



REGULAR MEETING

- 1. Call to order (Chair)**
- 2. Roll call (Chair)**
- 3. Approval of Meeting Minutes**
 - a) Approval of December 19, 2013 Meeting Minutes**
 - b) Approval of January 2, 2014 Meeting Minutes**
- 4. Public Comments**
- 5. Staff Report (materials requested by the Committee)**
- 6. Continued consideration of election-related charter provisions**
- 7. Public Comments**

AGENDA

**Charter Review Committee
January 16, 2014**

**7:00 pm Meeting
In Executive Conference Room
(Room A)**

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

Sherwood City Charter Review Committee Meeting

Date: January 16, 2014

List of Meeting Attendees: ✓

Request to Speak Forms: —

Documents submitted at meeting: ✓

Staff Reports, Documents provided to Committee

- Comparison of Term Limits for Elected officials, Metro Cities, Exh. A
- City Charter w/ notes of discussed proposed amendments, Draft 1, Exh. B
- Public Written Comments, L. Weislogel email dated 1-15-14 (not part of record)
- Examples of Measure briefs - Exh. C

Sherwood City Charter Review Committee Meeting Date:

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ATTENDANCE SHEET

NAME

ADDRESS

PHONE

None

Comparison of Term Limits for Elected Officials - Metro Cities

City	Population	Term Limits - Mayor	Term Limits - City Councilors
Gresham	105,970	No	No
Hillsboro	92,550	Yes (2 consecutive 4 year terms)	Yes (2 consecutive 4 year terms)
Beaverton	91,205	No	No
Tigard	48,695	Yes (8 consecutive years)	Yes (8 consecutive years)
Lake Oswego	36,770	Yes (8 consecutive years)	Yes (8 consecutive years)
Oregon City	32,500	Yes (2 4 year terms as Mayor or Councilor in 10 year period)	Yes (2 4 year terms in 10 year period)
Tualatin	26,120	No	No
West Linn	25,370	No	No
Newberg	22,300	No	No
Forest Grove	21,460	No	No
Wilsonville	20,515	No	No
Milwaukie	20,435	Yes (2 consecutive 4 year terms)	Yes (2 consecutive 4 year terms)
Sherwood	18,265	No	No
Troutdale	16,005	No	No
Happy Valley	14,965	No	No
Cornelius	11,915	No	No
Gladstone	11,495	No	No
Damascus	10,585	No	No
Fairview	8,920	No	No
Wood Village	3,890	No	No
Durham	1,365	No	No
Maywood Park	750	Waiting for Information	Waiting for Information
Rivergrove	420	Waiting for Information	Waiting for Information

Jan 14, 2014
Date

Charter Review Comm.
Gov. Body

Staff Reports
Agenda Item

A
Exhibit #

PREAMBLE

We, the voters of Sherwood, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.

Chapter I

NAMES AND BOUNDARIES

Section 1. Title. This charter may be referred to as the 2005 Sherwood City Charter.

Section 2. Name. The City of Sherwood, Oregon, continues as a municipal corporation with the name City of Sherwood.

Section 3. Boundaries. The city includes all territory within its boundaries as they now exist or are legally modified. Unless required by state law, annexations may only take effect with the approval of city voters. The city recorder will maintain as a public record an accurate and current description of the boundaries.

Chapter II

POWERS

Section 4. Powers. The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically stated each of those powers.

Section 5. Construction. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.

Section 6. Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances. The council appoints members of commissions, board and committees established by ordinance or resolution.

City of Sherwood 2005 City Charter
Resolution 2005-008
Exhibit A
March 1, 2005

Jan 16, 2014 Charter Review Comm.
Date Gov. Body

Staff Reports B
Agenda Item Exhibit #

Chapter III

COUNCIL

Section 7. Council. The council consists of a mayor and six councilors nominated and elected from the city by position

- Discussed definition of “nominate” and necessity (12.19.13 Minutes Pg. 2/Video 18 min)
- Note: See discussion under Chapter 7, Section 28, “nominations”, requested legal opinion of necessity of language, if not necessary the consensus was to delete language (01.02.14 Pg. 16)
- Discussed changing “by position” to a single candidate pool. (01.02.14 Minutes Pg. 2/Video 6 min)

Section 8. Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council. The mayor must sign all records of council decisions. The mayor serves as the political head of the city government.

- Suggested relocating veto power to this section to be consistent with the model charter (12.19.13 Minutes Pg. 2/Video 19 min)
- Note: Veto language exists in Chapter 4, Section 16.e & f, and Section 17
- Do not want to create special appointment power for the mayor that currently doesn't exist, want to revisit appointment language to provide clarity of process (12.19.13 Minutes Pg. 8/Video 20 min and 01:55 min)

Section 9. Council President. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.

- No changes (12.19.13 Minutes Pg. 3/Video 21 min)

Section 10. Rules. The council must by resolution adopt rules to govern its meetings.

- No changes (12.19.13 Minutes Pg. 3/Video 21 min)
- Improve Rules language to require periodic adoption of rules on a set schedule and be more obtuse allow for more than rules of order. (12.19.13 Minutes Pg. 8/Video 01:55 min)

Section 11. Meetings. The council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with council rules.

- No changes (12.19.13 Minutes Pg. 3/Video 25 min)

Section 12. Quorum. A majority of the council members is a quorum to conduct business, but a

smaller number may meet and compel attendance of absent members as prescribed by council rules.

- Needs clarification and possible cleanup (12.19.13 Minutes Pg. 3/Video 25 min)

Section 13. Vote Required. The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council.

- No changes (12.19.13 Minutes Pg. 3/Video 26 min)

Section 14. Record. A record of council meetings must be kept in a manner prescribed by the council rules.

- Suggested adding language “in accordance to state law and public meeting law” (12.19.13 Minutes Pg. 3/Video 26 min)

Suggested discussing the following areas of language currently not in the charter: Public Comment period, Work Session discussion and ability for public to access, and Executive Sessions. The City Recorder explained the requirements of abiding by state law for public meetings and executive sessions and suggested that if any language was added it should include “abide by the state law”. (12.19.13 Minutes Pg. 3/Video 27 min)

Chapter IV

LEGISLATIVE AUTHORITY

Section 15. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Sherwood ordains as follows”:

Section 16. Ordinance Adoption.

- (a) Adoption of an ordinance requires approval by a majority of the council at one meeting provided the proposed ordinance is available in writing to the public at least one week before the meeting.
- (b) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.
- (c) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.
- (d) After adoption of an ordinance, the city recorder must endorse it with the date of adoption and the recorder's name and title. The city recorder must submit the ordinance to the mayor for approval. If the mayor approves the ordinance, the mayor must sign and date it.
- (e) If the mayor vetoes the ordinance, the mayor must return it to the city recorder with written reasons for his veto within 10 days of receipt of the ordinance. If the ordinance is not so returned, it takes effect as if approved.
- (f) At the first council meeting after veto by the mayor, the council will consider the reasons of the mayor and again vote on the ordinance. If four councilors vote to adopt the ordinance, it will take effect.

