



REGULAR MEETING

- 1. Call to order (Chair)**
- 2. Roll call (Chair)**
- 3. Approval of December 19, 2013 Meeting Minutes**
- 4. Public Comments**
- 5. Staff Report (materials requested by the Committee)**
- 6. Continued consideration of election-related charter provisions**

AGENDA

**Charter Review Committee
January 2, 2014**

6:30 pm Meeting

**Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140**

Comparison of City Councilor Election Methodology - Metro Cities

City	Population	Method of Councilor Election
Gresham	105,970	By Position
Hillsboro	92,550	Nominated By Ward and Elected At-Large
Beaverton	91,205	By Position
Tigard	48,695	Top Vote Getters
Lake Oswego	36,770	Top Vote Getters
Oregon City	32,500	By Position
Tualatin	26,120	By Position
West Linn	25,370	Top Vote Getters
Newberg	22,300	Nominated By District and Elected At-Large
Forest Grove	21,460	Waiting for Information
Wilsonville	20,515	By Position
Milwaukie	20,435	By Position
Sherwood	18,265	By Position
Troutdale	16,005	By Position
Happy Valley	14,965	By Position
Cornelius	11,915	By Position
Gladstone	11,495	By Position
Damascus	10,585	By Position
Fairview	8,920	By Position
Wood Village	3,890	Top Vote Getters
Durham	1,365	Top Vote Getters
Maywood Park	750	Waiting for Information
Rivergrove	420	Waiting for Information

Jan 2, 2014
Date

Charter Review Comm.
Gov. Body

5-Staff Report
Agenda Item

A
Exhibit #

January 2, 2014 Charter Review Comm.
Date Gov. Body
5-Staff Report B
Agenda Item Exhibit #

Sherwood, Oregon, Code of Ordinances >> Title 2 - ADMINISTRATION AND PERSONNEL >> Chapter 2.04 - ELECTIONS >> Article I. Introduction >>

Article I. Introduction

2.04.010 State law applies.

2.04.012 Definitions.

2.04.010 State law applies.

As provided by City Charter Section 26, state elections laws apply to matters not regulated by this article. The city charter and this article prevail over any conflicting state laws.

(Ord. 05-008 § 1 (Exh. A)(part))

2.04.012 Definitions.

Words or phrases have the following meanings unless the context clearly requires a different meaning:

"Candidate" means an individual whose name appears or is expected to appear on an official ballot.

"City legislation" means an ordinance or proposed ordinance, or a proposed amendment, revision or repeal of the city charter.

"Elective city position" means the office of mayor or councilor.

"Elector" means an individual eligible under state and city law to vote in city election.

"Initiative" means proposed city legislation submitted to electors by a petition of qualified electors.

"Measure" means city legislation, or a proposition or question for city electors.

"Prospective petition" means information required for a completed petition, except for signatures and other identification of petition signers.

"Qualified elector" means an individual qualified to vote under Section 2, Article II, Oregon Constitution.

"Recorder" means the city recorder or authorized representative.

"Referendum" means city legislation submitted to electors by the council or by a petition of qualified electors, or a proposition or question submitted to city electors by the council.

"Regular election" means a city election held at the same time as a primary or general biennial election for electing federal, state or county officers.

"Special election" means a city election not held on the date of a regular election.

"Term of office" means the term of office of the last person elected to the office.

(Ord. 05-008 § 1 (Exh. A)(part))

Sherwood, Oregon, Code of Ordinances >> Title 2 - ADMINISTRATION AND PERSONNEL >> Chapter 2.04 - ELECTIONS >> Article II. Candidates >>

Article II. Candidates

2.04.020 Eligibility.

2.04.021 Nomination petition or declaration of candidacy.

2.04.022 Petition or declaration contents.

2.04.023 Filing.

2.04.024 Deficient petitions.

2.04.025 Withdrawal of candidacy—Refund of filing fee.

2.04.026 Certificate of nomination.

2.04.020 Eligibility.

A qualified elector who has resided in the city during the twelve (12) months immediately preceding the election may be a candidate for an elective city position.

(Ord. 05-008 § 1 (Exh. A)(part))

2.04.021 Nomination petition or declaration of candidacy.

- A. An eligible elector may become a candidate for an elective city position by filing a nomination petition or a declaration of candidacy in a form prescribed by the Secretary of State and available from the recorder.
- B. A declaration of candidacy must be accompanied by the filing fee established by council resolution.
- C. A nomination petition must contain signatures of not fewer than twenty (20) city-qualified electors as follows:
 - 1. No elector may sign more than three petitions. If more than three are signed, the signature is valid only on the first three valid petitions filed;
 - 2. The signatures need not all be attached to one paper, but each separate paper of the petition must be attached to an affidavit of the circulator showing the number of signers and stating that each signature is the genuine signature of the person;
 - 3. Each signature must have next to it the signer's residence, by its street and number or other description;
 - 4. The recorder must certify the signatures in the nomination petition for genuineness by comparing them and the other required information with the elector registration cards on file with the county clerk;
 - 5. After the petition is filed with the recorder, the recorder has ten days to verify the signatures, and attach to the petition a certificate stating the number of signatures believed genuine.

(Ord. 05-008 § 1 (Exh. A)(part))

2.04.022 Petition or declaration contents.

- A. A nomination petition or declaration of candidacy must contain:
1. The name by which the candidate is commonly known. A candidate may use a nickname in parentheses in addition to the candidate's full name;
 2. The residence address of the candidate;
 3. The office or position number for which the candidate seeks nomination;
 4. A statement that the candidate is willing to accept the office if elected;
 5. A statement that the candidate will qualify if elected;
 6. A statement of the candidate's occupation, educational and occupational background, and prior governmental experience; and
 7. The signature of the candidate.
- B. A declaration of candidacy must include a statement that the required fee is included with the declaration.
- (Ord. 05-008 § 1 (Exh. A)(part))*

2.04.023 Filing.

- A. A nomination petition or declaration of candidacy must be filed with the recorder.
- B. The recorder will date and time stamp immediately upon filing a nominating petition, declaration of candidacy, withdrawal or other document required to be filed.
- C. A nomination petition or declaration of candidacy will be filed not sooner than the first day of January of the election year and not later than seventy-five (75) days before the election date.
- (Ord. 05-008 § 1 (Exh. A)(part))*

2.04.024 Deficient petitions.

If a nomination petition is not signed by the required number of qualified electors or the declaration of candidacy is not complete, the recorder will notify the candidate within five days after the filing. The recorder will return it immediately to the candidate, and state in writing how the petition is deficient. The deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed within the time requirements for filing petitions.

(Ord. 05-008 § 1 (Exh. A)(part))

2.04.025 Withdrawal of candidacy—Refund of filing fee.

- A. A candidate who has filed a nomination petition or declaration of candidacy may withdraw not later than the sixty-seventh day before the election date by filing a statement of withdrawal with the recorder. The withdrawal must be made under oath and state the reasons for the withdrawal.
- B. If requested not later than sixty-seven (67) days before the election date, the recorder will refund the filing fee of a candidate who dies, withdraws or becomes ineligible for the nomination.

(Ord. 05-008 § 1 (Exh. A)(part))

2.04.026 Certificate of nomination.

The recorder will certify the nominations to the county clerk in accordance with the time requirements of state law stating the offices and the terms of office for which the candidates are nominated.

(Ord. 05-008 § 1 (Exh. A)(part))

Sherwood, Oregon, Code of Ordinances >> Title 2 - ADMINISTRATION AND PERSONNEL >> Chapter 2.04 - ELECTIONS >> Article III. Vacancies in Office >>

Article III. Vacancies in Office

2.04.030 Vacancy in office.

2.04.032 Filling of vacancy.

2.04.034 Appointment by council.

2.04.030 Vacancy in office.

A city elective office becomes vacant as provided by City Charter Section 31.

(Ord. 05-008 § 1 (Exh. A)(part))

2.04.032 Filling of vacancy.

- A. Upon becoming aware of a vacancy in an elective office, the council must promptly determine and declare the date of vacancy.
- B. A vacancy in an elective office must be filled as provided by City Charter Section 32

(Ord. 05-008 § 1 (Exh. A)(part))

2.04.034 Appointment by council.

- A. In filling a vacancy, the council may make inquiries and hold interviews as it considers necessary for the appointment. The appointment may be made at a regular or special council meeting.
- B. The council will use the following procedures in the appointment process:
 - 1. Public notice to appropriate neighborhood organizations, civic groups, a newspaper of general circulation and other recognized groups;
 - 2. Deadline for submitting applications at least two weeks after the notice;
 - 3. Appointment from those applicants nominated and seconded for consideration by members of the council. The recorder will announce the results of each ballot and will record each councilor's ballot. An applicant who receives a majority of the votes by the current council members will be appointed to the vacant position. If no applicant receives a majority vote on the first ballot, the council will continue to vote on the two applicants who receive the most votes until an applicant receives a majority of the councilors voting.

(Ord. 05-008 § 1 (Exh. A)(part))

Sherwood, Oregon, Code of Ordinances >> Title 2 - ADMINISTRATION AND PERSONNEL >> Chapter 2.04 - ELECTIONS >> Article IV. Initiative and Referendum >>

Article IV. Initiative and Referendum

2.04.040 Prospective petition.

2.04.041 Ballot title—Appeal.

2.04.042 Petition and circulation requirements.

2.04.043 Filing and percentage requirements—Verification.

2.04.044 Measure referred by council.

2.04.045 Withdrawal, adoption or election.

2.04.046 Election notice and results.

2.04.040 Prospective petition.

- A. Before circulating a petition proposing an initiative or referendum for city legislation, the chief petitioners must file a prospective petition with the recorder. The recorder will provide the form showing:
1. The signatures, printed names and mailing addresses of at least one and not more than three chief petitioners, all of whom must be city electors;
 2. For initiative petitions, the text of the city legislation proposed for adoption, and, where applicable, the title, ordinance number, and charter or code section numbers proposed for amendment, revision or repeal;
 3. For referendum petitions, the text of the city legislation proposed for referral, and where applicable, the title, ordinance number or code section numbers of the city legislation proposed for referral; and
 4. Whether one or more persons will be paid for obtaining signatures on the petition.
- B. The recorder must date and time stamp any prospective petition filed.
- C. After the recorder determines that the prospective petition complies with this subchapter and state law, the recorder will certify to one of the chief petitioners that petitions may be circulated among the electors in accordance with Section 2.04.042 of this chapter.

(Ord. 05-008 § 1 (Exh. A)(part))

2.04.041 Ballot title—Appeal.

- A. Prior to the end of the fifth business day after a prospective initiative petition is filed and meets all legal requirements, the recorder will review the text of the proposed initiative to determine if it complies with the single subject requirement and if it proposes city legislation.
- B. If the proposed text does not meet the requirements of subsection A of this section, the recorder will notify the chief petitioner by certified mail, return receipt requested, that the prospective petition does not meet the single subject or city legislation requirement.
- C. Any elector dissatisfied with the recorder's determination may file a petition for review in circuit court. The petition for review must be filed not later than the seventh business day after the written determination by the recorder.

