation of other city staff members. I would be remiss if I did not indicate to you the appreciation of the committee for the invaluable assistance of Rick Faus. His contribution was substantial.

The major changes proposed by the committee are as follows:

1. Ordinances may be read by title only prior to passage when certain notification conditions are met. (Section 37)
2. The mayor becomes a full voting member of the council whose vote may be recorded on every issue before it. (Section 8)
3. Employment by the city is a bar to a seat on the council. (Sec. 14)
4. City administrator is changed to city manager and written into the Charter rather than being provided for by ordinance. (Sec. 23)
5. All sexist language has been removed.
6. All reference to paid off bond issues has been removed, and language has been added that will automatically remove language authorizing existing bond issues where they are paid off.

Rec'd
5-10-82
to

May 7, 1982

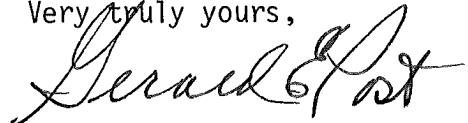
7. Prior charter amendments have been written into chapters and sections without significant change, and all have been preserved.
8. The city ordinance on the manner of breaking tie votes for elective office has been written into the charter. (Section 11)
9. Empowers the hospital to operate more than three departments. (Section 43)

I would be pleased to review the proposed changes with the council.

The committee recommends that it be submitted to the voters of the city at the November general election and become effective January 1, 1983, if approved.

On behalf of the committee I would like to express our pleasure and interest in being asked to serve. The task has been one which we enjoyed.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Gerald E. Post".

GERALD E. POST
Charter Revision Committee

GEP:cw
Encl.

A G E N D A

Charter Revision Committee 7:30 P.M., Thursday, May 6, 1982

Newberg School District Office
1400 Deborah Road
Newberg, Oregon

- I. Review of Entire Charter Revision
 (Copy of Charter Redraft Attached)

Newberg Charter

AN ACT

To amend the Charter of the City of Newberg, Yamhill County, Oregon, *as amended*, entitled: "An act to incorporate the City of Newberg in Yamhill County, State of Oregon, and to repeal an act entitled 'An act to incorporate the Town of Newberg in Yamhill County, State of Oregon, and to grant, designate and define the powers thereof,' filed in the office of the Secretary of State February 21, 1889, and all acts or parts of acts in conflict herewith," enacted by the 17th regular session of the legislative assembly of the State of Oregon and filed in the office of the Secretary of State February 10, 1893, and as subsequently amended by the legislative assembly and by the voters of Newberg, Oregon.

Be it enacted by the people of the City of Newberg, Yamhill County, Oregon, that the Charter of Newberg, Yamhill County, Oregon, *as amended, August 8, 1950 and as subsequently amended*, entitled "An act to incorporate the City of Newberg in Yamhill County, State of Oregon, and to repeal an act entitled 'An act to incorporate the Town of Newberg in Yamhill County, State of Oregon, and to grant, designate, and define the powers thereof,' filed in the office of the Secretary of State February 21, 1889, and all acts or parts of acts in conflict herewith," enacted by the 17th regular session of the legislative assembly of the State of Oregon and filed in the office of the Secretary of State February 10, 1893, and as subsequently amended by the legislative assembly and by the voters of Newberg, Oregon, be and the same hereby is amended to read as follows:

CHAPTER I

Repealing Clause; Name and Boundaries

Section 1. Revision Clause. ~~THE FOLLOWING CHAPTERS OF THE CHARTER, WITH EXCEPTIONS NOTED, ARE HEREBY REPEALED: CHAPTER I, EXCEPT SECTION 2 THEREOF; CHAPTERS II, III, IV, V, VI, VII, AND VIII; CHAPTER IX, EXCEPT SECTIONS 132, 139, AND 144 THEREOF; CHAPTERS X, XI, XII, AND XIV. SOME~~ The sections ~~not~~ repealed of the Charter have been revised as hereafter indicated.

Section 2. Name. The City of Newberg, Yamhill County, Oregon shall continue to be a municipal corporation with the name "Newberg".

Section 3. Boundaries. The corporate limits of the City of Newberg shall ~~be as follows: to-wit:~~

~~Long/ Legal/ description/ deleted/~~

include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the council or by any other agency with legal power to modify them. The City Recorder shall keep in their office at City Hall at least two copies of this Charter in each of which the City Recorder shall maintain an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the City Recorder.

Newberg Charter

CHAPTER II

Powers

Section 4. Powers of the City. The city shall have all the rights, powers, privileges and immunities which the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities, including those rights, powers, privileges and immunities which a city can exercise upon specifically accepting them or upon being granted the power to exercise them by the people of the city or the legislature of the state, as fully as though this charter expressly stated each of those rights, powers, privileges and immunities, and as though each of them had been specifically accepted by the city or granted to it by the people of the city or by the legislature of the state.

The following shall be deemed a part of the powers conferred upon the city by this charter:

(1) Property. To acquire property within or without the corporate limits of the city for any city purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation; and to sell, lease, mortgage, hold, manage and control such property as the interests of the city require.

(2) Indebtedness. To borrow money within the limits prescribed by general laws.

(3) Public services. To purchase, hire, construct, own, maintain and operate or lease local public utilities as herein defined, but only after having first obtained the consent of a majority of the qualified electors of the city to do so; except as provided in Subdivisions (1-7), inclusive, of Subsection (a) of Section 43 of this charter; to furnish all local public services, either within or without the corporate limits of the city; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general laws for the protection of other communities; and to grant local public utility franchises, and to regulate the exercise of such franchises. The term "public utilities" as used in this charter shall mean and include *but not be limited to* any plant, equipment or organization used or intended to be used to produce, transmit, deliver or furnish heat, light, water, power, *transportation, communications, or garbage services*, or any or all of them, directly or indirectly, to or for the public.