Section 17. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption and approval by the mayor, or adoption after veto by the mayor, or on a later day provided in the ordinance. An ordinance adopted by all councilors may take effect as soon as adopted, or other date less than 30 days after adoption if it contains an emergency clause, and is not subject to veto by the mayor.

Chapter V

ADMINISTRATIVE AUTHORITY

Section 18. Resolutions. The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "The City of Sherwood resolves as follows:"

Section 19. Resolution Approval.

- (a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.

(b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at a meeting.

(c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.

(d) After approval of a resolution, the city recorder must endorse it with the date of approval and the recorder's name and title.

Section 20. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolutions.

Chapter VI

QUASI-JUDICIAL AUTHORITY

Section 21. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Sherwood orders as follows:"

Section 22. Order Approval.

(a) Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.

(b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.

(c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.

(d) After approval of an order, the city recorder must endorse it with the date of approval and the recorder's name and title.

Section 23. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

Chapter VII

ELECTIONS

Section 24. Councilors. At each general election after the adoption, three councilors will be elected for four-year terms by position. The terms of councilors in office when this charter is adopted are the terms for which they were elected.

- Discussion to change "by position" to "at large" (12.19.13 Minutes Pg. 4/Video 30 min and 01:09 min)

- Recommendation to revert election system back to a non-position based system and want positions to be at-large and consider “at-large” language from a *geographical* standpoint (12.19.13 Minutes Pg. 8/Video 01:55)
- Preliminary decision to go from election by position to a single candidate pool (01.02.14 Minutes Pg. 2/Video 6 min) Note: discussed language of “top vote getter” (01.02.14 Pg. 3/Video 8 min)
- Discussed adding term limits and discussed length of term limits and conceded to have staff bring back data regarding other jurisdictions. Discussion occurred re: term limits and to consider the importance of member turnover, new ideas and energy, not pushing volunteerism too far, and eliminating the advantages of incumbency. Discussion occurred re: considering the importance of historical knowledge, the time spent learning the position and the legislative process, length of projects, the potential for mischief, and the lack of candidates. (01.02.14 Minutes Pg. 4/Video 20 min)
- Suggested if adding term limit language, need to consider language re: consecutive terms (01.02.14 Minutes Pg. 4/Video 20 min)
- Suggested if adding term limit language, need to consider language pertaining to partial terms for councilors and if they count towards term limits (01.02.14 Minutes Pg. 4/Video 20 min)
- Suggested if adding term limit language and council continues to be elected by position, need to consider language addressing positions in terms of “position hopping” (01.02.14 Minutes Pg. 6/Video 34 min)

Section 25. Mayor. At every other general election after the adoption, a mayor will be elected for a two-year term. The mayor in office when this charter is adopted is the term for which the mayor was elected.

- Consider correction of language “every *other* general election” to “every general election” (01.02.14 Minutes Pg. 5/Video 20 min)
- Consensus was not to change mayoral 2 year term, and not add term limits (01.02.14 Minutes Pg. 8/Video 37 min)

Section 26. State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.

- Seek legal opinion for 1st sentence and if necessary, as elections must conform to state law. Discussed if state law was silent on issue, then jurisdiction can speak to it (01.02.14 Minutes Pg. 8/Video 43 min)
- Consensus was not to amend 2nd sentence. (01.02.14 Minutes Pg. 9/Video 43 min)

Section 27. Qualifications.

(a) The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.

- Considered a recommendation to change one year residency requirement to 18 months, conceded to not change the language (01.02.14 Minutes Pg. 10/Video 52 min)
- Note: in Section 31.b.3 discussion of adding language of “limits” to “City limits”

(b) No person may be a candidate at a single election for more than one city office.

- Suggested to remove “No” and add “A ” (12.19.13 Minutes Pg. 4/Video 33 min)
- Note from City Recorder: I don’t believe this was the intent and could read, “a person may not be a candidate at a single election for more than one city office. ”

(c) Neither the mayor, nor a councilor may be employed by the city.

- Nepotism. Seek legal advice on legal restrictions of what can be considered. (01.02.14 Minutes Pg. 20/Video 01:51 min)

(d) The council is the final judge of the election and qualifications of its members.

(e) Neither the mayor nor councilor may hold another state or local government elected office

- Discussed replacing “final judge” and language of “determination” or “verify” was suggested. (01.02.14 Pg. 11/Video 53 min). Also suggested language of “the council is the final judge of the qualifications of its members *after* election” (01.02.14 Pg. 12/Video 01:04 min)
- Seek legal advice on “final judge” language and potential amendment to be “judge of the election and qualifications of its members” (01.02.14 Minutes Pg. 11 & 12/Video 01:04 min)
- Note: Committee discussed adding a new section (e) see above (12.19.13 Minutes Pg. 4/Video 34 min) and concluded they were not opposed to an elected official holding more than one state or local government elected office (01.02.14 Pg. 13/Video 1:10 min), consensus was not to add section (e)

Section 28. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.

- Discussed language of “nomination” is from model charter, process is not currently used in the City. Seek legal advice if this section or language is necessary, if not necessary, there was consensus to delete language (01.02.14 Minutes Pg. 16/Video 01:28 min)

Section 29. Terms. The term of an officer elected at a general election begins at the first council

meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.

- **Note: may need to consider amendment if term limits are added (01.02.14 Minutes Pg. 13/Video 01.11 min). See Section 24**

Section 30. Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.

- **No changes (12.19.13 Minutes Pg. 4/Video 39 min)**

Section 31. Vacancies. The mayor or a council office becomes vacant:

(a) Upon the incumbent's:

- (1) Death,
- (2) Adjudicated incompetence, or
- (3) Recall from the office.

(b) Upon declaration by the council after the incumbent's:

- (1) Failure to qualify for the office within 10 days of the time the term of office is to begin,
- (2) Absence from the city for 45 days without council consent, or from three consecutive regular council meetings,

- **(b)(2) Remove "from three consecutive regular council meetings" and add "all meetings in a 60 day period" (01.02.14 Minutes Pg. 13-16/Video 01.23 min)**
- **Discussed "45 days" and conceded to not amend.**

(3) Ceasing to reside in the city

- **(b)(3) Suggested adding city "limits" (12.19.13 Minutes Pg. 5/Video 45 min)**

- (4) Ceasing to be a qualified elector under state law,
- (5) Conviction of a public offense punishable by loss of liberty,
- (6) Resignation from the office, or
- (7) Removal under Section 33(i).

- **Note: Consensus to add section (b)(8) "During a council member's disability to serve on the council or during a members absence from the City a majority of the remaining council members may by appointment fill the vacancy pro tem" (01.02.14 Minutes Pg. 16/Video 01:25 min)**

Section 32. Filling Vacancies. A mayor or councilor vacancy will be filled by an election if 13 months or more remain in the office term. The election will be held at the next available election date to fill the vacancy for the remainder of the term. A mayor or councilor vacancy may be filled by appointment by a majority of the remaining council members. The appointee's term of office runs from appointment until the vacancy is filled by election or until expiration of the term of office if no election is required to fill the vacancy.