- D. If the proposed initiative meets the requirements of subsection A of this section or a referendum petition is certified for circulation, the recorder will send two copies of the prospective petition to the city attorney. The city attorney has five business days after receipt to prepare a ballot title for the proposed measure and an explanatory statement for the voter's pamphlet. The ballot title must conform to the requirements of state law.
1. The explanatory statement must consist of an impartial, simple and understandable statement of not more than five hundred (500) words explaining the measure and its effect.
 2. After preparing the ballot title and explanatory statement, the city attorney will return one copy of the prospective petition, ballot title and explanatory statement to the recorder and one copy to one of the chief petitioners.
- E. After receiving a ballot title and explanatory statement from the city attorney, the recorder must publish in a newspaper of general circulation in the city a notice of receipt of the ballot title. The notice must state that a city elector may file a petition for review of the ballot title not later than the date referred to in subsection F of this section.
- F. After receiving the prospective petition, ballot title and explanatory statement from the city attorney, the recorder must write the date of receipt on it. Within seven business days after that date, any city elector may petition in circuit court to challenge the ballot title prepared by the city attorney. After the seven-day period, or following the final adjudication of any legal review, the recorder must certify the ballot title as prepared by the city attorney or as prescribed by the court to one of the chief petitioners.
- G. Any city elector filing a petition of review with the circuit court must file a copy of the challenge with the recorder not later than the end of the business day next following the date the petition is filed with the circuit court. This requirement does not invalidate a petition that is timely filed with the circuit court.
- H. The procedures in subsections A through G of this section also apply to referendum measures. However, the completion of these procedures is not a prerequisite to the circulation of petitions for referendum measures under Section 2.04.042 of this chapter. Ballot titles need not be stated on petitions circulated to propose referendum measures.

(Ord. 05-008 § 1 (Exh. A)(part))

2.04.042 Petition and circulation requirements.

- A. After the requirements of Section 2.04.040(C) are met for referendum petitions, and after the requirements of Section 2.04.041(F) of this chapter are met for initiative petitions, the chief petitioners may circulate a petition for the measure among city electors. The petition (cover sheet and signature sheet) must conform to the requirements of state law.
- B. The petition identification number will be assigned by the recorder.
- C. Each signature sheet of a referendum petition must contain the title, ordinance number or code section numbers of the city legislation proposed by referral and the date it was adopted by the council.
- D. No signature sheet may be circulated by more than one person. Each signature sheet must contain a statement signed by the circulator that each elector who signed the sheet did so in the circulator's presence, and, to the best of the circulator's knowledge, each such elector is a legal elector of the city and that the information placed on the sheet by each such elector is correct.

(Ord. 05-008 § 1 (Exh. A)(part))

2.04.043 Filing and percentage requirements—Verification.

- A. The recorder will accept for signature verification only petitions that comply with the requirements of this subchapter and other applicable law.
- B. No petition may be accepted for filing unless it contains at least the required number of verified signatures to submit the measure to the electors, as prescribed by subsections G, H or I of this section.
- C. No initiative petition may be accepted for signature verification more than six months after the date of the recorder's certification under Section 2.04.041(F) of this chapter.
- D. Any petition to refer legislation adopted by the council must be submitted for signature verification not more than thirty (30) days after the council's adoption of the legislation.
- E. An initiative or referendum petition may not be accepted for signature verification if it contains less than one hundred (100) percent of the required number of signatures.
- F. Upon the acceptance of a petition, the recorder must verify the signatures. The verification may be performed by random sampling in a manner approved by the Secretary of State. Within thirty (30) days after the recorder's acceptance of a petition, the recorder must certify to the council whether the petition contains a sufficient number of qualified signatures to require the submission of the proposed measure to city electors. The recorder must state in the certificate the number of qualified signatures prescribed by subsections G, H or I of this section to require the proposed city legislation to be submitted to city electors. The petition is considered filed as of the date of the recorder's certification.
- G. An initiative measure proposing the amendment, revision or repeal of the city charter will be submitted to the electors if the number of qualified signatures on the petition equals or exceeds fifteen (15) percent of the total number of votes cast in the city for all candidates for governor at the last general election.
- H. An initiative measure proposing the adoption, amendment or repeal of any other city legislation will be submitted to the electors if the number of qualified signatures on the petition equals or exceeds fifteen (15) percent of the total number of votes cast in the city for all candidates for governor at the last general election.
- I. A referendum measure will be submitted to the electors if the number of qualified signatures on the petition equals or exceeds ten percent of the total number of votes cast in the city for all candidates for governor at the last general election.

(Ord. 05-008 § 1 (Exh. A)(part))

2.04.044 Measure referred by council.

- A. The council may directly refer to the electors any ordinance or any proposed ordinance, property tax, bond or other proposition or question. It may also directly refer to the electors any proposed amendment, revision or the repeal of the city charter.
- B. The city attorney will prepare a ballot title and explanatory statement that conforms to the requirements of state law. The council will certify and file the ballot title and explanatory statement with the recorder.
- C. The recorder will publish in a newspaper of general circulation in the city a notice of receipt of the ballot title and explanatory statement including notice that an elector may file a petition for review of the ballot title not later than the date set in subsection D of this section.
- D. Any elector may petition the circuit court to challenge the ballot title certified by the council. Such petition must be filed with the circuit court within seven business days of council filing of the ballot title. Any person filing a petition of review with the circuit court must file a copy of

Sherwood, Oregon, Code of Ordinances >> Title 1 - GENERAL PROVISIONS >> Chapter 1.08
INITIATIVE AND REFERENDUM >>

Chapter 1.08 INITIATIVE AND REFERENDUM

Sections:

- 1.08.010 Filing of petitions.
- 1.08.020 Proposed charter amendments.
- 1.08.030 Penalty for false or duplicate signatures.
- 1.08.040 Voting.
- 1.08.050 Publication of adopted measures.
- 1.08.060 Reserved.

1.08.010 Filing of petitions.

Initiative and referendum proceedings for city measures shall be conducted in the manner and using the forms and procedures as prescribed by Oregon Revised Statutes Chapter 250, Section 250.005, et seq., as therein made applicable to cities in the state of Oregon. The recorder of the city shall accept for filing any petition for the initiative or for the referendum, subject to the verification of the number and genuineness of the signatures and voting qualifications of the persons signing the same by reference to the registration books in the office of the county clerk or county elections officer of Washington County, and if a sufficient number of qualified voters be found to have signed said petition, the recorder shall file same within ten days after presentation thereof to him or her.

Initiative petitions must be signed by not less than fifteen (15) percent of the electors registered in the city at the time the prospective petition is filed. A petition to refer a city measure must be signed by not less than ten percent of the electors registered in the city at the time the prospective petition is filed. The petition must be filed with the city elections officer not later than the thirtieth day after adoption of the city legislation sought to be referred.

(Ord. 98-1038 §§ 2, 3)

1.08.020 Proposed charter amendments.

An amendment to the charter of the city may be proposed and submitted to the legal voters thereof by ordinance of the council without an initiative petition; said ordinance shall be filed with the recorder for submission sufficiently in advance of the election date to meet the deadlines established by the county elections officer or inclusion on the election ballot for the election at which the amendment is to be voted upon. No amendment to the charter shall be effective until it is approved by a majority of the votes cast thereon by the legal voters of said city.

Where an amendment to the charter of the city may be proposed and submitted to the legal voters thereof by ordinance of the council without an initiative petition, the said ordinance shall therein state the date of the regular municipal election, or the date of a special election at which said amendment will be submitted to be voted on, and shall call and make provision for the holding of said election.

January 2, 2014 Charter Review Comm.
 Date Gov. Body
5- Staff Report C
 Agenda Item Exhibit #

Sherwood, Oregon, Code of Ordinances >> Title 2 - ADMINISTRATION AND PERSONNEL >> Chapter 2.12 LIBRARY ADVISORY BOARD >>

Chapter 2.12 LIBRARY ADVISORY BOARD

Sections:

2.12.010 Board established.

2.12.020 Membership.

2.12.030 Terms of office.

2.12.040 Rules of order.

2.12.050 Staff assistance.

2.12.060 Duties and responsibilities.

2.12.010 Board established.

Library advisory board, hereinafter referred to as the "board," is established for the purposes of advising the city council and the city administration on library policies, planning, and management, and shall have the duties and responsibilities described in this chapter.

(Ord. 03-1142 § 1; Ord. 88-889 § 1)

2.12.020 Membership.

- A. The board shall consist of nine voting members who shall be appointed by the mayor and with the consent of the city council. Board members serve at the pleasure of the city council and may be removed by the council in its sole discretion.
- B. Eight of the board members shall be and remain during their terms, residents of the City of Sherwood. One member may be a non-resident of Sherwood, but must be a resident of both Washington County and the Sherwood Public Library service area as currently designated.
- C. Members of the board shall serve without compensation except for reimbursement for duly authorized expenses.
- D. The mayor, with the consent of the city council shall appoint a council representative to the board. The council representative shall be a non-voting member. The city council shall also appoint a high school representative as one of the nine voting members of the board. The term of office of the high school representative shall be for one or more years.

(Ord. No. 2009-013, § 1, 10-6-2009; Ord. 03-1142 § 2; Ord. 00-1089 § 1A; Ord. 88-889 § 2)

2.12.030 Terms of office.

- A. The terms of office of board members shall be four years and members may be reappointed to serve two consecutive terms, per ORS 357.465.
- B. The nonvoting council representative to the board shall be appointed for a term coincident with the length of his or her term on the city council.
- C. Upon resignation, permanent disqualification, or removal of any board member by the city council, a successor shall be appointed by the mayor, with the consent of the city council, to fill the remainder of that member's unexpired term. Board members missing three

consecutive regular meetings, without the prior consent of the board, shall be disqualified and removed from office.

(Ord. No. 2009-013, § 1, 10-6-2009; Ord. 03-1142 § 3; Ord. 00-1089 § 1B; Ord. 88-889 § 3)

2.12.040 Rules of order.

- A. The board shall elect a chairperson, vice-chairperson, secretary and any other officers from among its members at the board's first regular meeting in each calendar year.
- B. Five members of the board shall constitute a quorum for the conduct of business.
- C. The board shall act by a majority vote of the members present at a meeting, excluding members present but abstaining.
- D. The board shall hold at least six meetings per calendar year and may hold other meetings as are necessary to perform its functions.
- E. Before any meeting of the board, public notice shall be given as required by law and common practice. Minutes shall be taken of each meeting and filed with the city recorder.
- F. The board may adopt rules of procedure to regulate the conduct of meetings. In the absence of such rules, proceedings of the board shall be conducted in accordance with the current edition of Robert's Rules of Order.