(4) Bonds. To issue and sell bonds on the security, in whole or in part, of any excess property owned by the city or of any public utility owned by the city or of the revenues thereof, or of both; including, in the case of a public utility, as herein defined, if deemed desirable by the city, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate the utility.

(5) Police, licensing and taxing power. To adopt and enforce within the corporate limits of the city local police, sanitary and other similar regulations not in conflict with the general laws; and to license, tax and regulate for the purpose of city revenue all such businesses, callings, occupations, trades and employments as the city council may require to be licensed or taxed, and as are not prohibited by the laws of Oregon, including taxation of admissions to places of entertainment or amusement.

Newberg Charter

Section 5. Construction of Charter. In this charter no enumeration or reference to particular rights, powers, privileges or immunities shall be construed to be exclusive or to restrict the scope of the rights, powers, privileges or immunities which the city would have if the particular right, power, privilege or immunity was not mentioned. This charter shall be liberally construed to the end that the city shall have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to the laws and to the municipal home-rule provisions of the constitution of the state.

Section 6. Exercise of Power. The manner in which the city shall exercise a right, power, privilege or immunity, where prescribed by this charter, shall be in the manner prescribed by this charter, shall be in the manner prescribed by ordinance; and where not prescribed by this charter or by ordinance, then in the manner prescribed by the statutes of the state of Oregon.

CHAPTER III

Form of Government

Section 7. Where Powers Vested. Except as this charter provides otherwise, all powers of the city shall be vested in the council.

Section 8. Council. The council shall be composed of *a mayor and* eight councilmen elected from the city at large.

Section 9. Councilmen. The term of office of each councilman in office, when this charter is adopted, shall continue until the beginning of the first odd-numbered year after that time. At the first biennial general election after the charter is adopted, eight councilmen shall be elected. Of the eight, the four receiving the four highest numbers of votes shall each hold office for four years, and the four receiving the next four highest numbers of votes shall each hold office for two years. At each subsequent biennial general election, four councilmen shall be elected, each for a term of four years.

Section 10. Mayor. At each biennial general election a mayor shall be elected for a term of two years.

Section 11. Tie Votes. In the event of a tie in the vote cast for the candidates for an elective office under this charter, the successful candidate shall be determined by drawing lots. ~~THE/MAJORITY/OF/VOTING/VOES SHALL/BE/DETERMINED/BY/DRAWING/~~ The City Recorder or his or her designate shall prepare lots consisting of slips of paper each containing the name of one candidate involved in a tie vote. The Recorder or designate shall fold each slip separately and place the same in a receptacle and shall cause the City Chief of Police or his or her designate to draw therefrom one slip of paper. The candidate whose name is on that slip of paper shall be deemed elected.

Newberg Charter

Section 12. Other Officers. Additional officers of the city shall be ~~a/mayor/city manager/judge of the peace/and such other officers, as a municipal judge and city attorney, as the council deems necessary.~~ Each of these officers shall be appointed and may be removed by the mayor with the consent of the council. By resolution, the council may combine any of these offices. By resolution, the council may also provide that any person whom it designates may supervise any appointive officer, except the *city manager, city attorney and the municipal judge in the exercise of the municipal judge's judicial functions.*

Section 13. Salaries. The compensation for the services of each city officer and employee shall be whatever amount the council fixes. No increase in the compensation of councilmen, however, shall take effect until the first of the odd-numbered year immediately following the first biennial general election after the increase is ordered.

Section 14. Qualifications of Officers. No person shall be eligible to fill an elective office of the city unless at the time of the election *such person* is a qualified voter within the meaning of the state constitution and has resided in the city for at least one year immediately preceeding the election. ~~and is a resident of the city.~~ For the purposes of this section, *city* shall mean any area included in the corporate limits as of the date of the election. In order to avoid conflict of interests and to provide a fully effective office holder, a person is ineligible to hold elective office of the city if employed by the city unless the employment is substantially volunteer in nature. The determination of whether employment is substantially volunteer shall be made by the municipal judge. For all other matters under this section the council shall be final judge of the qualifications and election of its own members.

CHAPTER IV

Council

Section 15. Meetings. The council shall hold a regular meeting at least once each month at a time and at a place in the city which it designates, and shall adopt rules for the government of its members and proceedings. The Mayor upon *the mayor's* own motion may, or at the request of four members of the council shall, by giving notice thereof to all members of the council then in the city, call a special meeting of the council for a time not earlier than three nor later than 48 hours after the notice is given.

Section 16. Quorum. A majority of the members of the council shall constitute a quorum for it to do business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 17. Journal. The council shall cause a journal of its proceedings to be kept. Upon the request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal.

Section 18. Meetings to Be Public. ~~Any deliberations and proceedings~~ *shall be open to the public.* No action by the council shall have legal effect unless the motion for the action and the vote by which it is disposed of takes place at proceedings open to the public.

Newberg Charter

Section 19. Mayor's Functions at Council Meetings. The Mayor shall be chairman of the council and preside over its deliberations. He/she/it shall preside over the council and shall have a vote on all questions before the council. The Mayor shall have authority to preserve order, enforce the rules of the council and determine the order of business under the rules of the council.

Section 20. President of the Council. He/she/it shall preside over the council. At its first meeting of each odd-numbered year, the council, by ballot, shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. When the mayor is unable, on account of absence, illness or other cause to perform the functions of the mayor's office, the president of the council shall act as mayor.

Section 21. Vote Required. Except as this charter otherwise provides, the concurrence of a majority of the members of the council present at a council meeting shall be necessary to decide any question before the council.