- Discussed language of “a mayor or councilor vacancy may be filled by appointment by a majority of the remaining council members” and making a distinction based on the remainder of the term and if it should be filled by appointment or election
- Suggested to add (after 2nd sentence) “or by appointment of the majority of the council if less than 13 months remain” (01.12.14 Minutes Pg. 17/Video 01.32 min)
- Suggested to add to the end of amended 2nd sentence) “within 45 days” (01.02.14 Minutes Pg. 17-20)/Video 01: 47 min)
- Suggested to change in 3rd sentence “may be” to “shall” (01.02.14 Minutes Pg. 17/Video 01:51 min)

Chapter VIII

APPOINTIVE OFFICERS

Section 33. City Manager.

(a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.

(b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.

(c) The manager need not reside in the city.

(d) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.

(e) The manager must:

- (1) Attend all council meetings unless excused by the mayor or council;
- (2) Make reports and recommendations to the mayor and council about the needs of the city;
- (3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
- (4) Appoint, supervise and remove city employees;
- (5) Organize city departments and administrative structure;
- (6) Prepare and administer the annual city budget;

- (7) Administer city utilities and property;
- (8) Encourage and support regional and intergovernmental cooperation;
- (9) Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community;
- (10) Perform other duties as directed by the council;
- (11) Delegate duties, but remain responsible for acts of all subordinates.

(f) The manager has no authority over the council or over the judicial functions of the municipal judge.

(g) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.

(h) When the manager is temporarily disabled from acting as manager or when the office becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.

(i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

(j) The manager may not serve as city recorder or city recorder pro tem.

Section 34. City Recorder.

(a) The office of city recorder is established as the council clerk, city custodian of records and city elections official. The recorder must attend all council meetings unless excused by the mayor or council.

(b) A majority of the council must appoint and may remove the recorder. The appointment must be made without regard to political considerations and solely on the basis of education and experience.

(c) When the recorder is temporarily disabled from acting as recorder or when the office becomes vacant, the council must appoint a recorder pro tem. The recorder pro tem has the authority and duties of recorder.

Section 35. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney must appoint and supervise, and may remove any office employees.

Section 36. Municipal Court and Judge.

(a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Sherwood Municipal Court.

(b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

(c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

(d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.

(e) The municipal judge may:

- (1) Render judgments and impose sanctions on persons and property;
- (2) Order the arrest of anyone accused of an offense against the city;
- (3) Commit to jail or admit to bail anyone accused of a city offense;
- (4) Issue and compel obedience to subpoenas;
- (5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
- (6) Penalize contempt of court;
- (7) Issue processes necessary to enforce judgments and orders of the court;
- (8) Issue search warrants; and
- (9) Perform other judicial and quasi-judicial functions assigned by ordinance.

(f) The council may appoint and may remove municipal judges pro tem.

(g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

Chapter IX

PERSONNEL

Section 37. Compensation. The council must authorize the compensation of city appointive officers and employees as part of its approval of the annual city budget. The mayor and councilors may be reimbursed for actual expenses.

Section 38. Merit Systems. The council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.

Chapter X

PUBLIC IMPROVEMENTS

Section 39. Procedure. The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for one year upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.

Section 40. Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

Chapter XI

MISCELLANEOUS PROVISIONS

Section 41. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

Section 42. Solid Waste Incinerators The operation of solid waste incinerators for any commercial, industrial, or institutional purpose is prohibited in the city. This applies to solid waste defined by ORS 459.005(24), and includes infectious wastes defined by ORS 459.386(2). This prohibition does not apply to otherwise lawful furnaces, incinerators, or stoves burning wood or wood-based products, petroleum products, natural gas, or to other fuels or materials not defined as solid waste, to yard debris burning, or to small-scale specialized incinerators utilizing solid waste produced as a byproduct on-site and used only for energy recovery purposes. Such small-scale incinerators are only exempt from this prohibition if they are ancillary to a city permitted or conditional use, and may not utilize infectious wastes or any fuels derived from infectious wastes. This prohibition does not apply to solid waste incinerators lawfully permitted to operate before September 5, 1990, but does apply to any expansion, alteration or modification of such uses or applicable permits. (Approved by voters November 6, 1990)

Section 43. Willamette River Drinking Water. Use of Willamette River water as a residential drinking water source within the city is prohibited except when such use has been previously approved by a majority vote of the city's electors. (Approved by voters November 2001)

Section 44. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section 45. Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section 46. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

Section 47. Time of Effect. This charter takes effect July 1, 2005.

Measure A: TERM LIMITS

Committee Findings:

- a. Few other Metro area city governments have adopted term limits. Cities that have term limits include Hillsboro, Tigard, Lake Oswego, Oregon City and Milwaukie.
- b. Enacting Term Limits can help bring fresh perspective and energy to the City Council by limiting the length of time that citizen volunteers can serve consecutively.
- c.

Committee Conclusions:

1. Committee concludes that two consecutive four-year terms is a reasonable length of time to limit service by one individual on City Council.
- 2.
- 3.
- 4.

Committee Recommendations:

Submit to the people of the City of Sherwood at the May 20, 2014 election a proposed measure adding language to Section 24 of the city charter to enact term limits for City Council members

January 16, 2014 Charter Review Comm.
Date Gov. Body

Staff Reports C
Agenda Item Exhibit #

Approved Minutes



SHERWOOD CHARTER REVIEW COMMITTEE
22560 SW Pine St., Sherwood, Or
January 16, 2014

REGULAR MEETING

- 1. Call to Order:** Chair Pat Allen called the meeting to order at 7:02 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 and SURPAC Representative Charlie Harbick.
- 3. Staff and Council Liaison Present:** City Manager Joseph Gall, Administrative Assistant Colleen Resch, City Recorder Sylvia Murphy and City Council Liaison Linda Henderson.

Chair Allen reviewed the agenda business. He stated the committee has received draft minutes and upon his review he asked the City recorder to recapture the discussion of principles for Charter review so they may use this information when assembling the reports they will present to the City Council.

Mr. Stecher pointed out a typo in the minutes from Jan 2, the City Recorder noted the correction.

Mr. Hoffbuhr pointed out corrections he requested and emailed to the City Recorder, the corrections were noted. With no other amendments, Chair Allen asked for a motion to approve.

- 4. Approval of December 19, 2013 Meeting Minutes and January 2, 2014 Meeting Minutes**

MOTION: From Mr. Hoffbuhr to approve the December 19, 2013 and January 2, 2014 Charter Review Committee Meeting Minutes, seconded by Ms. Kuiper. Motion passed 9:0, all members voted in favor.

- 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 Term Limits for Elected Officials-Metro Cities
Exhibit B-City Charter with notes of discussion and proposed revisions
See Record-Written public comments provided via email

Chair Allen asked if staff had information on the committee's discussion regarding legal counsel. City Manager Gall replied he had nothing to report.

Chair Allen distributed a document provided by the City Manager (see record, Exhibit C), illustrating the format the committee can use when providing their report to the City Council, capturing findings, conclusions and recommendations. City Manager Gall stated these reports can also be used by the committee when they meet with the public. Chair Allen stated no action would be taken on the report format at this time and confirmed the groups consensus of the report format.

Chair Allen addressed the next agenda item.