(Ord. 03-1142 § 4; Ord. 00-1089 § 1C; Ord. 91-926 § 1; Ord. 88-889 § 4)

2.12.050 Staff assistance.

The library staff may be assigned from time to time by the library director or the city manager, to advise and assist the board. However, the board shall not preempt any departmental or administrative prerogative as established by the City Charter, City Code of Ordinances, or the city council.

(Ord. 03-1142 § 5; Ord. 88-889 § 5)

2.12.060 Duties and responsibilities.

The board shall:

- A. Evaluate community needs and resources on a regular basis and incorporate relevant findings into a statement of purpose guiding the provision of library services to the city.
- B. Establish long-range plans, goals and objectives for the library and the improvement and maintenance of the library building.
- C. Regularly review and advise the city council and city administration on specific programs and policies relative to library goals and objectives.
- D. Promote public participation and awareness programs designed to increase the use of the city library.
- E. Undertake additional responsibilities relative to the city library system as may be designated by the city council or requested by the city administration.
- F. Advise on library rules, regulations and other matters relative to the city library.

(Ord. 03-1142 § 6; Ord. 00-1089 § 1D; Ord. 88-889 § 6)

Sherwood, Oregon, Code of Ordinances >> Title 2 - ADMINISTRATION AND PERSONNEL >> Chapter
2.16 PARKS AND RECREATION BOARD >>

Chapter 2.16 PARKS AND RECREATION BOARD

Sections:

2.16.010 Board established.

2.16.020 Membership.

2.16.030 Terms of office.

2.16.040 Rules of order.

2.16.050 Staff assistance.

2.16.060 Duties and responsibilities.

2.16.010 Board established.

A parks and recreation advisory board, hereinafter referred to as the "board," is established for the purposes of advising the city council and the city administration on parks and recreation policies, planning and management, and shall have the duties and responsibilities described in this chapter.

(Ord. 04-015 § 1 (Exh. A)(part); Ord. 814 § 1, 1985)

2.16.020 Membership.

- A. The board shall consist of nine voting members appointed by the mayor with the consent of city council.
- B. All voting members shall be and remain during their terms, residents of the City of Sherwood.
- C. Members of the board shall serve without compensation except for reimbursement for duly authorized expenses.
- D. The mayor, with the consent of the city council, shall appoint a council representative to the board, who shall be a nonvoting member thereof.

(Ord. 04-015 § 1 (Exh. A)(part); Ord. 01-1112 § 1(a); Ord. 99-1073 § 1(a); Ord. 814 § 2, 1985)

2.16.030 Terms of office.

- A. Except as provided in subsection B of this section, board members shall serve two-year terms and may be reappointed at the close of their initial term to serve one additional two-year term if recommended by the board chair and council liaison and approved by the council. Members wishing to serve a third or subsequent term must re-apply and be considered along with other applicants. Each board member serves at the pleasure of the council and may be removed by council if the council, in the exercise of its discretion, deems that to be appropriate.
- B. To provide for the orderly transition of board business, the four most senior members of the board will continue to serve until March, 2005 and the remaining five members will serve terms ending in March 2006. All appointments to the board made by the mayor from and after January 1, 2005 will be for a two-year term with terms ending in March; therefore,

during even-numbered years, four members' terms will expire and during odd-numbered years, five board members' terms will expire. Members appointed as replacements in between full terms will fill the remainder of their predecessor's term and have the option to be reappointed at the close of their initial term.

- C. The nonvoting council representative to the board shall serve a two-year term and can be reappointed for a second two-year term by the mayor with the concurrence of council.
- D. Upon resignation, disqualification or removal of any board member by the council, a successor shall be appointed to fill the remainder of the unexpired term. Board members missing three consecutive regular meetings, without the prior consent of the board, shall be disqualified and removed from office.

(Ord. 04-015 § 1 (Exh. A)(part); Ord. 01-1112 § 1(b); Ord. 99-1073 § 1(b); Ord. 814 § 3, 1985)

2.16.040 Rules of order.

- A. At its first meeting following the March appointments each year, the board shall elect a chair and vice-chair and other officers deemed necessary for the effective conduct of board business.
- B. Five members of the board shall constitute a quorum for the conduct of business.
- C. The board shall act by a majority vote of the members present at a meeting, excluding members present but abstaining.
- D. The board may adopt rules to regulate the conduct of meetings. In the absence of such rules, proceedings of the board shall be conducted in accordance with Robert's Rules of Order.

(Ord. 04-015 § 1 (Exh. A)(part); Ord. 01-1112 § 1(c); Ord. 99-1073 § 1(c); Ord. 92-955 § 1; Ord. 814 § 4, 1985)

2.16.050 Staff assistance.

The city manager may advise and assist the board when requested, and within the resources of the city staff, provided, however, that the board shall not preempt any departmental or administrative prerogative as established by the City Charter, City Code of Ordinances, or the city council.

(Ord. 04-015 § 1 (Exh. A)(part); Ord. 99-1073 § 1(d); Ord. 814 § 5, 1985)

2.16.060 Duties and responsibilities.

The board shall:

- A. Recommend to council, community needs and resources on a regular basis and incorporate relevant finding into a proposed statement of purpose guiding the provision of parks and recreation services to the city;
- B. Recommend to council long-range plans, goals and objectives for the acquisition and development of new city parklands and the improvement and maintenance of existing parks;
- C. Develop and recommend to the city administration and city council annual budget appropriations supporting and prioritizing parks and recreation operational and capital programs;
- D. Regularly review and advise the city council and city administration on specific programs and policies relative to parks and recreation goals and objectives;

- E. Coordinate and/or review plans and activities undertaken by volunteer agencies and individuals that are directed toward the improvement of city parks, beautification of other areas of the city and organizing of recreation programs;
- F. Provide for liaison between the city and corporate, civic, fraternal, nonprofit or other groups in the scheduling and conduct of community-wide events and activities;
- G. Consider land use planning issues as they relate to parks, and use of landscaped areas and/or parks dedicated by new subdivisions and construction;
- H. Implement public participation and awareness programs designed to combat vandalism and misuse of city parks, thoroughfares, public facilities, greenways and similar areas;
- I. Undertake additional responsibilities relative to the city parks and recreation system as may be designated by the city council or requested by the city administration;
- J. Act on parks rules and regulations, consider parks activity and use permits and undertake other matters relative to city parks and public areas;
- K. The board shall meet with local sports organizations to identify needs and concerns and forward their findings and recommendations to council in time for council consideration during annual budget hearings.

(Ord. 04-015 § 1 (Exh. A)(part): Ord. 814 § 6, 1985)

Sherwood, Oregon, Code of Ordinances >> Title 16 - ZONING AND COMMUNITY DEVELOPMENT CODE
>> Division I. - GENERAL PROVISIONS >> Chapter 16.06 PLANNING COMMISSION* >>

Chapter 16.06 PLANNING COMMISSION*

Sections:

16.06.010 Appointment and Membership

16.06.020 Officers, Minutes, and Voting

16.06.030 Conflicts of Interest

16.06.040 Powers and Duties

16.06.010 Appointment and Membership

- A. The City Planning Commission shall consist of seven (7) members to be appointed by the Council for terms of four (4) years. Two (2) members may be non-residents of the City, provided they reside within the Sherwood portion of the Urban Growth Boundary. Commission members shall receive no compensation for their services, but shall be reimbursed for duly authorized expenses.
- B. A Commission member may be removed by a majority vote of the Council for misconduct or non-performance of duty, as determined by the Council. Any vacancy shall be filled by the Council for the unexpired term of the predecessor in office.
- C. No more than two (2) Commission members shall be engaged principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in the buying, selling, or developing of real estate for profit. No more than two (2) members shall be engaged in the same kind of business, trade or profession.

16.06.020 Officers, Minutes, and Voting

- A. The Commission shall, at its first meeting in each odd-numbered year, elect a chair and vice-chair who shall be voting members and who shall hold office at the pleasure of the Commission.
- B. Before any meeting of the Commission, public notice shall be given as required by State statute and this Code. Accurate records of all Commission proceedings shall be kept by the City, and maintained on file in the City Recorder's office.
- C. A majority of members of the Commission shall constitute a quorum. A majority vote of those members, not less than a quorum, present at an open meeting of the Commission shall be necessary to legally act on any matter before the Commission. The Commission may make and alter rules of procedure consistent with the laws of the State of Oregon, the City Charter, and City ordinances.

16.06.030 Conflicts of Interest

- A. Commission members shall not participate in any Commission proceeding or action in which they hold a direct or substantial financial interest, or when such interest is held by a

January 2, 2014 Charter Review Comm.
Date Gov. Body
5-Staff Report D
Agenda Item Exhibit #

At-Large Definitions

Merriam-Webster Dictionary

Relating to or being a political representative who is elected to serve an entire area rather than one of its subdivisions <an *at-large* city councilor> <an *at-large* election>

National Conference of State Legislature

AT-LARGE ELECTION -- An election in which candidates are chosen on an individual basis rather than as representatives of a geographically defined, single-member district. At-large elections can be held at the legislative and presidential levels. In the United State of America, some states hold at-large elections for congressional seats, when, for instance, a state's entire population warrants only one representative.

January 2, 2014
Date

Charter Review Comm.
Gov. Body

5-Staff Report
Agenda Item

E
Exhibit #



Municipal Elections

The form of municipal elections varies from city to city, with three common variations: some cities elect their local representatives by at-large elections, some by district and some have both, called a mixed system.

The election system of a given city is determined by the nature of the council members' constituency and by the presence or absence of party labels on the ballot (see Partisan vs. Non-partisan Elections). With regard to the first feature, there are two types of constituencies for city council members -- at-large and district.

At-Large

All at-large members are elected to serve the same constituency, which is the population of the city as a whole. At-large election proponents favor having council members elected by the entire city because:

- Council members in an at-large system can be more impartial, rise above the limited perspective of a single district and concern themselves with the problems of the whole community.
- Vote trading between councilmembers is minimized.
- Better-qualified individuals are elected to the council because the candidate pool is larger.

However, at-large elections can weaken the representation of particular groups, especially if the group does not have a citywide base of operations or is an ethnic or racial group concentrated in a specific ward.

Nearly two-thirds (64 percent) of all municipalities use at-large elections in some way. At-large elections tend to be more popular in small cities and more affluent areas.

District

These elections select a single council member from a corresponding geographical section of the city, called a district or ward. District election proponents favor having council members elected to represent individual wards because:

- District elections give all legitimate groups, especially those with a geographic base, a better chance of being represented on the city council, especially minority groups. Several court decisions have forced jurisdictions to switch from at-large elections to district elections, and in most cases the reason was to allow more representation by specific ethnic and racial groups

(see: Springfield, IL, 1987 and Dallas, TX, 1990; see also amendments by the U.S. Congress to the Voting Rights Act, 1982).

- District councilmembers are more sensitive to the small but important problems of their constituents, like waste disposal.
- District elections may improve citizen participation because councilmen who represent a specific district may be more responsive to their constituency.