CHAPTER V

Powers and Duties of Officers

Section 22. Mayor. The mayor shall appoint the committees provided for under the rules of the council. He/The mayor shall sign all approved records of proceedings of the council and countersign all orders on the treasury. He/The mayor shall have no veto power and shall sign all ordinances passed by the council within three days after their passage. Upon the approval of the council the mayor shall endorse all bonds of officers of the city and all bonds for licenses, contracts and proposals.

Section 23. City Manager.

(a) Qualifications. The city manager shall be the administrative head of the government of the city. The city manager shall be chosen by the council without regard to political considerations and solely with reference to executive and administrative qualifications. The manager need not be a resident of the city or of the state at the time of appointment. Before taking office, the manager shall give a bond in such amount and with such surety as may be approved by the council. The premiums on such bond shall be paid by the city.

(b) Term. The manager shall be appointed for an indefinite term and may be removed at the pleasure of the council. Upon any vacancy occurring in the office of manager after the first appointment pursuant to this charter, the council at its next meeting shall adopt a resolution of its intention to appoint another manager. Not later than four months after adopting the resolution, the council shall appoint a manager to fill the vacancy.

(c) Powers and Duties. The powers and duties of the manager shall be as follows:

(1) The manager shall devote full time to the discharge of the managers official duties, attend all meetings of the council unless excused therefrom by the council or the mayor, keep the council advised at all times of the affairs and needs of the city, and make reports annually, or more frequently if requested by the council, of all the affairs and departments of the city.

(2) The city manager shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits

and privileges granted by the city are observed.

(3) The manager shall designate a city recorder and shall appoint and may remove appointive city officers and employees except as this charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The city manager shall supervise the departments to the end of obtaining the utmost efficiency in each of them. The manager shall have no control, however, over the council, over the city attorney, or over the judicial activities of the municipal judge.

(4) The manager shall act as purchasing agent for all departments of the city. All purchases shall be made by requisition signed by the manager or his designate.

(5) The manager shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.

(6) The manager shall supervise the operation of all public utilities owned and operated by the city and shall have general supervision over all city property.

(d) *Seats at Council Meetings.* The manager and such other officers as the council designates shall be entitled to sit with the council but shall have no vote on questions before it. The manager may take part in all council discussions.

(e) *Manager Pro Tem.* Whenever the manager is absent from the city, is temporarily disabled from acting as manager, or whenever the office becomes vacant, the council shall appoint a manager pro tem, who shall possess the powers and duties of the manager. No manager pro tem, however, may appoint or remove a city officer or employee except with the approval of three-fourths of the members of the council. No manager pro tem shall hold their position as such for more than four months, and no appointment of a manager pro tem shall be renewed.

(f) *Interference in Administration and Elections.* No member of the council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in making the appointment or removal of any officer or employee or in the expenditure of funds, or attempt to exact any promise relative to any appointment from any candidate for manager; or discuss directly or indirectly with him the matter of specific appointment to any city office or employment. A violation of the foregoing provisions of this section shall forfeit the office of the offending member of the council. Nothing in this section shall be construed, however, as prohibiting the council while in open session from fully and freely discussing with or suggesting to the manager anything pertaining to city affairs or the interests of the city.

(g) *Ineligible Persons.* Neither the manager's spouse nor any person related to the manager or the managers spouse by consanguinity or affinity within the third degree may hold any appointive office or employment with the city.

Section 2224. Municipal Judge. The municipal judge, when appointed, shall be the judicial officer of the city and shall hold within the city a court known as the municipal court for the City of Newberg, Yamhill County, Oregon. Except on nonjudicial days, the court shall be open for the transaction of judicial business. All area within the city shall be within the territorial

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jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by ordinances of the city. ~~The municipal judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas to compel witnesses to appear and testify in court on the trial of any cause before~~*the judge,* to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of the court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts. Provided, however, that the right to appeal from the decisions of said municipal court shall not be restricted by ordinance. Trials in the municipal court of cases for violation of city ordinances shall be had without juries.

Section 2A25. City Recorder. The City Recorder shall serve ex officio as clerk of the council, attend all its meetings unless excused therefrom ~~by the council~~ *by the Mayor*, keep an accurate records of its proceedings in a book provided for that purpose, *have authority to* sign all orders on the treasury. In ~~his~~ *the Recorder's* absence from the council meeting, the mayor shall appoint a clerk of the council pro tem, who, while acting in that capacity, shall have all the authority and duties of the recorder.

CHAPTER VI

Elections

Section 25 26. Regular Elections. Regular city elections shall be held at the same times and places as biennial general state elections, in accordance with the applicable state election laws. *The City Recorder shall give such notice to the county officer as required by the applicable state election laws.*

Section 28 27. Notice of Regular Elections. The recorder, pursuant to directions from the council, shall give ~~at least 10 days notice of each regular city election by posting notice thereof at a conspicuous place in the city hall and in one public place in each voting precinct of the city.~~ such notice as required by state law. The notice shall state the officers to be elected at, the ballot title of each measure to be voted upon, and the time and place of the election.

Section 27 28. Special Elections. The council shall provide the times, manner and means for holding any special election. The recorder shall give at least 10 days' notice of each special election in the manner provided by the action of the council ordering the election.

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Section ~~28~~ 29. Regulation of Elections. Except as this charter provides otherwise and as the council provides otherwise by ordinances and as the council provides otherwise by ordinances relating to elections, the general laws of the state shall apply to the conduct of all city elections, recounts of the returns therefrom and contests thereof.