7. Continued consideration of election related charter provisions

Chair Allen addressed Chapter 3, Section 7-Council and the language of: *The council consists of a mayor and six councilors nominated and elected from the City by position.* He said prior committee discussion was to change "by position" to "by popular vote" and asked if this is the correct approach the committee wanted to consider.

City Manager Gall stated in his review of City Charters that have a "top vote getter" process, they just eliminated "by position". He said the simple suggestion, if the committee takes this approach, is to eliminate "by position".

Chair Allen stated if the committee is still in agreement with this issue, a period "." would be inserted after "City" and the final two words of "by position" would be deleted.

City Manager Gall addressed the language of "nominate" and said this language is in every charter he has seen as they use a similar model. He said he believes this is because when they "nominate" there is a process, where a candidate fills out a state form and gets a petition signed with 25 signatures and said this is the "nomination process". Council Liaison Henderson said some cities have this process or they can pay a fee, which is the process Sherwood has.

Mr. Gall said he believes the issue of "nomination" language needs to be clarified by a legal opinion and said he believes because he has seen it everywhere, that this is what it is referring too, the process to file in a nomination process.

Chair Allen stated this is language that we have asked for clarification on and suggested the committee not address the language until clarification is received. The committee conceded.

Chair Allen asked for continued discussion on this topic of by position and provided a scenario that he believes is likely to occur. Discussion followed. Ms. Cooke provided another scenario and discussion occurred. City Manager Gall provided an example that occurred in Lake Oswego with a group of elected

officials running for their positions and taking over the Council. The committee discussed various scenarios and examples.

Chair Allen polled the committee members regarding their preference of by position or at large (top vote getter).

Mr. Silverforb preferred at large, Ms. Vordermark preferred at large, Ms. Kuiper preferred at large, Mr. Hoffbuhr preferred at large, Ms. Cooke preferred by position, Neil Shannon preferred at large, Charlie Harbick preferred at large and Brian Stecher preferred at large.

Chair Allen confirmed the committees desire to amend the language by inserting a period "." after the word City and remove the language of "by position".

The committee discussed "at large" and its reference in the model charter being more of a geographical issue.

City Manager Gall asked to make a suggestion and said the committee has been referring to "at large" being the opposite of "by position" and said it is confusing and it's really "by position" or by "top vote getter" as "at large" is more of a geographical reference.

Chair Allen stated this issue is set for going out for public comment, subject to what we learn about the "nominate" language. The committee conceded.

City Recorder note: The committee conceded to amend as follows:

Chapter III, Section 7-Council. The council consists of a mayor and six councilors nominated and elected from the City.

Chair Allen addressed Section 8-Mayor and said the committee discussed the "veto" language and he asked if the committee wanted to move the veto discussion to this section and do we want to create appointment power for the mayor that doesn't currently exist.

Discussion followed regarding the committee's prior discussions of veto language and Chair Allen stated he doesn't recall strong feelings from the committee to go either way. Discussion followed with the committee recognizing the lack of use of the veto power, lack of recognizing the language existed and recognized even if the Mayor were to veto something the next council action at a following meeting could override the veto. Discussion followed regarding mayor veto power on ordinances only and the mayor voting last on ordinances.

Mr. Shannon stated he was in favor of the veto language and explained his reasoning.

Mr. Stecher stated he was opposed to the veto language and explained his reasoning.

Mr. Silverforb asked for Mr. Shannon's explanation for supporting veto language and Mr. Shannon stated he was not strongly in support of the veto language, but doesn't have any objection to the language remaining as it currently exists.

Mr. Harbick stated he was concerned this would be confusing to the voters as it's something that has not been an issue and asked why turn it into an issue and said he was in favor of leaving the language alone as he believes it's not broken.

Ms. Kuiper stated she agreed with Mr. Stecher and said she doesn't believe it's necessarily needed and commented regarding being concerned with the perception of veto language and voters voting mindfully or emotionally.

Ms. Vordermark stated she agreed with Mr. Harbick and Mr. Shannon with keeping the veto language as it has not been an issue in the past. She commented regarding the mayor being a voting member of the council and not having an extra say in matters.

Mr. Hoffbuhr stated he is leaning on leaving the language as it is and said it could be perceived that something is being stripped from the mayor.

Ms. Cooke stated to leave the language.

Chair Allen stated he is hearing a consensus to leave the language as is.

City Manager Gall stated if the language is left in, the charter language could be looked at in the future and he suggested using the fact sheet on charter items that the committee is proposing to leave, so a future committee could reference the history and discussions of why it was left in. He said he believes the items the committee has serious discussions on but doesn't recommend amendments too, that they let the Council know the discussion occurred.

Chair Allen stated the general notion is we don't want to create an issue where one doesn't exist and believes this argues both, for leaving the veto power as is and not fiddling with it or adding it to this section of language. The committee conceded.

Chair Allen addressed the special appointment power and said he believes the committee ended up with the discussion that there was a "practice" and there was a mayoral role in the process, but that was not a charter-defined thing and the council at any time could decide to change that practice. He said we need to either codify the practice in the charter or codify a different practice or leave the charter silent. He asked for committee feedback.

Mr. Shannon commented regarding the practice and said he prefers the concept of the council as a committee appointing members of the board rather than by individuals, whether the council decides to develop their own rules on how to do this. Chair Allen confirmed Mr. Shannon choice to remain status quo.

City Manager Gall explained the practice and said he believes it's noted in the Council Rules. He referred to the West Linn City Charter which states, "the mayor shall appoint with the approval of the Council, the boards, commissions and committees provided by the rules of the council. He said if it is in the charter, they have to do it, and if it's in the rules, the rules can change. Mr. Gall asked Council Liaison Henderson about the past practice.

Council Liaison Henderson explained the past practice of the Board Chair, staff liaison and council liaison interviewing applicants and referring the top candidates to the City Recorder and she contacts the Mayor with this information, the Mayor reviews the applications and contacts the applicant if he has questions and then puts it on the agenda. She said currently the mayor has two levels of power, to say yes or no to a candidate and whether or not he wants to put it on an agenda now or later.

Chair Allen replied this is the power of the council that is effectively seated rather than something the charter requires. Brief discussion occurred and Councilor Henderson said the mayor appoints with the councils consent, but the councilor's don't consent to the agenda.

Chair Allen replied, but the council has the ability to overturn the agenda and adopt it differently. Ms. Henderson confirmed.

Chair Allen stated he would prefer to use these topic sheets that City Manager Gall suggested, as a way to highlight for the council what the current power is and hopes the council understands they have made a decision either by default or actively to do it in a certain way. He said, but they have a range of options rather than use the charter to narrow their range of options. Comments were received that this is a good idea and they would have the option of changing their own rules.

The City Recorder referenced the City Council Rules, Section Q-Committees, Organizations and Media, which states:

Citizen Appointment and Removal

a. The Mayor will appoint the City committees, with the consent of the Council. The Mayor may request assistance from Councilors in making recommendations.

b. Council members will encourage broad participation on City committees by generally limiting the number of terms a citizen may serve on the same City committee.

c. A citizen may not serve on more than two City committees simultaneously. Any citizen serving on two City committees may not be chairperson of both City committees simultaneously.