However, councils elected by district elections may experience more infighting and be less likely to prioritize the good of the city over the good of their district.

Only 14 percent of all municipalities use district elections. Cities with populations of 200,000 or more are more likely to use district elections.

Mixed-System

Twenty-one percent of municipalities combine these two methods by electing some council members at large and some from districts. An individual councilmember will either occupy a district or an at-large seat on the council. Mixed systems are most likely to be found in parts of the South and Central jurisdictions.

Breakdown of Types of City Council Elections by City Size (2001)* (n = 649)

	Small (25,000-69,999)	Medium (70,000-199,999)	Large (200,000 And Up)
At-Large	48.9%	43.7%	16.4%
Mixed-System	25.0%	25.4%	38.2%
District	26.1%	31.0%	45.5%

*Study based on a mailed questionnaire completed by a random sample of 664 council members in cities with populations of 25,000 and higher (Svara).

Sources

Morgan, David and Robert England. *Managing Urban America, 5th Edition*. New York, NY: Seven Bridges Press, LLC, 1999.

Moulder, Evelina. "Municipal Form of Government: Trends in Structure, Responsibility, and Composition." In *The Municipal Year Book, 2008*. Washington, DC: International City/County Management Association, 2008.

Renner, Tari and Victor S. DeSantis. "Municipal Form of Government: Issues and Trends." In *The Municipal Year Book, 1998*. Washington, DC: International City/County Management Association, 1998.

Svara, James H. *Two Decades of Continuity and Change in American City Councils*. Washington, DC: National League of Cities, 2003.

Sherwood City Charter Review Committee Meeting Date:

Jan. 2, 2014

page 1 of 1

ATTENDANCE SHEET

NAME

ADDRESS

PHONE

NAME	ADDRESS	PHONE
ANTHONY BEVEL	17036 SW LYNLEY WAY SHERWOOD	(502) 421 -3032

Approved Minutes



SHERWOOD CHARTER REVIEW COMMITTEE
22560 SW Pine St., Sherwood, Or
January 2, 2014

REGULAR MEETING

- 1. Call to Order:** Chair Pat Allen called the meeting to order at 6:35 pm.
- 2. Committee Members Present:** Citizen at Large Chair Pat Allen, Budget Committee Representative Vice Chair Neil Shannon, Planning Commission Representative Beth Cooke, Citizen at Large Jennifer Kuiper, Library Advisory Board Representative Jack Hoffbuhr, Cultural Arts Commission Representative Alyse Vordermark, Parks Advisory Board Representative Brian Stecher, and Citizen at Large Bob Silverforb. SURPAC Representative Charlie Harbick was absent.
- 3. Staff and Council Liaison Present:** City Manager Joseph Gall, Administrative Assistant Colleen Resch, City Recorder Sylvia Murphy and City Council Liaison Linda Henderson.

4. Approval of December 19, 2013 Meeting Minutes

Minutes were not available to approve, staff to provide at the next meeting.

Chair Allen stated he received a request from a committee member to add an additional Public Comment to the end of the meeting agenda. No objections from the committee were received.

5. Public Comments

No one came forward.

6. Staff Report (materials requested by the Committee)

City Recorder Sylvia Murphy introduced the following documents into the record. The documents were distributed to the Committee and made available to the public.

- Exhibit A-Comparison of City Councilor Election Methodology
- Exhibit B-Sherwood Municipal Code, Elections
- Exhibit C-Sherwood Municipal Code, Boards & Commissions
- Exhibit D-At Large definition
- Exhibit E-National League of Cities Municipal Elections, At Large language

Chair Allen added most at-large definitions talk about geography and not how the positions are lined up or votes counted. Mr. Allen said we may want to come up with a different term other than at-large, unless we are talking about the geography.

7. Continued consideration of election related charter provisions

Chair Allen reminded the committee that they elected to focus on Chapters 3 and 7, which are the portions that pertain to elections, how they occur, who's elected, qualifications, etc. and these being the highest priority to get them on a May 2014 ballot so they can get voted on and take effect for the Council elections in November 2014. He said we went through at a high level and identified chapter provisions we wanted to talk about. He said at our last meeting we went through Chapter 3 and made preliminary decisions about those issues on our punch list. He reminded the group everything they do is preliminary until they make a recommendation to the Council of language amendments. He said the committee will hold public hearings and consider public input and this may impact the charter language we want to include.

He addressed Chapter 7 and the following areas to discuss:

Section 24, Election by Position and the issue of term limits

Section 25, Mayoral term length and whether there should be a term limit

Section 26, State Law and language of, "ordinances provided otherwise" and what this means

He said the committee also discussed:

- Nepotism related issues,
- 18 month residency requirements or some other term other than what is currently provided for
- Section 27.d, Clarify for their own understanding or language for "the Council being the final judge of the elections"
- Section 28, "nominations" and what that means
- Reference to other state or local elected office
- Section 29, term limit language
- Section 31.b, vacancy process
- Section 32, when there is a vacancy, and filling it

Chair Allen asked the committee if there were any other areas in Chapter 7 they wanted to discuss. No comments were received.

Chair Allen addressed Section 24 and terms being by position, and said we preliminarily decided in Chapter 3, Section 7 where the same issue is spoken of, and going from an election of by position to a single candidate pool. He said staff provided information on what is done around the region. He asked if the committee wanted to revisit this or if they are happy with where they left it.

Mr. Shannon said in general, he is happy where they left it. He said he likes the idea of electing the most popular candidates.

Chair Allen recapped Exhibit A (see record) and said there are 13 jurisdictions around the Metro area that do it by position and 5 that do it the way we are proposing, by the top vote getters and a few that do it differently.

City Manager Gall added Hillsboro and Newberg nominate by wards and the vote is at-large with the entire City voting. He referenced Exhibit E (see record) and said there are three different election processes; at-large, by ward or by a hybrid. He asked for the committee's thoughts. No comments were received.

Chair Allen addressed Term Limits and asked if the committee should include language for term limits.

Ms. Vordermark said she feels there should be some kind of term limits, for example 3 terms would be 9 years and said this seems like a lot of time for one person to serve. She said 2 terms is perhaps too short with someone getting into a rhythm after serving 2 terms. She said she would like to see term limits for both the Councilors and the Mayor and allowing fresh blood into the government is a good thing. She said we may need to include language of after a Councilor has served, that if they are gone for 1 term and if they want to re-run, perhaps this is allowable.

Chair Allen stated if the committee wanted to do this, we could use the language the Oregon Constitution uses of how many "consecutive terms".

Mr. Hoffbuhr said he agrees with Ms. Vordermark that we should have term limits and he would prefer 2 terms. He said these are volunteers and commented regarding his past experiences with working with volunteers and said people wear out. He stated he would support a two term consecutive term limit.

Mr. Shannon said in general he agrees and said someone could possibly serve more than 8 years and gave an example. He said he would like to hear from Council Liaison Henderson as she is a long term serving member of Council and said he recalls from previous discussions a restroom project and the duration to complete the project.

Council Liaison Henderson replied and shared the history of the restroom project at Stella Olsen Park. She commented regarding City projects and how long some of them can take to complete. She said it is difficult to measure effectiveness in government as one spends the first year to 1 ½ years learning how things work and how to coordinate with other councilors, staff and other boards & commissions. She commented regarding some people being done in one term and others going two terms. She said she continued and went three terms and ran unopposed and said if someone had wanted her position she might have been willing to let them have it. She commented regarding the Community Center Project and it not being completed and said it was important to her to be part of the project and see it completed.

Mr. Shannon said the advantages of long-term service in office is the person brings history, and the disadvantages are the same.

Ms. Cooke stated the historical knowledge can't be underestimated in many cases and the long term legislative process can take a lot of time to get ramped up and to learn the processes and various

players and learn how to be an effective legislative official. She said she believes there is a benefit and would not want to see less than 3 terms with consecutive language allowing them to come back.

Mr. Silverforb stated he is in favor of having term limits, and said whether it's City government, corporation or non-profit groups, he believes there is strength in bringing in new people with new ideas and energy and believes this benefits an organization to have continuing "new blood" coming in, and would be in favor of term limits.

Mr. Stecher stated he agrees and said term limits are important and believes the challenge will be in deciding if its 2 or 3 terms.

Chair Allen stated as a general philosophical matter, he is not in favor of term limits and sees they have a benefit when you have circumstances of huge advantages of incumbency where it is hard to get rid of someone because they have powers and ability to raise money and said we don't have big dollar elections in Sherwood. He made reference to having unchallenged incumbents. He said he is willing to have term limits if it were 3 terms versus 2 as this is a practical limit.

Ms. Kuiper commented regarding having term limits and there being a time when the individual took a break and could run again and said all is not lost if they wanted to continue being a public servant.

Mr. Allen stated one other thing that concerns him is, the last term under the term limit, and if you're the person that was elected to be an irritant to the rest of the council or to the staff, once you get into that second term everyone knows they can wait you out. He said there is a lot of mischief that can occur during that period.

Ms. Cooke commented regarding currently unopposed council members and asked where are we going to recruit new blood.

Ms. Vordermark replied she believes the unopposed issue could be eliminated if we have a top vote getter process.

City Manager Gall asked if the committee wanted information from other jurisdictions on what they have for term limits. The committee conceded to have staff provide this information.

Chair Allen recapped and said there appears to be some play on term limits and it is going to be a question of what the length of terms are. He said he heard a fair amount of consensus that if we had term limits the consecutive language is language we would like to see. He said we will have to be specific regarding partial terms and if they count towards term limits and consider this when we draft the language.

Ms. Kuiper confirmed the committee was talking about two separate issues, term limits and consecutive number of terms. Chair Allen confirmed and said we would probably word them together and gave the example of, "no councilor shall serve more than XX number of consecutive terms, service in a partial term does or doesn't count as a term of service with more than half". He said something to this effect wrapped into in a sentence or two.

City Manager Gall stated in glancing at the example charters he did not see a lot of term limit language. He said another question for the committee to consider is, if the term limit language is applied to the Councilors as well as the Mayor, or are they treated differently.

Chair Allen stated Section 25 speaks of the Mayor and said the language indicated the Mayor is up at every other general election, which is incorrect as he is up every general election and currently it is a two year term with no term limits. He said aside from correcting the general election reference, what is the committee's pleasure in terms of the Mayor.

Ms. Vordermark said she is curious why the Mayors term is two years when the rest of the Council is four years considering he is a voting member of the council, and said this doesn't make sense that he should have a shorter term than the councilors. Chair Allen asked Council Liaison Henderson her thoughts on this.

Ms. Henderson replied she is not aware how long this language has been in place with the Mayoral term being a two-year term and said given the Mayoral/City Manager form of government we have, the Mayoral position is very powerful. She said she would not recommend a position, given her experience over the last nine years, of more than two years. She commented regarding hearing people say they can't get things done in two years and said if you can't get anything done in two years, you're probably not that effective. She stated it takes a long time to build relationships and if someone is in office that is not building relationships and you have to survive that for four years and that would be a very long time. She stated this is her opinion.