Section ~~29~~ 30. Canvass of Returns. In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. On or before noon of the *second* day following each special city election, the returns therefrom shall be filed with the recorder; and not later than five days after the election, the council shall meet and canvass the returns. The results of all elections shall be made a matter of record in the journal of the proceedings of the council, which shall contain a statement of the total number of votes cast at each election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected and a reference to each measure enacted or approved. Immediately after the canvass is completed, the recorder shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it, except that the council shall be the final judge of the qualifications and election of its own members; subject, however, to review by an court of competent jurisdiction.

Section ~~30~~ 31. Commencement of Terms of Office. The term of office of a person elected to an office at a regular city election shall commence on the first of the year immediately following the election.

Section ~~31~~ 32. Oath of Office. Before entering upon the duties of ~~his~~ office, each officer shall take an oath ~~that he will~~ supporting the constitutions and laws of the United States and of Oregon and *promising* faithfully to perform the duties of *his or her* office.

Section ~~32~~ 33. Nominations. The council shall provide by ordinance the mode for nominating elective officers.

CHAPTER VII

Vacancies in Office

Section ~~34~~ 34. What Creates Vacancy. An office shall be deemed vacant upon the incumbent's death, incompetence, conviction of a felony, resignation or recall or upon the incumbent's ceasing to possess the qualifications necessary for his office; or upon the failure of the person elected or appointed to an office to qualify therefor within three days after the time for his term of office to commence; and in the case of mayor or councilman, upon his absence from meetings from the council for 60 days or absence from the city for 30 days without consent of the council; or in the case of an appointive officer, upon his removal from office.

Section ~~34~~ 35. Filling of Vacancies. Vacancies in elective offices of the city shall be filled by appointment by a majority of

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the entire membership of the council. The appointee's term of office shall begin immediately upon his appointment and shall continue throughout the unexpired term of his predecessor. During the temporary disability of any officer or during his absence temporarily from the city for any cause, his office may be filled pro tem, in the manner provided for filling vacancies in office permanently.

CHAPTER VIII

Ordinances

Section 36. Enacting Clause. The enacting clause of all ordinances hereafter enacted by the council shall be: "The City of Newberg ordains as follows:"

Section 37. Introduction, Reading and Passage. ~~Every ordinance shall be fully and distinctly read in open council meeting previous to being put upon its final passage. Upon the vote on any ordinance, the ayes and nays of the members of the council shall be taken and recorded in the journal. If the ordinance passes, the recorder shall endorse it with the date of its passage and his name and title of office, and within three days thereafter, the mayor shall sign it with the date, his name and the title of his office. The concurrence of a majority of the entire membership of the council shall be required for the passage of an ordinance.~~

(1) Except as the second paragraph of this section provides to the contrary, every ordinance of the council shall, before being put upon its final passage, be fully and distinctly read in open council meeting.

(2) The reading may be by title only if no council member present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each council member and three copies are provided for public inspection in the office of the city recorder not later than one week before the reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted at the city hall. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open council meeting as finally amended prior to being approved by the council.

(3) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings. The concurrence of a majority of the entire membership of the council shall be required for the passage of an ordinance.

(4) Upon the enactment of an ordinance the recorder shall sign it with the date of its passage and the recorder's name and title of office, and within three days thereafter the mayor shall sign it with the date of his or her signature, name and the title of his or her office.

Section 38. When Ordinances Take Effect. An ordinance enacted by the council shall take effect on the 30th day after its enactment. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect; and in case of an emergency, it may take effect immediately, or at any time therein specified.

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CHAPTER IX

Public Improvements

Section 38 39. Condemnation. Any necessity of taking property for the city by condemnation shall be determined by the council and declared by a resoltuion of the council describing the property and stating the uses to which it is to be devoted.

Section 39 40. Acquisition and Disposition of Property. The city shall have power to acquire by purchase, gift, devise or condemnation any property either within or without its corporate boundaries for any municipal purpose, for the purpose of protecting, preserving or facilitating any improvement, for the purpose of bringing about such development of property along or in the vicinity of an improvement as will make the development harmonious with and adjusted to the improvement, or for any combination of such purposes. The city shall also have power to acquire by condemnation property in excess of that needed for the actual improvement, and to sell or lease the excess with such building and use restrictions and conditions as will tend to make its development harmonious with and adjusted to adjacent public improvements. The city shall have power to provide for the payment of any part or all of the cost of land or other property acquired for public use, of the cost of constructing, reconstructing, repairing, operating or maintaining any structure or work in the nature of a public facility or improvement, including a public utility, and of the cost of any other public work or service by levying and collecting assessments upon the property specially benefitted thereby.

Section 40 41. Improvements. The procedure for making street, sidewalk, sewer and other public improvements and for establishing, vacating, altering or abandoning streets and other public improvements shall be governed by ordinance or the applicable general laws of the state in the absence of ordinance.

Section 41 42. Special Assessments. The procedure for determining the amounts of special assessments, their apportionment to various parcels of property and the property upon which they are to be levied; for giving notices to property owners and other interested parties; for hearings on and levy of the assessments; for creating and enforcing assessment liens; and for taking any other action relating to the assessments; for creating and enforcing assessment liens; and for taking any other action relating to the assessments shall be governed by the applicable laws of the state relating to special assessments or by general ordinances enacted by the council.

Section 42 43. Public Improvements. The procedure for making street, sidewalk, sewer and other public improvements and for establishing, vacating, altering or abandoning streets and other public improvements shall be governed by ordinance or the applicable general laws of the state in the absence of ordinance.