She stated the rules indicate the mayor will appoint City committees with the consent of the council. She said the language doesn't say "members", it states "City committees". She said maybe the rules need to be clarified and stated all City committees are established by resolution, with the full council generally approving a committee. She said the process which is unclear and unwritten is the appointment process and approval.

Mr. Harbick asked Council Liaison Henderson if there was controversy surrounding this subject on the council during her tenure on the council. She replied maybe a couple of times and said she doesn't see this, as she doesn't serve on every board or commission as a liaison. She said there was an issue this last week when the mayor wanted to remove somebody from a board or commission, under consent. She said this is where he placed it. Discussion followed with the processes that occurred at that meeting with the business item being moved to New Business to allow for discussion.

Chair Allen stated this is where we get into, there being a structure and then there is the people working within the structure. Discussion followed and Ms. Henderson stated she believes it's important to clarify in the charter the role of the councilors so the public knows what they are voting on. She said in the charter, it doesn't necessarily give anybody any more authority than anybody else, it's silent.

Chair Allen replied, it's not silent, the Council acting as the council collectively has all the power with respect to appointments and they have procedurally elected to designate the mayor as the point person. He said he's comfortable with using their report as a way to highlight that for them and make sure the current council understands they have seated that power, which is at their full discretion to do or unseat.

City Manager Gall stated without necessarily recommending any additional language in the charter to clarify. Chair Allen confirmed.

Mr. Shannon referred to Section 10 and Rules and the committee future discussions, he said hopefully we can help clarify that as the rules are unstable.

City Manager Gall stated when these issues come up, staff in communication with the City attorney, referred to the charter as it is the constitution and the law and the more clarity that is there the better. He said rules can change because councils change. Ms. Henderson stated she believes its important in the charter to not have interpretation and isn't sure what is the best way to do that and said that is what we have with the council rules are various interpretations.

Chair Allen asked the committee members if they believe they need more specific language in the charter for any number of potential purposes, either to codify the rule procedures because, we want a mayor with a structural role in the process, or more structure, that we want to make sure, up to and including that they are not allowed to do what has been done.

City Manager Gall was asked to reference the West Linn language. He said it's noted under the Mayor's powers, under powers and duties of officers, Item F: "The Mayor shall appoint with the approval of the council, the boards, commissions and committees provided by the rules of the council".

Chair Allen replied that codifies what we have in the council rules now. Discussion occurred regarding where the language currently exists in the Sherwood charter and Section 6, under Chapter 2 was pointed out, indicating language of: *The council appoints members of commissions, boards and committees established by ordinance or resolution.* Discussion followed with reference to the West Linn Charter and language of "removal" and City Manager Gall stated it's referenced under "distribution".

Chair Allen replied we can defer to fixing this after we get through the election related provisions. He said the question in front of the committee is, do we want to say more about the mayor's role in this process in terms of, do we want to codify what is currently done or do we want to continue to leave that at the discretion of the council.

Chair Allen polled the committee members and the consensus was to leave the language and create an issue paper explaining why it was passed over.

The City Recorder confirmed there were no changes to Section 8-Mayor.

Chair Allen addressed Section 9-Council President and confirmed there were no changes.

Chair Allen addressed Section 10-Rules and said this is the area where we wanted the charter to reference “periodic adoption of rules by the Council” and said if that is where we want to be, he believes the language could read: *The council will adopt rules in January following each general election*, or something to this effect. He said when a council is established, it’s that council that adopts the rules that last for two years. Discussion occurred.

Chair Allen suggested taking the existing language and adding at the beginning of the sentence; *“In January after each general election, the council must by resolution adopt rules to govern its meetings”*. The committee conceded to the amendment.

Council Liaison Henderson stated the council rules don’t only apply to meetings, they also apply to conduct and representation outside of meetings. Discussion followed and it was suggested to add: *“...to govern its meeting and conduct of other council business.”*

Discussion followed and it was suggested ending the sentence with *“adopt council rules”* and not define what council rules cover, and anything within the charter is fair game for council rules.

Chair Allen recapped the amendment to state, *“In January after each general election the council must by resolution adopt council rules”*. The committee conceded to the amendment.

Chair Allen addressed Section 11-Meetings and said the committee spent time discussing this section and believes the result was no changes to the language and said he recalls the discussion being more of the council missing meeting. The committee conceded.

Chair Allen addressed Section 12-Quorum, discussion occurred and Chair Allen said he believes the committees natural inclination is to minimize the number of issues the committee puts before the voters in favor of a vital few that would meaningfully change the charter and said this is one of those sections. He said it’s weird language but he would rather not. Discussion occurred regarding the language of “compel attendance” and if this is language in the council rules, Liaison Henderson replied she did not believe so. Comments were received that the committee could address this more when discussing language of “council absences” from meetings, discussion followed.

City Manager Gall referred to other jurisdictions charter language and said it is similar and the only difference he sees is “compel the attendance of absent members in a manner provided by ordinance”.

Chair Allen asked the committee if they wanted to continue to address this section, the committee conceded not too.

Chair Allen addressed Section 13-Vote Required and confirmed there were no changes.

Chair Allen addressed Section 14-Record and said the committee discussed adding language of *“in accordance with public meeting and other applicable state law”*. He asked the committee if this section rises to the level of occupying people’s minds with when they look at these changes. It was asked if this was controversial? Chair Allen replied around here right now, it would be something he could imagine the committee may think of as a little grammatical clarifying cleanup and somehow turns into a

controversy. He said he is heading towards the direction that if the committee doesn't think something is a big deal, even if it is weird, unless that weirdness causes a problem, then leave it alone.

Comments were received that we are still compelled to operate by state laws and public meetings laws. It was asked if the council rules stated having to follow state meeting law and it could already be in the rules. Comments were received that even if it did not, they would have too.

The committee conceded there were no changes to Section 14.

Chair Allen stated that leaves the committee with things that are not currently codified that they spoke of potentially codifying. Those being Public Comment Period, public access and comments at work sessions and executive sessions. He said executive sessions are covered by state law and asked if the committee wanted to discuss public comments as a charter issue.

Ms. Vordermark stated she did not think so and believes it should be part of council rules and how they govern their meetings. She said she did not think it was a big enough issue to put through the City's constitution. Ms. Cooke indicated she agreed.

Mr. Shannon stated he disagreed and commented regarding his prior comments that the charter is our Bill of Rights and said part of that is to establish the rights of the citizens, beside just the manner the council operates. He commented regarding being on the opposite side of discussions with resolutions, that do not require public input. He said there are many times where the council is making decisions that have City wide affects and they don't have to listen to people's opinions. He said he believes this has created bad feelings in the past. He commented regarding hearing suggestions that citizen comments should be considered twice at council meetings, rather than once. He said the public is given the opportunity to provide input at the beginning of the meeting, not at the end, and believes this creates discontent when the council is considering input at the end of a meeting when they have already made a decision. He said he is not saying that the committee needs to put it in there, but thinks it is something that needs to be discussed.

Mr. Harbick asked what are the current rules, are public comments at the councils pleasure, or if the mayor.....Council Liaison Henderson interjected and said the Mayor determines the agenda and sometimes doesn't have public comments. Mr. Harbick asked if it's required and Mr. Shannon stated it's only required under quasi-judicial actions. Ms. Henderson stated land ordinances and anything that involves a public hearing. Chair Allen commented regarding distinguishing between public hearings and public comments.