Ms. Vordermark asked Ms. Henderson to explain what she meant by the Mayor's position being very powerful and what makes the position more powerful than a councilor position.

Ms. Henderson replied he or she is the administrative head of government and determines the agenda, confirms appointment to boards and commissions, and the position represents the City in all the major Metro boards and County Boards and said the Mayor doesn't have too, but these boards require an elected official, either the Mayor or a Councilor to serve. She said in the past it has always been the Mayor. She said different Mayors have different styles and gave examples of Mayor's being more transparent and others who provide information on a need to know basis. She said it depends on the nature of the person who is in the Mayor's seat.

Chair Allen replied, although interestingly, those polar differences existed within the same charter structure. Ms. Henderson replied yes and referred to attending regional meetings, the sharing of information from these meetings and this being the place where partnerships are formed. She said this is her personal opinion and feels it is a very powerful position.

Ms. Kuiper asked Chair Allen if the charter could be crafted or if something legislatively can be done to bring those two operational styles closer into alignment, not to box personalities in, but to align more between Mayor leadership styles.

Chair Allen replied his personal opinion is no, and said on paper he would disagree with Councilor Henderson. He said he believes in the charter, the Mayor has almost no power at all and when Mayors have or haven't exercised power it's been the strengths and weaknesses and particular skills of individual Mayor's that have allowed them to be powerful or not. He said this is his opinion.

Mr. Shannon commented regarding the last charter election and this being a hot button for him and one reason why he opposed the charter revision. He said he saw an advantage of the Mayor running every two years and said greater than 50% of the Council would then stand for election every two years. He said you would have three Councilors and the Mayor, whereas if you have a four-year term then you will have one election cycle where only three councilors out of the seven are actually running. He said if there were a hot button issue that everyone in the City disagreed with what the Council was doing, we would have a two-year cycle with a shot at the majority.

City Manager Gall replied maybe this is why the system is this way and said it is unusual to have the Mayor be a two year term and the Councilor's be four year terms. He said unlike some cities, here the Mayor votes like the other six Councilors and said in some cities the Mayor doesn't vote unless to break a tie. He said on paper he believes the position is a weak position and a lot of it is personality and style.

Chair Allen confirmed Mr. Shannon's was strongly in favor of the Mayor's term remaining at two years and asked for other opinions.

Mr. Hoffbuhr stated he agrees with Mr. Shannon for this reasoning and referenced his experience with presidents of organizations, and said when you had a bad one, two years was an eternity. He said a two-year term fits and as it is a volunteer position and if there are a lot of representation duties, you can run them ragged, particular if they are the type of person that really wants to represent the City. He said in some of the news stories he has seen the four year Mayors being run ragged.

Ms. Cooke stated she did not have a strong opinion either way, on the four year versus two year term and said on running campaigns, even if it is a small town, it is a weight on folks and this is something else to consider, when making someone run every two years and it is also time consuming.

Chair Allen asked for arguments strongly in favor of a four-year term.

Mr. Stecher replied he is not strongly in favor but it does bother him that we are not consistent and said after listening to Mr. Shannon he understands why we are not and said it makes perfect sense that we are not. He commented that it seems to him that the Mayor would go from campaign to campaign and commented regarding the time commitment for the Mayor during the campaign process.

City Manager Gall referred to state government and the House having two-year terms and the Senate having four-year terms and asked what is the philosophy with the difference. Chair Allen referred to the Congress and the philosophy was the shorter term keeps that body closer to the people. He said in high dollar elections it keeps it closer to the lobby and the funders, and said these are not the types of elections we have here.

Ms. Henderson said if the community were to go with the at-large, this would significantly reduce the pitting you have against two or three people running for one position as one would stand on their own merit and there is no reason to attack someone or take out ads or file petitions for or against. She asked the committee under their consideration for term limits, if the community voted down by at-large and wanted to stay with the by position language, when you establish the term limits, you would somehow need to mention by position, as people do run for other Councilor's terms.

Chair Allen asked for clarification.

She clarified, if you're going to establish term limits, it should not matter what position they are in. She gave the example of language indicating three consecutive terms or two consecutive terms, or not to exceed ten years, people could run for a different position, giving up their position to run for someone else's position as a way to stay on the Council. A comment was received as "no position hopping".

Chair Allen said this does raise an issue to only consider at the end of this as to whether we are going to propose these as a series of one by one charter amendments or whether we will propose it as a single charter revision.

City Manager Gall asked if anything is broken with the current system and asked for Mayor Middleton's opinion. Mayor Middleton replied from the audience he thinks two years is good and when he ran for Mayor he did not come in to have the consensus of the Council and agree with all of them, he came in because this is what the people wanted. He said the position of the Mayor does have a lot more power than you think, he said he attends outside meetings and can make decisions that can affect the entire City without having to bring it before the Council. He said he chooses to bring information to the Council and referred to the Southwest Corridor Plan, and MISTIP Funds. He said he can personally make these decisions and the Council would not have a say. He said financially it is not a big deal, and referred to running his campaign. He commented regarding running of campaigns and some people having a lot of money and said he thinks this is wrong and one should run on their own merit. He said a lot of Mayors come from Councilor position and they have a track record behind them and then become Mayor for two years and they are not doing as good job. He said this is his opinion and feels the two-year term is working well and he supports term limits.

Chair Allen stated it sounds like there is a weak consensus to leaving it at two years and asked what about term limits for the Mayor.

Mr. Stecher asked what about two years for the Council members and commented regarding bringing it closer to the people and said we could have the entire Council up every two years.

Ms. Cooke replied this would be a concern for her to have the entire Council cycle out every election.

Ms. Kuiper said she would be concerned with this as well.

Discussion occurred regarding this process and the entire council being up for election every two years and the example of the City of Corvallis was provided.

Mr. Silverforb said if we retain the two-year term for the Mayor, he thinks the number of consecutive terms the Mayor can run is an issue we need to explore. He said if we say the Council can have a total of eight years, then he believes four years for the Mayor is too short. He said he believes if the Mayor is doing a good job and everyone is happy with the job, then the Mayor would have every right to stay longer than four years.

Chair Allen stated he would argue with two-year terms and that the value of term limits for the Mayor is really not very strong, that they are up effectively almost constantly and if they are not doing the job that the people want, they get voted out.

Mr. Silverforb asked in doing the job, how many consecutive terms will you let them have.

Chair Allen replied because they are up so frequently, they are able to serve as long as they have the support of the people. Mr. Silverforb asked unlimited terms, and Mr. Allen replied yes.

Chair Allen stated otherwise it becomes silly if they have a limit of four terms or six terms and said this sounds weird. Mr. Shannon said they are given plenty of opportunity to stumble and the public would remember after two years.

Chair Allen commented regarding one of the things that helps incumbents is you can have a long period of time from a place where some people really don't appreciate or people forget, people move in or move away and the two year term makes it a lot harder to hide.

Chair Allen asked for other thoughts on the Mayor section, no comments were received.

Chair Allen stated he is hearing to leave the language as it is. No objections were received and Mr. Stecher said he would add term limits to the Council and leave the Mayor provisions as is.

Ms. Cooke asked for historical information and what has been the longest a Mayor has served. Various comments and guesses were received with the believed duration being eight years.

Chair Allen addressed Section 26 and the language of "City elections must conform to state law, except as this Charter or ordinances provide otherwise". He said he couldn't tell what that means.

Comments were received that this language was from the model charter.

Chair Allen said he would flag this for legal assistance as to what it might mean and said, unless the committee gets a compelling reason why it is needed, then the committee could remove it. He said elections must conform with state law whether it's indicated in the charter or not.

The City Recorder informed the committee that State Elections has language indicating unless superseded by a charter. She said she wasn't sure if it applied to certain sections or provisions and offered to bring back information.

City Manager Gall stated he believes it allows some flexibility at the local level beyond what state law requires. He said he sees similar language in other charters. Discussion occurred and examples were provided.

Chair Allen indicated if state law was silent to an issue then the local jurisdiction could speak to that issue. He suggested having an attorney look at this section.

Council Liaison Henderson asked the City Recorder regarding internal processes for filing and asked if the process was a function of county or state law. Ms. Murphy replied it is in addition to the state process, she explained the state has forms that a candidate must file and the City has a candidate filing form as well. She said the City follows the state processes and has processes of its own.

Chair Allen stated he believes this is covered under conforming with state law, if state law allows you to do things, you're conforming with state law. City Manager Gall gave examples of processes in the City of Beaverton. Chair Allen said the committee would flag this topic and come back to it.

Chair Allen confirmed the second sentence of Section 26 would remain as is based on the committee's prior discussion not to amend.

Chair Allen addressed Section 27-Qualifications, item A and said there is a provision that Councilors and the Mayor need to reside within the City one year immediately before election or appointment to office. He said there was discussion if this length of time should be different and 18 months was suggested.

Mr. Stecher said it seems consistent with other municipalities and said one year sounds good.

Ms. Cooke suggested the language remain at one year.

Chair Allen asked who suggested looking at this language and Mr. Shannon replied the Council suggested it.

Mr. Shannon confirmed with the City Recorder that residing means being a registered voter of the City.

Ms. Murphy replied being "an elector" is a registered voter and residing is residing within the City limit. She referred to the committee's conversation at the prior meeting. Discussion followed with various scenarios and requirements.

Chair Allen asked if the committee were to leave the language as is, as long as a person lives in Sherwood, whether registered to vote in Sherwood or at all for that matter or not, the person would be eligible to run for Councilor or Mayor. The City Recorder replied, if the person resided in Sherwood for one year, 365 day. Ms. Murphy shared an example of a previous experience where the duration of residency of a candidate was questioned.

Chair Allen replied as of now, it's reside, not be registered to vote and what bonafide residing in, is an issue that would need to be judged either as a procedural issue or ultimately by the Council.

He asked the committee if they were comfortable with the language as is.

Ms. Kuiper asked if the committee should add "limits" after the word "City". Mr. Allen replied we could. No objections were received.

Ms. Vordermark asked if a person lived outside the City limit, would they be eligible to be on a commission. The City Recorder stated some of the commission code language indicates you would have to, other language does not. She said the residency requirements for boards and commissions are based on the established code.

Ms. Vordermark asked if you are a Sherwood elector, people outside the City limits can be electors, is this correct. The City Recorder confirmed. Ms. Vordermark asked regarding annexations and voting. The City Recorder explained it depends on the type of election and provided an example.

Mr. Silverforb stated a lot of this comes down to the definition of reside and gave an example of living out of state and the company he works for transfers him to the Portland area and he opts to get an apartment in Sherwood City limits, but his family still resides out of state. He said if asked where he lives he would indicate out of state as he owns a home there and this is where the family lives. He said his family then moves to Sherwood, they then buy a house and six months later after being in that house, he wants to run for a City councilor position. He asked if he would be able to and said he has had the apartment in Sherwood for over a year. The City Recorder replied her understanding is yes, he would be able to as long as he had the address for one year. The City Recorder said she would verify the address the candidate has on file.