Newberg Charter

CHAPTER X

Hospitals, Infirmaries or Clinics

Section ~~Y~~ 43. The City of Newberg is authorized and empowered to own, acquire, complete, construct, improve, equip, supply, operate, maintain and repair, lease and rent any and all hospitals, infirmaries or clinics necessary or convenient for the care and housing, treatment, comfort and welfare of inhabitants of said city who are sick or injured or suffering from physical or mental ills or diseases, and to provide for the departments of obstetrics, pediatrics, and geriatrics and *such other departments as may be determined to be necessary* and for the prevention of ills and diseases and for training and instruction of persons in all matters appertaining to the foregoing. The City of Newberg is further hereby authorized to admit, care for and treat in any or all of the establishments and facilities in this section described persons who are not inhabitants of said city, when such establishments and facilities have available space that is not needed for the accommodation of inhabitants of said city.

Section ~~Z~~ 44. The City of Newberg is authorized and empowered to acquire, establish, construct, operate, maintain, manage or lease training schools and housing for nurses and other persons engaged in the operation of the establishments and facilities in this chapter described, and to provide for and conduct scientific studies, research and experiments relative to the prevention, care and treatment of diseases, injuries, illnesses and other mental and physical conditions hereinabove referred to, publishing and disseminating literature and information relative thereto. The City of Newberg is hereby authorized and empowered to provide generally for the comfort and welfare of all such nurses and other employees or trainees and to issue diplomas and certificates of proficiency evidencing the qualifications of such persons when appropriate.

Section ~~X~~ 45. The City of Newberg is authorized and empowered to provide for the management and operation of all such hospitals, infirmaries and clinics or other establishments or facilities as are described in Section 43 of this chapter, either by its officers, agents and employees or by leasing the same to other persons, firms or corporations or by agency or management contracts or in such other manner or manners as the council of the City of Newberg shall see fit. The City of Newberg is authorized and empowered to contract with the United States, any state or states, any other governmental unit or municipal corporation, or with any private person, firm or corporation for the purposes in this chapter set forth.

Section ~~A~~ 46. The City of Newberg is authorized and empowered to sell the services and related materials and conveniences described in Section 43 of this chapter; to fix rates and charges for the same and for any materials, supplies or other matters appertaining thereto or furnished therewith; and to charge and collect the same in any manner authorized by law. The council of the City of NEWberg is further authorized to provide for the payment of all expenses, costs and charges arising from any of the operations, activities and facilities in this chapter described, including maintenance, improvements and repairs and reserves therefor and for depreciation, either from the income therefrom

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or from the proceeds of any bond issue or other loan to said city or from any other funds of said city or from general taxation, and to borrow money or pledge the credit of said city for such purposes.

Section § 47. The City of Newberg is authorized and empowered to receive and accept donations and gifts of money or property or both for the purposes in this chapter set forth.

[illegible][illegible][illegible]

Section 48. The City of Newberg is authorized and empowered to do any or all things necessary or convenient to carry out the provisions and purposes of this act.

(Chapter XI, *Charter of August 8, 1950*, as added by special election held August 22, 1955.)

CHAPTER XI

Miscellaneous Provisions

Section ~~48~~ 49. *Energy Utilities.*

(a) XX The City of Newberg and empowered to own, acquire, develop, construct, equip, operate and maintain either within or without the statutory or corporate limits of said city, in whole or in part, any and all works, plants and systems necessary or pertinent to the generation and/or distribution of electrical energy for the use and benefit of the people of said city and vicinity thereof, and for profit.

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(b) ~~2/~~ The City of Newberg is authorized and empowered to control, use, generate, transmit, distribute, sell and/or dispose of electric energy.

(c) ~~3/~~ The City of Newberg is authorized and empowered to contract with the United States, with any state or states, or political subdivisions thereof, or with any political subdivision of this state, or with any private person or corporation for the purchase of electrical energy for use, transmission, distribution, sale and/or disposal thereof.

(d) ~~4/~~ The City of Newberg is authorized and empowered to acquire, construct, lease, maintain and/or operate, separately or in conjunction with the United States, with any state or states, or political subdivision thereof, or with any political subdivision of this state, or with any private person or corporation, transmission and distribution lines.

(e) ~~5/~~ The City of Newberg is authorized and empowered to fix rates and charges for the sale and/or disposal of electric energy.

(f) ~~6/~~ The City of Newberg is authorized and empowered to issue, sell and otherwise dispose of either public utility certificates, general obligation, limited obligation or self-liquidating bonds of said city, after approval thereof by a majority of the legal voters of said city voting thereon at any general or special election called for said purpose, in order to provide funds to carry out the provisions of this act.

(g) ~~7/~~ The City of Newberg is authorized and empowered to do any and all things necessary or convenient to carry out the provisions of this act.

(Chapter XIII, Charter of February 10, 1893, as added by special election October 24, 1933.)

~~CHAPTER XXII / CHARTER OF FEBRUARY 10, 1893, AS ADDED BY SPECIAL ELECTION OCTOBER 24, 1933. DELETED AS PAID BOND ISSUE.~~

~~CHAPTER XXII / CHARTER OF FEBRUARY 10, 1893, AS ADDED BY SPECIAL ELECTION OCTOBER 24, 1933. DELETED AS PAID BOND ISSUE.~~

Section ~~AA~~ 50. Liability for Injury. The City of Newberg shall not in any event be liable in damages to any person for an injury caused by any defect or dangerous place at or in any sidewalk, crosswalk, street or alley, bridges, public grounds, public buildings, sewer, drain, gutter or way, unless said city shall have had actual notice of such defect or dangerous place and had a reasonable time thereafter in which to repair or remove such defect or dangerous place before the happening of such accident or injury; and in no case shall more than \$100 \$500. be recovered as damages from the city for such accident or injury. (Section 144 of Charter of February 10, 1983.)

Section ~~AB~~ 51. Business License Tax. No person paying a license to the City of Newberg in order to carry on any business or avocation within the city limits for which a license is required by this act or by any ordinance shall be required to apy a license tax to the county authorities of Yamhill County, Oregon for the same purpose; and the city shall have exclusive control of all licenses; and no part of the income derived therefrom shall go to said county. (Section 132 of the Charter of February 10, 1893.)