Ms. Henderson referred to the language in the council rules, which states, *"a citizen and community group sign up forms will be available at each regular business meeting at the time on the agenda designated for public comment and during any public hearing any member of the public desiring to address the council must first be recognized. The council may set time limits for comments. The council may request that groups with like comments choose a spokesperson to represent joint remarks. During public hearings all public comments should be directed to the question under discussion and addressed to the mayor representing the council as a whole and general council members will not respond to comments made during public comment agenda time except to ask clarifying questions. Any public requests for council action will be referred to staff for review before placing on a future agenda"*.

Chair Allen stated this indicates if there is public comment, this is how you do it, not there shall be public comments. Ms. Henderson said it's been rare when we have not had public comments and said when we first started out this year, we had public comments at the beginning of the meeting and since then he has left it at the end of the meeting. Ms. Henderson confirmed with the City Recorder that this was correct. The City Recorder stated at times we will have two public comment opportunity and other times we will have one, many times this is determined by the amount of business on the agenda.

Ms. Henderson stated she agrees with Mr. Shannon and asked what is the point of citizen comments at the end of a meeting and said she doesn't get this.

Mr. Stecher stated he agrees with Mr. Shannon and said he believes it's something we need to, if we really care about public comments, which he believes we should. He said he believes it needs to be in here that the council will give opportunity for public comment and said it doesn't belong in the council rules because it's discretionary for the council and they could remove it in their review of the rules every two years and could get rid of it. He said he believes it definitely needs to be in there.

Ms. Henderson and City Manager Gall indicated it's in the council rules under the Agenda Order and it's implied that it is part of the normal business meeting for the council.

Chair Allen said if we want to go in this direction he would suggest language something like, "*the council shall afford an opportunity for general public comment at each regular meeting*". He said his preference would be to not get into whether it's at the beginning of the meeting or end of a meeting. Comments were received that it would be for the council rules to determine.

Mr. Harbick stated he likes the idea of having the language in there and said he has heard on occasion that people feel shut out of the government process, from a City, National or state levels. He said he believes this is something that will be positively received.

Ms. Kuiper agreed and said it's just as much of an opportunity for the public to speak as an opportunity for the council to hear different perspectives.

Mr. Silverforb stated he likes the suggested language and believes it works well and asked if the length of the public comments would be in the rules.

Chair Allen replied all the mechanics of the public comments would be up to the rules.

Mr. Shannon stated he would be happy with this and said he doesn't believe public comments are needed at work sessions and believes work sessions are more of a briefing with allowing the public to attend.

Ms. Kuiper asked if this would be a new section and Chair Allen replied yes, Section 15. Discussion followed as Section 15 already exists and it was suggested to place the language in Section 11-Meetings as another sentence. No objections from the committee were received.

Ms. Henderson mentioned one thing that the Council currently doesn't do any more under the current mayor is, he doesn't restrict comments to things that are not on the agenda, people can talk about whatever they want to. She said in the past, you were unable, except at a public hearing to comment on

items that were on the agenda. Discussion followed on events and processes that have occurred in the past.

The City Recorder confirmed with Chair Allen the following amendment:

Section 11-Meetings to add an additional sentence; *"The council shall afford an opportunity for general public comment at each regular meeting"*. Ms. Henderson replied she liked "regular" as the council will on occasion have quick meetings to pass legislation or accept something. Discussion followed on the definition of a "regular" meeting and it being a meeting that is publically noticed when the council meets to take action.

Chair Allen stated this concludes the discussion for Chapter 3, unless someone had something to add.

Mr. Stecher asked to address Compensation for the council and mayor. He said he believes it fits under Chapter 3 and said there is a section of compensation in the charter under Personnel, Section 37, Chapter 9. He said he wanted to specifically address salaries for the council and believes it fits better in Chapter 3.

Discussion followed regarding a charter provision and currently the council could create an ordinance giving themselves salaries without amending the charter. Mr. Stecher stated he would like to see the council having to amend the charter to be able to get paid and to put this before the citizens.

Chair Allen asked if Mr. Stecher wanted to capture things like phone allowance. Mr. Stecher replied, no, just direct cash compensation. Discussion followed and the committee referenced an issue in California and charter language of other jurisdictions, specifically West Linn language of; "compensation for services of each council member shall be the amount fixed by the Council".

City Manager Gall shared the remainder of the language from West Linn, "as of January 1, 2009 this amount shall not exceed \$4000 annually for each councilor and \$6400 annually for the mayor. This maximum amount shall be adjusted for inflation annually based on the consumer price index for the Portland Metropolitan Area", (West Linn Charter, page 3, Section 11).

Chair Allen asked if there was a meaningful difference between requiring them to do a charter amendment for the new compensation or having a charter provision that says, "any compensation proposed needs to be approved by the voters at a regular election". He asked Mr. Stecher if these two things meant the same thing to him. Mr. Stecher replied yes.

Chair Allen asked City Manager Gall for his comments. Mr. Gall said if there is a proposal to compensate the mayor and councilors, right now, this could be done by ordinance.

Ms. Henderson replied she thought there was a state law where a City can pass an ordinance but it would have to be effective at the time that the people who voted on it, potentially would no longer be in office. Discussion occurred with a prior council consideration of compensation and the effective date was a future date with future elected officials. Comments were received that it could not be self-serving and an elected official could not vote themselves compensation while in office. She stated she believes this is how the state laws reads. Chair Allen replied this is how the Federal system is and questioned if Ms. Henderson was certain this was state law. She replied this is what she recalled hearing from the

City's legal counsel back when this topic was addressed by the council. She said we would have to ask legal.

Chair Allen recapped and dissected the discussion to allow the committee to think about the topic. He said the status quo we think, is the Council has the unlimited authority to do whatever it wants for compensation but it can't take effect until a future date or election. He said an option would be to say we don't want the council to have any authority over this so we either put in the charter that they don't get it at all and they need to amend the charter or put it in the charter that they must submit it for a vote to get it. He said wherever we end up on these, the other piece would be to figure out how to word it in a manner that there is some ability to deal with expenses. Discussion occurred.

Mr. Silverforb asked Council Liaison Henderson approximate how many hours a week does she think a councilor puts in on council business. Ms. Henderson replied, she believes it varies dramatically depending on each councilor but she doubts she puts in less than 25 hours per week. She said we are never off the clock and receive emails and communications all days and hours of the week. She said it depends on what's happening and what's on the agenda. She shared an example of the time commitment she and two other councilors put in while working on the Community Center Project.

Chair Allen said it's important for the committee to distinguish between *if* there's compensation, what's appropriate and whether it's appropriate or not and the separate issue of who should control whether there is compensation or not. He said currently the charter provides for the council control with an opportunity for political accountability and the notion on the table is, should we change that to direct electoral control, some type of a vote to make it happen. He asked the committee members for their positions on this issue.