Ms. Kuiper asked regarding a primary residency, and Ms. Murphy said there was not language indicating "primary".

Chair Allen cautioned to be careful as the discussion was a procedural standard the City Recorder would use, which may in this case, he suspects would be different from the legal decision a court might use where they are challenged to that decision. He gave an example of a County Commissioner and looking at where a vehicle is registered and where taxes are paid and other areas the City Recorder would not look at. Discussion followed with other examples.

Mr. Stecher stated tax law speak of domicile and makes a distinction between residence and domicile.

Chair Allen said he is not hearing any desire of the committee to change any of this language.

Chair Allen continued and said we had flagged Section 27.d, the "Council is the final judge of the election and the qualifications of its members". He said he believes the discussion that just occurred is an illustration and these are the types of questions that could come up in an election, short of going to court, these questions would ultimately rest with the Council if there was a dispute. He asked do we want to look at this language.

Mr. Hoffbuhr said he believes the language could be clearer and said "judge" of the election doesn't make sense.

Ms. Kuiper said she believes "judge" needs to be stricken and is in favor of the term "verification" or something similar.

Ms. Vordermark stated she agrees with Ms. Kuiper and the term of verification.

City Manager Gall stated the current language is out of the model charter.

Council Liaison Henderson asked the City Recorder is she believes the language is there because the Council has to accept the County election results when it is reported to the City.

The City Recorder said, it could be and she really couldn't say. She provided an example of a question she was asked in past years of, if after an election what if the Council discovered something criminal of an elected candidate, prior to the candidate being seated on the Council. As the City does not perform

background checks, information could be discovered after an election and the City Council would be the “final judge” of the election of that candidate.

Ms. Kuiper asked if this was covered under state law, someone with a criminal background can't run for public office. The City Recorder said she has not dealt with this issue and would need to look into it.

Chair Allen stated he would be surprised if state law did prohibit you from running for office with a criminal conviction. Discussion occurred.

Chair Allen suggested language of “the Council will make final determinations of the elections and qualifications of its members” or something similar.

Mr. Shannon said there was a previous comment of adding an item “d” to the section and move this current discussion to item “e”. He said this was recommended in the last charter change. It was suggested that item “d” would be language of; “neither the Mayor nor Councilor may hold another state or local government elected office”. He said he thinks this is a good idea. Chair Allen said he is prepared to discuss this item next.

Ms. Vordermark apologized for going backwards and referred to Section 31-Vacancies, section b.4, where it states language of “ceasing to be a qualified elector under state law” and above it in section 3, ceasing to reside in the City. She indicated to never mind her inquiry. City Manager Gall shared an experience he had in the City of Fairview and the discussion of “final judge” language continued.

Ms. Cooke said she is not looking at the language from an election standpoint, but also from “in case of” something happening and the person needed to be removed.

Ms. Kuiper said in that case, wouldn't “determination” be a better term, and said she believes it's better than “verify”.

Chair Allen stated as he continues to read the language, it could be grammatical. He said he may have been mentally misreading the language and referred to, “judge of the election and qualifications, judge of the qualifications” as opposed to “judge of the election and qualifications of its members”. Ms. Vordermark indicated she understands.

Chair Allen stated it might help if the language said, “judge of the election of and qualifications of its members”. He asked if this helps to clarify and said the Council is not judging the election, the question is related to these provisions about where you have to live and whether you are registered to vote, etc. Discussion occurred with the Council declaring a vacancy using the criteria established in that section.

Council Liaison Henderson referred to Section 31.b and taking of another state or local office and said they can no longer be a qualified elector. She said the Council is not judging the results, they are accepting the results of an election and determining the qualifications of its members based on 31.b? She asked where else are the qualifications listed?

Chair Allen replied in Section 27. Discussion followed and Ms. Henderson stated the Council does not do the items listed in Section 27 as a body, they don't qualify, the Council relies on the City Recorder to do that. Chair Allen replied the charter says if there was a dispute or someone wanted to argue the

decision of the City Recorder, where would they go with that argument, the charter indicates they would go to the Council and the Council would decide.

Ms. Henderson referred to the recent death of a Councilor and asked the City Recorder who determined if someone was a qualified elector to be appointed. Ms. Murphy replied the City Attorney oversaw that process. Discussion occurred with the Council declaring a vacancy and conducting an open application process, interviewing of the applicants and the process of the mayor's selection.

Mr. Silverforb referred to Section 27.d and asked if the Council is the final judge of the election results.

Chair Allen replied he believes this is what we are "not" saying. We said there are procedural things that happen to make these decisions and that is not what this provision is about, this provision is about who's authority ultimately is it to decide. He said right now, the charter says the Council gets to decide this body of stuff using the language that is here.

City Manager Gall stated he believes it is important to have the clarity because without it, he could make an argument that the City Manager, the City Recorder as the elections official could do it, it would be unclear in terms of who has the authority.

Ms. Vordermark asked if it could be changed to say, "the Council is the final judge of the qualifications of its members after election", or something similar.

City Manager Gall asked Chair Allen if staff should seek a legal opinion, the committee conceded.

Chair Allen addressed the issue of a recommended provision that currently does not exist, having to do with; prohibiting serving on Council or as Mayor if you have been elected to another state or local elected office.

Chair Allen stated he doesn't care for this too much and said there are odd-ball things out there that create difficulty in finding people to run for them and often do have duplicates. He gave the examples of Soil and Water Conservation Districts and Educational Service Districts.

He asked do we really care if a Council member is also a Soil and Water Conservation District Director. No committee member indicated they cared. He said if we don't care, is there some way to describe what we do care about, for example, a state representative.

Mr. Shannon gave the example of being elected to Metro Council and said he believes this would be a conflict of interest and said he doesn't know if language could be crafted to indicate certain groups or organizations.

Mr. Hoffbuhr asked if the language "conflict of interest" could be used to another elected position that would constitute a conflict of interest.

Chair Allen replied conflict of interest would be a wrong term to use, because in state law this is a personal financial gain, and he doesn't believe this is what we mean.

Ms. Vordermark asked if we know if this has ever been an issue. City Manager Gall replied it has been an issue in other communities and gave an example of the City of Fairview and having a Councilor that wanted to run for two offices at the same time, for Council and for state legislature.

Chair Allen provided an example of an issue in the City of Canby with a recent election where they had a provision like that in their charter and the person was running for City council and the school board at the same time.

Mr. Shannon stated the charter language that is proposed would not prevent someone from running for two offices, just occupying two offices and by accepting the office in another position, they would in effect be resigning from the Council. He said he likes the language and would like to think an elected mayor or councilor is concentrating on their elected duties and he would be concerned if they were holding multiple state offices. He said he would like to keep the language simple.

Ms. Vordermark said if it hasn't been an issue in the recent past or if we have never heard of an issue, then perhaps we leave it as is.

Ms. Cooke stated this spells out "City office" and asked if the school board is considered a City office. Chair Allen replied no. She said this means you can't run for two council positions at the same time, this is how she reads the language. She asked if there was another section that referred to holding office and said she doesn't agree with it, and said you find people that serve on school boards and feels this can be a benefit. She said she is aware of state legislators that serve on school boards and said it is a tremendous benefit to have that perspective. She said she would like to make sure, that someone serving on City council and doing a good job, although there may be a potential for a conflict, but would like to have this be a possibility.

Mr. Silverforb stated he agrees with the comments from Ms. Cooke and gave a scenario of a council member accepting a position or asked to fill a slot, they fill it and there is going to be no conflict of interest that can be seen, and they are the right person for that position, then why not let them have it? He stated if it's good for both organizations, he doesn't see any reason for not allowing them to fill the position.

Ms. Kuiper stated she doesn't see what the down side would be and if there is a down side, people can vote them out in the next election round.

Chair Allen recapped the discussion and said he hears the committee not having an issue with this.

Chair Allen addressed Section 29 and said it's flagged, but for more of the notion that whatever decisions are made on term limits we need to consider this section of language.

Chair Allen addressed Section 31, the provisions that cause an office to become vacant and said in Section 32 are the provisions of what to do when it is vacant. He said there are something's that rely on legal advice we are going to get where it talks about ceasing to reside in the City and what that means and ceasing to be a qualified elector under state law and what this means. He said he believes we want to make some substantive decisions and referred to section b.2, absence from the City for 45 days and said it also talks about missing three consecutive regular Council meetings. He asked for discussion on this section.

Mr. Silverforb stated the council meets every other week and can see situations where a councilor has an ill family member or child in the hospital in another City and believes having the language of “three consecutive regular council meetings” could be a problem.

Ms. Vordermark stated it says, “without council consent”, and said the Council could consent and approve the absence.

Comments were received that this is not quite what it says and Ms. Kuiper said, if you move the “without council consent” to after those two stipulations of time, 45 days or for 3 consecutive regular meetings that would make more sense.

Ms. Cooke stated it’s important to make the clarification and Chair Allen asked if this works to move the modifier.

Mr. Stecher stated he doesn’t like the language of “3 consecutive regular Council meetings” and would rather see 60 days or a number of calendar days.

Ms. Cooke commented regarding having Council business and needing to secure quorums.

Chair Allen clarified and said if we do this, a council member could be in town and just not show up for a meeting.

Mr. Stecher clarified, if meetings are missed in a calendar period, 60 days, then the councilor would be removed.

Ms. Cooke stated she is concerned with this, and said you don’t want to have it held up for two months, if someone doesn’t want to show up because of a contentious issue that people don’t want to address. She said she believes three council meetings is enough time to bring them back to the table.

City Manager Gall suggested and referred to language of West Linn which states, “an absence from the City for 30 days without the council’s consent or from all meetings of the council within a 60 day period”. Comments were received regarding the need for the language of “having council consent”.

Chair Allen asked for the West Linn language and Mr. Gall stated, “upon declaration by the Council, the vacancy in case of the incumbents absence from the City for 30 days without the councils consent or from all meetings of the council within a 60 day period”.

Mr. Gall stated he believes the language of “council consent” is important language and said there may be a situation when someone in office is ill and you don’t want to remove them.

Discussion occurred regarding the difference in language being 15 more days, from 30 to 45.

Ms. Kuiper asked regarding the language of 3 “regular” meetings and if this included special sessions.

Chair Allen asked for the definition of a regular meeting and the City Recorder responded a regular public meeting, not a work session where they don’t make decisions or executive sessions.

He asked what the public notice requirements for calling a regular meeting. The City Recorder responded 24 hours.

Mr. Shannon stated the charter requires the council to have one meeting a month, at a minimum. He said there are provisions for "calling in" and this could create a reverse problem, where someone is not within the City limits for 45 days but still calls in and is attending the meetings.