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Section ~~46~~ 52. Highways and Roads. The City of Newberg as created by this act, shall have full power to lay out, open, work, change and control all the highways and roads within the corporate limits thereof; and the power and authority given by the general laws of the State of Oregon to the county court of Yamhill County to divide said county into road districts, to appoint road supervisors, to lay out and work highways, and to levy a tax upon all taxable property of said county to be used in building and improving the public or county roads shall not apply or extend to the territory within the limits of said city of Newberg; but said territory and the inhabitants thereof are hereby excepted out of the jurisdiction of said court upon said subject. (Section 139 of Charter of February 10, 1893, as amended by Laws of Oregon, 1903, revised.)*

Section ~~47~~ 53. Debt Limit. Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed a sum equal to 1 per cent of the current assessed valuation of taxable property within the corporate limits of the city. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

~~CHAPTER XX~~

~~USE OF PUBLIC PARKS~~

Section 54. Use of Public Parks. Notwithstanding any other provisions of this Charter, all areas now or hereafter dedicated to or used for public park purposes are reserved forever to the use of the public; and no such area shall be sold or otherwise disposed of, or used for other than public park and recreation purposes, without prior approval thereof by a majority of the votes cast thereon by the people of the City.

(Chapter XX, Charter of August 8, 1950, as added by general election held November 4, 1980.)

Section ~~48~~ 55. Continuation of Rights and Liabilities. No right or liability of the city existing at the time this charter takes effect shall be impaired or discharged by passage of this act, except as this act otherwise provides.

Section ~~49~~ 56. Outstanding Bonds and other Provisions of Prior Charter Retained. All outstanding general obligation bonds of Newberg shall continue to be general obligations of Newberg, though not otherwise mentioned herein; and the council shall, each year, at the time of making the annual tax levy for city purposes, include in such levy a sum sufficient to apy the interest due on such outstanding bonds and to retire the principal amounts thereof as the same mature.

Newberg Charter

(A) Water Reservoir Bonds.

~~Section~~ 1. For the purpose of procuring funds in an amount sufficient to acquire a new site for a water reservoir for the City of Newberg, Oregon, and to construct and install thereon a new water reservoir for the storage of water for the use of the people of said city, and to provide for the revision of the present water reservoir adjacent thereto, and to construct and install new and additional water treatment facilities and water mains for the water supply and distribution system of said city, and to construct and provide a new water well and source of water supply for said city with all necessary and desirable pumping or other equipment therefor, and to provide all necessary rights-of-way and easements necessary or desirable for the above-described improvements and additions to the water supply system of said city, and to provide for such repairs, replacements, additions, and improvements to the existing water supply and distribution system of said city as may be necessary or desirable to integrate the above-described additions and improvements and storage facilities into said water supply and distribution system, and for all other purposes necessary or desirable in order to carry out the purposes hereinabove set forth, including but not confined to the acquisition of sites and real property where necessary or desirable for said purposes, the council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of the said city in the sum of \$491,000, in denominations of \$1,000 each, bearing interest at the rate of not to exceed 6 per cent per annum, and providing for the payment of principal and interest in annual installments during a period of 20 years, starting five years from date of issue. Said bonds shall provide for optional redemption by the City of Newberg at any time after expiration of 10 years from the time of first maturity.

~~Section~~ 2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the purchase money therefor.

~~Section~~ 3. The council shall each year, at the time of making the annual tax levy for city purposes, make a special additional levy of a sum sufficient to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

~~Section~~ 4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions and purposes of this act.

(Chapter XII Charter of August 8, 1950 as added by special election held February 20, 1960.)

(B) Sewage Treatment Plant Bonds.

~~Section~~ 1. For the purpose of procuring funds in an amount sufficient to provide and pay for the construction and installation of improvements and additions to the sewage treatment plant of the City of Newberg, Oregon, so as to provide for increasing the primary treatment capacity of said plant, and also to provide complete sewage treatment at said plant, and for the purpose of constructing and installing a new trunk sewer and sewage pumping station for said city, and to provide all sites, easements and rights-of-way necessary or desirable for the above

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described improvements, expansion and modification of said sewage treatment plant of said city and of the sewer system thereof and to provide for such repairs, replacements, additions and improvements to the existing sewage treatment plant and sewer system of said city as may be necessary or desirable to integrate the above-described additions, expansion and improvements and modifications therewith, and for all other purposes necessary or desirable in order to carry out the purposes hereinabove set forth, the council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of said city in the sum of \$262,000, in denominations of \$1,000 each, bearing interest at the rate of not to exceed 6 per cent per annum and providing for the payment of principal and interest in annual installments during a period of 20 years, starting five years from date of issue. Said bonds shall provide for optional redemption by the City of Newberg at any time after the expiration of 10 years from the time of first maturity.

~~Section~~ 2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the purchase money therefor.

~~Section~~ 3. The council shall each year, at the time of making the annual tax levy for city purposes, make a special additional levy for city purposes, make a special additional levy of a sum sufficient to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

~~Section~~ 4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions and purposes of this act.

(Chapter XIII Charter of August 8, 1950 as added by special election held February 20, 1960.)

(C) Swimming Pool Bonds.