Ms. Vordermark replied she thinks if more people in the community were aware that the council could vote compensation for themselves after certain dates, they would probably be upset about that. She said she personally doesn't have any issues if the council had some compensation based on what they do for our community and the amount of time they spend. She said she has been in lots of different cities where they receive compensation and benefits and they do a fabulous job. She said if we put it in the charter as, the citizens have to vote, maybe not that they get to vote on that particular compensation package, but they can vote for something new, compensation wise.

Mr. Stecher said he would like them to be the gatekeepers, not necessarily the ones that determines the amount.

Ms. Henderson asked if the committee wanted language similar to that of the Willamette River Water, that the council needed to go to a vote of the people.

Mr. Shannon replied this is his suggestion. Ms. Henderson informed the committee of the recent Brookman Annexation election that failed, and the election cost being \$10,000.

Discussion followed with reference to West Linn, and the monthly compensation being \$450.

City Manager Gall asked if this covers all their expenses or do they get expenses on top of that. Comments were received that this is a salary and they get expenses on top of that.

Ms. Henderson stated the only person that has on-going day-to-day operational expenses is the mayor, he has a cell phone reimbursement and the remainder of the council gets nothing. The City Recorder added the current mayor doesn't take his reimbursement and the prior mayor did. She confirmed it is \$80 per month.

Chair Allen polled the committee.

Mr. Harbick replied he doesn't have a strong opinion and is fine with leaving it alone but can be persuaded.

Mr. Shannon said as much as he values the service of Councilor Henderson, he believes a change of this magnitude would require a vote of the people.

Ms. Cooke replied she doesn't mind the idea of providing salaries and believes it takes a lot of time and effort and said as a planning commissioner she has to pay for childcare to attend meetings and there are expenses that go along with serving the community. She said she is concerned given the current status of the City and is not sure that the voters would support the change. She commented regarding moving forward in this campaign and the most important charter provisions that have to occur and wants to make sure we are not bogging ourselves down on issues.

Chair Allen said this has been a live issue and referred to discussions that occurred in 2007 and said it was contentious and believes this would be a popular provision. It was asked if it was necessary for May?

Ms. Cooke said she would support it, if it was in November with having a longer cycle to talk about it.

Chair Allen asked what Mr. Stecher thought of that notion, he replied he didn't have a problem with that.

Chair Allen said he was jotting down language and asked the committee what they thought of, *"the council shall not establish or modify compensation for councilors beyond reimbursement of reasonable expenses unless first approved by a majority of voters at a general election"*.

The City recorder clarified for her understanding.

Chair Allen confirmed the committee would table this potential amendment until after they get through the election dependent issues and come back to it. The committee conceded.

Chair Allen called for a 5 minute break at 8:12 pm and reconvened the meeting at 8:20 pm.

Chair Allen addressed Chapter 7, Section 24-Councilors and said the committee needs to pin down language for the "by position" or "by majority vote" or however we want to phrase that.

City Manager Gall suggested looking at the West Linn charter language, pages 2-3 and said the language transitioning might take some legwork.

Chair Allen asked the City Recorder if the committee could simply revert to the prior language.

Councilor Henderson replied there wasn't prior language and the City Recorder stated the committee was provided with charter amendment history at a prior meeting dating back to 1984 and said prior to that there were amendments but not to this extent of what the committee is currently doing. Chair Allen said our current system has been in place for 3 elections and asked what was the language 4 elections ago. The City recorder said she would have to look.

Chair Allen said potentially for the need for transition wording, it should just be reverting to what it said before, as that is all we are talking about doing, is to go back to that system.

Chair Allen said staff knows what the committee wants to do and asked staff to research and draft language for the committee to consider. The committee conceded.

Chair Allen addressed Term Limits in Section 25-Mayor and said the committee did not determine what they should be and referred to materials provided (see record, Exhibit A), noting by position versus highest vote getters. He asked the committee for feedback on councilor term limits.

Mr. Harbick stated he is against term limits and said he believes what the term limit is, is the voters voting you out or voting you in.

Mr. Shannon said he likes the idea for the councilors that they be restricted to two consecutive elections, he said that may be more than eight years, if they fill a partial term of office before they get elected. He referred to prior committee member comments and public testimony expressing concerns of burning volunteers out. He said there should not be term limits for the mayor.

Chair Allen asked to hold off on the mayoral term and address term limits for councilors.

Mr. Shannon said 2 elections.

Ms. Cooke replied she is not supportive of term limits.

Mr. Hoffbuhr replied he started out with 2 terms and after the discussions he believes the committee talked about 3, which he is comfortable with.

Ms. Cooke clarified she would be more comfortable with 3 terms and definitely opposed to 2 terms.

Chair Allen recapped the feedback; Harbick was no term limits; Shannon 2 or 3; Cooke no, but if we have to have, at least 3.

Ms. Kuiper said 2 or 3 and likes the idea of taking a timeout, Chair Allen confirmed the consecutive language.

Ms. Vordermark said she agreed with Kuiper 2 or 3 would be fine.

Mr. Silverforb stated he likes 3.

Mr. Stecher said he likes 2 and gave the example of Councilor Krisanna Clark being elected for a short term and said, he would go with at least 8 years to define 2 elections. Brief discussion followed with the partial term filled by Clark.

Chair Allen stated he had begun to jot down language of, *"no councilor shall serve more than 2 complete consecutive terms"*. He said his own thoughts are, if the committee pushes that to 3 terms, you could actually drop the "complete" portion because then you're talking about serving 8 years and something, which is still a good long time and you're not pushing it out to near 12 years or 15 years, which would be 3 full terms plus most of a partial term. He said this would seem to defeat the whole purpose, if this is the direction we want to go.

Ms. Cooke commented regarding historical knowledge and the importance of having this. She commented regarding having to lose someone who is valuable and has historical knowledge and then having to figure out where the knowledge would come from. She gave an example of her place of employment and people having a long standing history. She said she would encourage the committee to do at least 3 terms.

Chair Allen addressed his draft language of, *"no councilor shall serve more than 3 consecutive terms"* and said partials would count towards that construct.

Ms. Kuiper asked where would the additional language be for the required time out, consecutive language.

Chair Allen replied "consecutive" gets you there.

Chair Allen asked if the committee was comfortable with that language. The committee conceded.

Chair Allen stated the position hopping thing goes away because we are recommending eliminating the "by position".

City Manager Gall questioned this thought and said, does it though, if you do these separately, people can vote on the term limit amendment and vote on changing the council position, what if the council position fails, and you still have position, but they say yes to term limits.

Chair Allen suggested language of, *"no councilor shall serve on the council more than three consecutive terms"*. The City Recorder confirmed this would not include the mayor and Chair Allen confirmed and said the mayor is a separate discussion. No objections from the committee were received.

Chair Allen addressed the mayors term and a comment was received of no term limits for the mayor.

Chair Allen said this is where he is, no limits on the mayor given that the election, and this would be the important thing to capture in the issue for him, is that given the election is every two years, he would not support changing that. He said that person is basically under continuous review by the public and if people want to continue for whatever period, he is comfortable with that. He asked for committee member augments on this. Brief discussion occurred with Mr. Stecher's previous position on this matter.

The committee conceded to not having mayor term limits.