Chair Allen stated he believes he likes Mr. Stecher suggestion and gave the following example of a councilor being out of town on a two week trip and if the remainder of the Council wanted to remove that person they can call three regular meetings. Discussion followed with the understanding of the definition of a regular meeting and the City Recorder replied the Council holds three types of meetings; work sessions, executive sessions and regular meetings. Council Liaison Henderson stated her understanding of a regular meeting is where the meetings are held on the 1st and 3rd Tuesday of every month. Chair Allen replied meetings that are called to order, with proper public notice and are able to conduct business as a City, these are regular meetings. He said he likes Mr. Stecher's suggestion and the language should be something similar to the West Linn language.

City Manager Gall stated the Cities of Newberg and Forest Grove have similar language and believes Sherwood's language is unusual.

Mr. Silverforb confirmed if someone called into a meeting, they in essence attend the meeting. The City Recorder replied correct. He said they could be out of town for 6 months and make a point of calling in at least once out of every three meetings and they have met the qualification.

Ms. Vordermark replied this doesn't make sense and Mr. Shannon replied unless the Council does not give consent for the person to be out of town for 6 month, the Council could require him to be back in town.

Mr. Silverforb asked if the person had a legitimate reason for being absent why the Council would not give consent. Discussion followed regarding the absence of an elected from the City and not being around to hear or know what is happening, if absences for any duration are acceptable, if absences due to employment are acceptable. Ms. Vordermark commented that she believes an absence from the City for any duration is not acceptable.

Ms. Cooke replied she disagrees and referred to absences due to employment, military service or sabbaticals and said their absences don't mean they are not a valuable resource and she would hope to have some flexibility in the charter with language of "with Council approval".

Mr. Silverforb gave an example of a councilors' full and diligent participation at meetings and due to an employment absence, he finds it difficult to believe the council would remove the elected official. Comments were received regarding various methods of communication, skype and telephone and the council knowing the elected official was communicating, and staying connected and determining whether or not one should get approval to be gone for any length of time.

Chair Allen recapped and said the initial language as in the charter currently, he has not heard any concerns with, which is the notion of being out of the City for 45 days with council approval as

distinguished from some kind of an absolute limit. He asked if the committee was ok with the 45 days. No objects were received.

Chair Allen said the second piece, he believes, but is unsure, and made reference to the language of “3 consecutive regular meetings” and said he thinks this needs to be changed to a “window” notion and he likes the language in the West Linn charter of “all meetings in a sixty day period”. City Manager Gall stated this language comes from the model charter and said Sherwood is unusual.

Chair Allen asked if the committee was ok with that element. No objections were received.

Chair Allen said the third piece is, should there be an absolute time limit where no matter what the rest of the council says, if an elected official is out of the City for that length of time, for any reason, the office should be declared vacant.

Mr. Shannon stated he would continue to support the council’s judgment on something like that.

Ms. Vordermark stated she agrees with council judgment. Another committee member indicated support (unable to determine speaker). No objections from the committee were received.

Chair Allen said this leaves us at the “45 day” language and leaving it as is and converting the “3 consecutive meetings” language to “all meetings in a 60 day period” and said this mirrors the model charter language.

City Manager Gall referred to language of other charters in terms of filling vacancies, “during a council members disability to serve on the council or during a member’s absence from the City a majority of the remaining council members *may* by appointment fill the vacancy pro tem”. He gave the example of a 6 month absence for military leave and having a good portion of a term remaining and said this language could give the council the ability to appoint a pro tem until the council member returns.

Chair Allen confirmed that committee members wanted to include this language, no objections were received.

Council Liaison Henderson asked why 45 days and discussion occurred with examples of language from the City of Wilsonville and the difference of 45 days versus 3 consecutive meetings. Chair Allen concluded it is an arbitrary number.

Chair Allen addressed Section 28 Nominations and the language of “the council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or City council position”. Chair Allen asked in regards to an ordinance and the City Recorder replied she can look and get back to the committee and Council Liaison Henderson replied she doesn’t believe there is an ordinance and the language is from the model charter.

Chair Allen referred to prior committee discussions and said if it is just in the model charter and if we don’t actually do it and the state law doesn’t require us to do it, is that language even necessary. He asked staff to seek legal opinion if the language was necessary and if not to delete this section of language from the charter. No objections from the committee were received.

Chair Allen addressed Section 32 Filing Vacancies and said he had a margin note to be sure to consider Section 29, terms language and linking that language to Section 32. He referred to the language of, “a mayor or councilor vacancy may be filled by appointment by a majority of the remaining council members” and said the committee discussed whether we wanted to make a distinction based on how much of the term was left and whether it should be filled by appointment after a certain point only and by election prior to that point.

Chair Allen asked for the committees opinions.

Mr. Silverforb referred to language pertaining to “13 months or more remains” and said the second part is “less than 13 months”. He said if we put in “if less than 13 months remain a mayor or councilor vacancy may be filled”, etc.

Mr. Shannon said since he doesn’t think the committee is looking at changing terms in office, which is still a four year councilor term and a two year mayor term and it seems to him our experience with former Councilor Del Clark, validated this paragraph and he doesn’t know if we had a particular problem. He said what this paragraph is stating is, if there is more than half of the term left then that should be settled by an election. Chair Allen corrected and said more than a quarter for a councilor or half for the mayor.

Mr. Shannon stated if there is less than that, then we will be having an election within a year anyways and serving by appointment would probably work.

Mr. Hoffbuhr stated we need to make it clear for the “less than 13 months”. He said the way the language is currently written is not clear. Discussion occurred.

Chair Allen stated the language also says the mayor or council vacancy *may be* filled by appointment and it was suggested to change “may be” to “shall”, the committee agreed to amend this language. He recapped the language as “a mayor or councilor vacancy will be filled by an election if 13 months or more remain in office or by appointment of the majority of the council if less than 13 months remain”.

Ms. Vordermark asked if the committee needed to address language of a timeframe a vacancy should be appointed by.

Ms. Cooke replied within 30 or 60 days. Ms. Vordermark said she is not aware of a council rule or if precedence has been set before.

Chair Allen replied they usually go through an application process, as he recalls, similar to boards and commissions. He asked Council Liaison Henderson.

Ms. Henderson confirmed with Ms. Vordermark if she was referring to after an election and Ms. Vordermark indicated no, she was referring to an appointment if there is less than 13 months remaining, what is the time period the council needs to fill the vacant position.

Chair Allen commented he is thinking 30 days or something like that.

Ms. Henderson replied there is an application process and explained first a vacancy is declared and a resolution is passed to open up the seat and consider the qualification and the City Recorder verifies the candidates and the Council sets up an interview process and interviews the applicants and all applicants had the same questions. She said this took at least 60 days. Discussion occurred with the amount of time needed.

The City Recorder stated in the prior process from the time the vacancy was declared and applications were accepted, the question arose of how much time was allowed to accept applications and said the longer period allowed, allowed for more applications to be received. She said upon receiving the applications the council would establish a council meeting to interview the applicants and time was needed to schedule the interviews. She said upon determining the final candidate, a resolution was needed so the Council could appoint them to that position. She said this process could occur within a 30 day if the language indicated it had to.

Chair Allen commented regarding the 13 month vacancy and taking 2 ½ months of processes to fill the position, and how this seems like a lot of time. He asked if the model charter had reference to this.

City Manager Gall replied no and said the City has an ordinance regarding the council filling of vacancies in office and appointments. He said a process is defined and deadlines after the notice.

Chair Allen asked what is the length of time that is envisioned in the ordinance. Mr. Gall referred to the language which states, "deadline for submitting application at least 2 weeks after the public notice that there is a vacancy". He continued, "appointments from those applicants nominated and seconded for consideration by members of the Council the Recorder will announce the results of each ballot and will record each Councilors ballot. An applicant who receives a majority of the votes by the current Council members will be appointed to the vacant position. If no applicant receives a majority vote on the first ballot the Council will continue to vote on the two applicants who received the most votes until an applicant receives a majority of the Councilors voting". He said this is an ordinance from 2005.

The City Recorder informed the committee they have this information in the election code provided to them (see record, Exhibit B).

City Manager Gall stated a fix, maybe for clarity and suggested fixing the ordinance rather than doing anything in the charter. He said the first section of the ordinance states "a City elective office becomes vacant as provided by City charter". He said the issue of vacancy isn't in the code, that is in the charter, but the process to fill is in the ordinance.

Chair Allen stated the ordinance is fine and is still worried that councilor X moves away from the City and resigns the office and it's two weeks until the meeting where the council declares the position vacant, he said this sounds like an intolerably long process. City Manager Gall shared information from a prior experience and the ending result of the council operating with 6 members because the process dragged on.

Chair Allen asked if the committee wanted to recommend an absolute time limit that whatever ordinance needed to comply with, what would be the minimum time limit that that could feasibly be done in a responsible manner.

The City Recorder stated 30 days would be tight and said the council would need to provide public notice and referenced the requirements as indicated in the code. She said the actions that must be performed, do not stipulate for how long of a period of time. She referenced the application period in the code of 2 weeks and Chair Allen said we could shorten that two week period for example and have the code amended. Discussion followed and he asked what is a reasonable short length of time for the process. The City Recorder replied 30 days, with noticing, application process, scheduling of interviews and the adoption of the resolution to appoint, this could be done in 30 days.

Chair Allen addressed the committee members and said the committee addressed the language of, "the council must fill a vacancy of less than 13 months in duration within 30 days of the position being declared vacant" and said they do an ordinance for process that fill in the blanks. He asked if this made sense to the committee. Comments were received that 30 days is too short and maybe 45 days. Discussion occurred and it was asked why can't the council just appoint somebody and language was referenced indicating the Council nominates, seconds and votes. The City Recorder addressed Mr. Silverforbs comments of the council appointing someone and asked who will they appoint. He stated someone they feel is a wise individual in the community that perhaps has served as a councilor previously or other positions of responsibilities. The City Recorder shared experiences of the council members wanting various individuals and trying to determine who is the most qualified.

Mr. Shannon stated we had that occur for this committee with individuals feeling that they may have been more appropriate for this committee.

Mr. Shannon said he is not sure he is convinced we should mandatorily require the council to perform an action, which in this case is to fill an office. He said this could result in a "what if" and what if they don't, is a punishment then written.

Chair Allen replied the charter is full of this type of stuff. Mr. Shannon reiterated he is not convinced for a period of 13 months that if you can't get a council to agree on who they are going to appoint for the 7th members, he guesses we could live with conflict for 13 months.

Chair Allen said in the absence of having said anything about it, the process has devolved to one that is probably 2 or 3 times longer than it takes to fill a vacancy in the state legislature. He said it's leaving people unrepresented for that length of time. He said whether it's 30 days or 45 days he believes the committee can identify a length of time that will put some immediacy to it and believes people can get it done and right now the lack of time causes it not to be very immediate.

City Manager Gall asked if Chair Allen sees the language in the charter or an ordinance?

Chair Allen replied and suggested putting the time limit in the charter and leaving everything else to ordinance. Two committee members agreed (unable to determine speakers).

Ms. Cooke suggested the time period be 45 days.