~~Section~~ 1. For the purpose of procuring funds in an amount sufficient to acquire additional land for the swimming pool and associated facilities of the City of Newberg, Oregon, and to provide for the improvement of the present swimming pool and the deck thereof, and for the removal of the existing bath house and for the construction of a new bath house for use in connection with said swimming pool, including dressing rooms, shower facilities, toilet facilities and all necessary equipment and appurtenances connected therewith, and to provide for such repairs, replacements, additions and improvements to the existing swimming pool and facilities as may be necessary or desirable to integrate the above-described additions and improvements with said existing swimming pool and facilities and for all other purposes hereinabove set forth, the council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of said city in the sum of \$38,000, in denominations of \$1,000 each, bearing interest at the rate of not to exceed 6 per cent per annum, and providing for the payment of principal and interest in annual installments during a period of 20 years starting five years from the date of issue. Said bonds shall provide for optional redemption by the City of Newberg at any time after the expiration of 10 years from the time of first maturity.

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~~Section~~ 2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the purchase money therefor.

~~Section~~ 3. The council shall each year, at the time of making the annual tax levy for city purposes, make a special additional levy of a sum sufficient to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

~~Section~~ 4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions and purposes of this act.

(Chapter XIV *Charter of August 8, 1950* as added by special election held February 20, 1960.)

(D) Newberg City Hall Bonds.

~~Section~~ 1. For the purpose of procuring funds in an amount sufficient to remodel, improve and refurnish the present Newberg City Hall at First and Howard Streets, Newberg, Oregon, to provide additional space and facilities for the Newberg Police Department, communications center and office of the city recorder, and to cause said city hall to comply with present building and electrical code requirements, and also for the remodeling of the existing city building at Second and Howard Streets, Newberg, Oregon, and the construction of a new building at said last mentioned location, all for the use of the Newberg Fire Department, and for all purposes necessary or desirable in order to carry out the purposes hereinabove set forth, the council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of said city in the sum of \$125,000, in denominations of \$1,000 each, bearing interest at the rate of not to exceed 6 per cent per annum, and providing for the payment of the principal in annual installments and interest in semi-annual installments during a period of 17 years starting one year from the date of issue. The installments of principal shall be in such amounts that the combined installments of principal and interest, when taken together with all existing tax-supported general obligation debt requirements for principal and interest of the City of Newberg shall be, as nearly as practicable, in such sums as will permit of a substantially uniform tax levy for the retirement of the principal of and the payment of interest on all tax-supported general obligation bonds of the City of Newberg, exclusive of all bonds of the City of Newberg which are wholly supported by revenue other than taxes.

~~Section~~ 2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the purchase money therefor.

~~Section~~ 3. The council shall each year, at the time of making the annual tax levy for city purposes, make a special additional levy of a sum sufficient to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

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~~Section~~ 4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions and purposes of this act.

(Chapter XV *Charter of August 8, 1950* as added by special election held November 5, 1968.)

(E) Sewer Improvement Bonds

~~Section~~ 1. For the purpose of procuring funds in an amount sufficient to provide and pay for the construction of improvements and additions to the sewage treatment plant and the sewer system of the City of Newberg, Oregon, including sites, easements and rights-of-way necessary or desirable for the said improvements, and for all other purposes necessary or desirable in order to carry out the purposes above set forth, the council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of said city in the sum of \$700,000.

~~Section~~ 2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the purchase money therefor.

~~Section~~ 3. The council shall each year, at the time of making the annual tax levy for city purposes, make a special additional levy of a sum sufficient to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

~~Section~~ 4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions and purposes of this act.

(Chapter XVI *Charter of August 8, 1950* as added by special election held December 9, 1969.)

(F) Water Improvement Bonds.

~~Section~~ 1. For the purpose of procuring funds in an amount sufficient to improve and expand the water system of said City of Newberg, Oregon, including existing sources of supply and developing additional sources, expanding treatment facilities, including filtration, and for all purposes necessary or desirable in order to carry out said improvements, the council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of said city in the sum of \$700,000.

~~Section~~ 2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the purchase money therefor.

~~Section~~ 3. The council shall each year at the time of making the tax levy for city purposes, make a special additional levy of a sum sufficient to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

Newberg Charter

~~Section~~ 4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions and purposes of this act.

(Chapter XVII *Charter of August 8, 1950* as added by special election held December 9, 1969.)

(G) Hospital Improvement Bonds.

~~Section~~ 1. For the purpose of procuring funds in amounts sufficient to provide and pay for the construction and installation of improvements and additions to the Community Hospital of the City of Newberg, Oregon, and for all other purposes necessary or desirable in order to carry out the purposes above set forth, the Council of the City of Newberg is hereby authorized and empowered to issue and dispose of general obligation bonds of said city in the sum of \$3,400,000, in denominations of \$5,000 each, bearing interest at the rate of not to exceed 10 per cent per annum.

~~Section~~ 2. The purchaser or purchasers of said bonds shall in no way be required to see to the proper application of the bond proceed money thereof.

~~Section~~ 3. The council shall each year, at the time of making the annual tax levy for city purposes, make a special additional levy of a sum to pay interest on outstanding bonds of this issue and to retire the principal thereof at maturity.

~~Section~~ 4. The City of Newberg is hereby authorized and empowered to do any and all things necessary or convenient to carry out the provisions of this act.

(Chapter XIX *Charter of August 8, 1950* as added by special election held May 22, 1979.)

Section ~~56~~ 57. Existing Ordinances Continued. All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 58 through 69 (Reserved for Expansion.)

Section ~~69~~ 70. Time Charter Amendment Effective. This act amending the charter of Newberg of February 10, 1893, as amended, shall take effect on *January 1, 1983.*

A MEETING OF THE
CHARTER REVISION COMMITTEE

Thursday, 7:30 P.M.

April 8, 1982

The meeting was called to order by Chairman Post at 7:35 p.m.

Present: Chairman Post Elvern Hall, Mayor
 Herman Hughes Rick Faus, City Attorney
 Doug Delano

Chairman Post stated that the last sentence on the second page contains a typo. The word "air" should be changed to "err". This was the only correction the Committee called for and approved the minutes with this change.

The Chairman informed the committee members that at the last meeting the review of the charter ended with Section 42. Chairman Post stated that Section 42 had been repealed in 1979 so the editing made to this section is unnecessary.

Chairman Post then opened discussion on Section 43, Other Provisions of Prior Charter Retained. The Committee decided that subsection (a) should be left in the Charter. Subsection (b) and Subsection (c) should be eliminated in their entirety. These bonds have long since been paid off.

The Committee opened discussion of Section 44, Liability for Injury, with a statement from Rick Faus about current state laws on this subject. Mr. Faus recommended keeping the first portion of this section and deleting the last three lines of this section which deal with the \$100. limitation for liability. Rick told the Committee that the state legislature could at any time down the line change the statutes dealing with this. After further discussion, the Committee recommended leaving this entire section in the Charter to protect the City in any case. The monetary limitation in this section is the only part that the state legislation would affect. The Committee decided that with medical costs high and going higher every day that the \$100. limitation was archaic and recommended changing this amount to \$500.

Chairman Post next introduced Section 45, Business License Tax. The Committee decided that this section is still relevant today and recommended it remain in the Charter.

Section 46, Highways and Roads was next discussed. The Committee discussed the possible reasons for inclusion of this section to begin with and decided that in 1893 it may have been necessary for the city to claim roads and highways to preclude the county from claiming them. It was recommended that this section be left as it is and included in the charter. It was still relevant in 1950 and is most likely relevant today.

Section 47, Debt Limit. Chairman Post questioned Rick Faus about legal problems in this section. He wanted to know if there were any. Rick informed the committee that a specific dollar figure should not be included here. He stated that McMinnville had experienced problems in this area because they had named a specific dollar amount in their charter and found that it limited them severely. This section is well written and the percentage leaves us greater flexibility. The Committee recommends no changes in this section.

The Committee moved quickly through Sections 48, 49, and 50. They recommended no changes in these sections and felt these sections were absolutely necessary.

Section 51 is the effective date for the charter to go into effect. The Committee recognized the need to change the date but felt that the Council should set the new effective date. Rick Faus suggested that January 1, 1983 would be the most logical effective date.

The Committee next moved to Chapter 11, which is the enabling legislation for the City to own, operate and maintain the hospital. The Chairman questioned whether this should be renumbered consecutively to carry on with the Charter. The Committee felt this would be a good idea. The Committee directed Rick Faus in his redraft of the Charter to renumber the sections in this chapter consecutively beginning with the next number following the last section in Chapter 9.

The Committee then began to work its way through the sections of Chapter 11 one at a time. Section 1 should be changed to include a general statement to the effect that "and other medical branches as may be determined to be necessary". This statement would give the hospital the ability to expand as necessary without charter amendment. The only other change recommended to Section 1 was to clean up the language and make the sentences more grammatically correct.

Section 2 and 3 were reviewed and no changes were made. Section 4 and 5 were read and no changes were recommended. A review of Sections 6, 7 and 8 revealed that these sections were redundant and unneeded. These sections deal with a 1955 bond issue which is paid off. These sections should be deleted from the charter.

Section 9 is necessary and should remain in the charter.

The Committee then moved on to Chapter 12, the Water Reservoir. Rick Faus stated that this is still an operative issue and will be for at least the next 2 fiscal years. The Committee felt there was no other way to adequately deal with this issue other than have it included in the charter. Chapter 13, Sewage Treatment Plant and Chapter 14, Swimming Pool are the same type of items as Chapter 12 and must remain in the Charter. Once again, Chapter 15, City Hall, Chapter 16, Sewer Improvement Bonds, Chapter 17, Water Improvement Bonds, and Chapter 19, Hospital Improvement Bonds are the same type of issues. These must remain in the charter. These sections will need to be renumbered. Rick Faus suggested that a new chapter entitled "Outstanding Bond Issues". The Committee felt this was a good idea and directed Rick Faus to renumber these sections under the new chapter accordingly.

Chapter 20, Use of Public Parks, is a recent addition to the Charter and must be left exactly as it is. This section was voted in on November 4, 1980. The Mayor stated that one of his Task Force Committees, Traffic Rerouting, might have a plan which would be affected by this chapter of the Charter if the specific corner they are interested in is dedicated as a public park.

Chairman Post then asked Rick Faus what the next step should be. The Committee is finished going through the Charter chapter-by-chapter. Rick suggested that he do another rewrite of the entire charter with all the revisions, additions and deletions recommended by the Committee. Rick Faus is to have this redraft done and mailed to the committee members well in advance of the next meeting.

Chairman Post stated he had a conflict with the next meeting date, April 22, 1982 and the Committee members present agreed to cancel this meeting and schedule the next meeting of the Committee for Thursday, May 6, 1982 at 7:30 p.m. at the Newberg School District Office.

Chairman Post asked Rick to notify the Committee members that the April 22nd meeting had been cancelled and to inform them of the purpose of the May 6th meeting was to review the redraft of the entire charter.

Chairman Post directed Rick Faus to check Doug Delano's mailing address. It is 729 N. Main Street, Newberg. Mr. Delano stated that he had received some notices but not the latest redraft. Rick Faus informed the Committee that the redraft was not mailed, it was handed out at the last meeting.

Chairman Post congratulated Rick on his redraft. He felt it is very easy to follow and asked Rick to finish the redraft in the same style. Chairman Post asked to Rick to do the remainder of the redraft and mail it to the Committee members well in advance of the May 6th meeting.

Chairman Post then congratulated the Committee on the fine work they have done. He stated that the Committee is well ahead of schedule. Having no further business at this time, Chairman Post adjourned the meeting at 8:30 P.M.