Ms. Kuiper agreed and Ms. Cooke referenced the state legislators process of 30 days and said they are paid positions and the City is working with volunteers.

Chair Allen asked if the committee agreed to 45 days. The committee conceded and no objections were received.

Council Liaison Henderson commented regarding the councils ability to control their own meeting schedule, they currently meet the first and third Tuesday of every month and said they can hold special meetings and the length of the period of time is dictated by this schedule. She said there is nothing to say the council can't have a special meeting to declare a vacancy to get the process moving, you don't have to wait for the next scheduled meeting. She mentioned it was not necessary to get all council members to attend, you just would need to secure a quorum to declare the vacancy. Discussion followed and allowing sufficient time for the City to get as many applications in as possible.

Chair Allen said this discussion ends the list of topics he had on the committee's list to discuss and asked if he missed something or if there were other topics the committee wanted to address.

Ms. Kuiper asked regarding the process moving forward and getting the committee's discussed amendments in a format with track changes.

Mr. Stecher asked regarding nepotism in the Qualifications Section.

Chair Allen said the committee can address nepotism in two ways, one being someone can't run if you have a family member or that you can't serve if you have a family member, which then gives you the choice to serve or your family member quits.

Mr. Hoffbuhr said he doesn't believe that is legal and said Oregon law allows nepotism under a lot of conditions and we need to be careful on how it's restricted. He made reference to court cases in the Colorado Supreme Court saying nepotism is ok as long as there is not a direct supervisory link. He said Oregon laws says there cannot be a direct supervisory link and does say the public official cannot be involved in the hiring, firing, promotion or interviewing of the family member. He said we need to proceed cautiously.

Chair Allen replied by that definition nepotism would be almost impossible, since the only employees of the council are the City Manager and the Clerk (City Recorder), the City Attorney and the Municipal Judge.

Mr. Shannon said he did not have a big problem with it as long as you're not in a supervisory role and gave the example of having a teenager who wanted to work for the parks department during the summer and a Council member would clearly not have any authority over them. Discussion followed with examples of an elected official and a member of the general public having more or less weight to influence the hiring.

City Manager Gall stated the City has a personnel manual that speaks about nepotism and isn't sure if the manual speaks of elected officials and said there may be existing policies and offered to provide that information.

Chair Allen suggested the committee figure out if there are legal restrictions of what can be considered and commented regarding the perception and appearance of hiring a family member. He asked for legal guidance on this topic.

Chair Allen addressed the calendar and asked what the committee decided was their last date for action to get information to the Council in time for their consideration before the election. He said he recalled it was the February 13th meeting or the 27th. Discussion occurred and Chair Allen stated he thought it was a public hearing on the 13th and a final vote of the committee on a recommendation for the council on the 27th. He said the timeline was discussed at the last meeting and it should be referenced in the meeting minutes.

The City Recorder stated the meeting minutes from the prior meeting are nearly complete and they just need a final review and she can have the minutes to the committee by tomorrow.

Chair Allen asked the City Recorder if she was able to come back to the committee by January 16th with a document listing the proposed changes to the charter provisions. Discussion followed on what the committee expected from staff and the City Recorder confirmed a charter showing track changes.

City Manager Gall replied and said a document to identify the sections the committee has agreed to do more work to potentially change and not coming up with final language.

Chair Allen clarified and said he would hope it is a bit of three different things. He said some amendments are simple and straightforward and can be done showing track changes, some areas where we spoke of changes in a substantive manner and those areas are flagged and areas where more information, more data or legal advice was requested. The City Recorder confirmed the direction as requested.

Chair Allen said at the meeting on the 16th the committee's job will be to address anything that is not charter language and turn it into charter language. Staff will then come back on January 30th with another draft and the areas that the committee needs to complete. He said at the January 30th meeting, the committee should be able to land on a preliminary proposed set of changes that will be out for public hearing at our meeting on February 13th.

Mr. Stecher asked if the committee can have by the 16th the information that they were seeking legal advice on. The City Recorder said she noted four areas where the committee requested legal advice and asked to confirm those areas with the City Manager and Chair. She said hopefully by tomorrow staff could email the list to legal counsel and allow them time and hopefully have a reply back to staff by the first of next week. Staff would then take those responses from legal counsel and incorporate those into the changes she will bring back in the draft document.

Chair Allen asked the committee another question that could impact this timeline. He mentioned there was a vein of concern in the community that the existing City Attorneys have a built in conflict of interest in terms of write in charter provisions that may in turn impact the work they do for the charter. He said without wanting to make an opinion about that conflict and knowing it's there, does the committee want to suggest or request or make a recommendation to the City to obtain alternate legal counsel for the purposes of advising on the charter so we are not using the existing City attorney.

Chair Allen said before the committee weighs in, he asked City Manager Gall how feasible this is.

City Manager Gall replied the timing concerns him and said he thinks it is feasible and said the other complicating factor is the model charter the state uses was developed by Sherwood's existing City attorney and now the City will have our existing City attorney weigh in on language they drafted. He said if we can get alternate legal counsel in a timely manner, he thinks that would remove that issue and it would have to be someone that has expertise in municipal law and there are other out there. He said it would have to be a very fast process. He said the City attorney is hired by the City Council and not the City Manager and said if an alternate is being used, is it his decision as the City Manager, which would be quicker, or does he now need to have a discussion with the City Council because they ultimately hire the City attorney.

Mr. Stecher stated from the manner in which the Charter Review Committee was formed he believes the committee needs to have Council Liaison Henderson go back to the City Council.

Ms. Kuiper asked why do we need to have a second opinion now and why can we not have the City attorney now craft language to buy additional time for another opinion from another law firm. Does it have to be by the 16th, why not have language crafted on the 16th and have comments from a second legal opinion by the 30th.

Chair Allen stated he is not wedded to that notion at all and trying to think of a way to avoid a big curfuffle and not having our existing City attorney do the work seems like a way to.

Mr. Stecher said with what we just found out about the model charter maybe we should make a recommendation as the Charter Review Committee to the City Council and let them act on it, that we go outside and seek additional legal counsel.

City Manager Gall said we currently do that and said for labor negotiations, the practice has been, we do not normally use BEH (Beery Elsner Hammond) for labor negotiations because they don't have that expertise and there are other types of specific legal expertise we go outside our normal City attorney process.

Chair Allen suggested the City Manager work through existing legal resources for the immediate questions the committee has and if they choose to make a recommendation to the Council, Council Liaison Henderson can take back to the City Council the request that the City authorized alternate legal counsel for the purposes of advising the committee before we make a final recommendation.

Chair Allen asked if this makes sense and City Manager Gall and Council Liaison Henderson confirmed.

He asked if a committee member would like to make a motion.

Mr. Silverforb asked how much money are we talking about and said attorneys are expensive and if we get an alternate legal counsel will they charge us more.

City Manager Gall said he is not overly concerned and said the committee will get an outside perspective which he believes will be healthy. Mr. Silverforb asked \$3000-\$5000 and Mr. Gall said we can afford that and Ms. Henderson replied she believes it's a worthy investment.

Mr. Silverforb replied he believes it's a worthy investment and wants to be cautious about the dollars.

With no other comments received the following motion was made:

MOTION: From Vice Chair Shannon to recommend to the City Council that alternate legal advise be sought for charter work. Seconded by Mr. Silverforb.

Prior to calling for the vote, Ms. Kuiper asked by the 30th and it was suggested not to include a date as the committee may do this more than once.

VOTE: Motion passed 8:0, all present members voted in favor (Charlie Harbick was absent).

Chair Allen asked for other committee discussion before accepting public comments.

Mr. Shannon referred to discussion in an email and said after we put this package together for the public hearing, what do we want the public involvement to be. Do we want to think about having it as a public hearing with people coming forward addressing their issues to us or do we want to do more of an open house, a process used by the planning commission with information displayed on poster boards and having the committee members attend and allowing the public to have one-on-one discussions with committee members.

Mr. Hoffbuhr stated he prefers the open house technique and asked what are the legal requirements.

City Manager Gall replied and said even though the committee is on a tight timeframe you will probably have two opportunities for the public to weigh in. The said he heard the processed used by the planning commission is very successful and the committee could do something like that at this level and the committee will then make a recommendation to the City Council and the Council could have a more official public hearing as they will want to hear from the public. He said this is a more traditional public hearing process. He said there are two opportunities for the public to weigh in. He said ultimately the City Council gets to decide what to put on the ballot and this may be the suggestion to do a two pronged approach.

Ms. Cooke stated she believes the open house held for the Town Center Plan was very successful and brought a lot of good perspective to the table and would like to see the committee use that type of model.

Chair Allen said the committee may be able to get three opportunities at the meeting on the 13th and said we could divide the meeting into portions and we could do an open house type of meeting, with a Chapter 3 table and a Chapter 7 table with a 30 minute discussion at each table and then the people could swap tables and at the end of that second 30 minutes period the committee would convene as an entire group and discuss what we heard and get general public testimony as in a public hearing and then we would deliberate and address the issues based on public input and then we would come back on the 27th with a final set of recommendations and we can open another public hearing on the final work product. He said this would give the public probably three good opportunities to provide input for the final product and give us both a hearing environment as well as a workshop environment.

No objections were received from the committee members on Chair Allen's suggested format.

8. Public Comment

Anthony Bevel came forward and asked if this document that is being proposed for the 16th be available online for public view prior to the public meeting.

The City Recorder replied that would depend on her ability to complete the work and said upon receiving the legal portions of the work, her goal is to incorporate the legal advice into the draft document. She said as soon as she can get this done it can be posted.

With no other public comments received, the City Recorder asked Chair Allen to recap the items that staff needs to come back with and the items needing legal advice.

Chair Allen recapped the following areas:

- Section 24, a correction to the reference to "general elections".
- Yet to be determined, term limits
- Whatever the term limit is, the phrase "consecutive" be worked in and still need to deal with language pertaining to partial terms for councilors
- Section 25, leave the Mayor language as is
- Section 26, seek legal advice on whether the first sentence of that section is necessary at all, and if not delete it and preserve the second sentence pertaining to nonpartisan elections
- Section 27.d, seek legal advice on "final judge" language
- Section 28, Nominations, seek legal advice on the legal necessity of the language, if not needed, potentially delete the language
- Section 29 needs to be connected to whatever the final decision is on term limits
- Section 31, add the provision for a vacancy pro tem
- Section 31.b.2, amend language to be "45 days of absence or 60 days of missed council meetings"
- Section 32 needs to tie to Section 29 and the related term limit issues if necessary and restructure to be more straight forward in terms of the vacancy is either "over 13 months by election" or "under 13 months by appointment" and the appointment needs to occur within 45 days of vacancy
- Nepotism language and what can be done

With no other business to address, the meeting was adjourned.

9. Adjourn

Chair Allen adjourned the meeting at 8:45 pm.

Submitted by:


Sylvia Murphy, MMC, City Recorder


Patrick Allen, Chair