Chair Allen said we then have a technical clean up and said this is one that is not meaningful but he believes the committee has to as it's just flat wrong, which is the language of "every other general election", this language is not accurate for a 2 year term. He said we really need to propose a deletion of the word "other".

Mr. Shannon suggested using the same language as we did with the councilors, "*at each general election*". Chair Allen agreed and no objections were received.

Mr. Hoffbuhr stated we need to specify it's a cleanup.

Chair Allen said and we don't need the language, "after the adoption" do we? Discussion followed and Ms. Kuiper asked after the adoption of what? Mr. Shannon replied it was after the adoption of the original term and Chair Allen said this almost looks like we voted on the language you would need to create a 4 year term. He said he believes this section should simple read, "*at each general election a mayor will be elected for a two year term*". No objections were received.

Chair Allen said and we don't need the last sentence either, do we? It was asked what does that mean?

City Recorder Note, the sentence in questions is: *The Mayor in office when this charter is adopted is the term for which the mayor was elected.* Discussion followed that this appears to be a transitional sentence.

Mr. Shannon asked if we are cleaning up that language, do we also need to do the same cleanup for the council, because that is the exact same language.

City Recorder note: The committee referred to Section 24-Councilors and the last sentence of: *The terms of councilors in office when this charter is adopted are the terms for which they are elected.*

Ms. Henderson said she believes it has to do with the fact that if you change the charter it doesn't change the term of the people who are in office currently.

Chair Allen replied, that is appropriate transitional language because that does apply to a place where we did make a change. He said in the interest, and back to the thought of being as simple as we can possibly be, although it's transitional language we don't need any more, I wouldn't mess with it. No objections were received.

Mr. Shannon stated the only thing that we do need to change is, "at each general election". Chair Allen replied, no that is accurate, at each general election three councilors will be elected. He said he would leave the councilor language alone and change the mayor. Discussion followed about proposing a change to the section anyways and taking advantage of that to clean-up the councilor language.

Chair Allen said so we delete, "after the adopt" and we delete the entire second sentence, which makes no meaningful change to the charter it simply eliminates outdated transitional language.

The City Recorder confirmed these are changes to Section 25 and asked if there were any consideration to Section 24? Chair Allen replied, Section 24 we make the same changes, we delete the

words “after the adopt” and we delete the second sentence. He said the difference is in Section 24, we are not actually changing anything about how things work, we are just deleting superfluous language and in Section 25 the language doesn’t track how we actually do it, it doesn’t match the term, so we are making a change to correct it, but leaving the term at 2 years and not imposing term limits. The committee conceded.

Ms. Henderson referred to the term limit comparison document provided by staff and said everybody that has a term limit for the councilors has a term limit for the mayor and most of the people that have term limits, vote at large not by position. Discussion followed with a review of other jurisdictions.

Chair Allen addressed Section 26-State Law and referred to prior discussion and said it’s irritating language but it doesn’t seem to be hurting anybody and would rather not confuse things. The committee conceded. Mr. Stecher asked if the committee still wanted a legal opinion.

Chair Allen said he is assuming there has been a set of questions that has been put to legal counsel and if they have been submitted we don’t need to withdraw them and if they haven’t, we don’t need to. No objections were received.

Chair Allen addressed Section 27-Qualifications and said this is language of being a qualified elector and reside within the City for at least a year. He said the committee discussed a change to 18 months and decided against this.

Council Liaison Henderson asked if this is 12 months prior to the election or 12 months prior to filing. She asked what the ordinance stated and Chair Allen said it’s before the election. The City Recorder said she would have to look at the code.

Chair Allen stated the charter indicates before the election. Discussion occurred.

Chair Allen said there was discussion of “City limits” versus “City” and said he is putting this in a category of distinction without a difference. He confirmed with the committee that item (a) does not change. Brief discussion occurred with a reference to Chapter 1, Section 3-Boundaries and the language being defined in this section.

Chair Allen asked the City Recorder and suggested for future work, a package of charter amendments that are truly cleanup amendments, as something to put before people, where we can honestly say, here is language that has no substantive change but makes the language clearer, as its own standalone thing. He asked to set this thought aside and talk about it later.

Chair Allen addressed Section 27.b and said we have notes of grammatical issues and said this is cleanup and confirmed with the committee to leave it alone for now. No objections were received.

Chair Allen addressed Section 27.c and said this is regarding nepotism and said we had questions for legal counsel of what we can do within state law and we don’t have feedback yet.

Chair Allen addressed Section 27.e and said this is proposed new language of, “*neither the mayor or councilor may hold another state or local government elected office*”. The City Recorder pointed out there was prior committee discussion that resulted in not adding this language. Chair Allen said this is

an area where we would do an issue briefing that we discussed more than one office and why we decided in the manner we did.

Mr. Shannon said he would like to see this, while he agrees with the consensus that there are non-important elected offices, there are also areas where there could be highly important elected offices that might cause conflicts of interest.

Chair Allen addressed Section 27.d and said the committee discussed the language of, “the council is the final judge of the election and qualifications of its members”. He referred to suggested language of, “the council is the final judge of the qualifications of its members after election”, or something to this effect. Discussion occurred and Chair Allen confirmed with the committee to leave this language alone and potentially revisit it as cleanup. The committee conceded.

Chair Allen addressed Section 28-Nominations and said we have a question out on this for legal counsel and this may be another area unless we hear from legal that nomination is something, that we will want to make us make a substantive change or it will result in cleanup language. No objections were received.

Chair Allen addressed Section 29-Terms and said we have a note to consider this language if term limits are added, and said he doesn’t recall specifically why. The City Recorder did not recall the reasoning for this consideration either. Chair Allen suggested leaving the language as is and asked the City Recorder to research.

Ms. Henderson asked regarding the language “successor qualifies and assumes the office”. Chair Allen replied, gets elected and is certified or gets appointed. She replied the only reason they would not be seated at the first meeting immediately following the election is if the results were not in yet and they were not qualified yet. Chair Allen added or a recount or a disputed election.

Chair Allen said it’s possible that we could need to say, “you continue until the successor qualifies irrespective of any applicable term limit”. He gave the example of someone being at the end of their 8 years and you have a disputed election and you could end up with a conflict between this and the term limit language and the question is, which would be prefer if there is some similar circumstance, would we prefer the seat be vacant or would we prefer someone serve an additional period of time beyond the term limit until that successor qualifies.

Comments were received that the current wording does not preclude that. Chair Allen replied he thinks the current wording conflicts with the term limit language, the term limit language states “you will serve no more than 2 consecutive terms” and this says, you will keep serving however long it takes to figure out the election. He said he thinks we either need to delete the successor language or say that they will serve until a successor qualifies irrespective on any applicable term limit.

Ms. Vordermark said, but if we change it to the top vote getter type of thing, there is no position where, and asked who’s the person that’s going to stay. Chair Allen replied and gave an example of a scenario and said to be on the safe side, he would suggest the language of “*irrespective on any applicable term limit*”. He asked if the committee was in agreement with this. No objections were received.

He said, so it continues until the successor qualifies and assumes office irrespective if any applicable term limit.

The City Recorder asked if research was still needed and Chair Allen replied no, he believes they have discovered the issue. The City Recorder directed the committee to the meeting minutes of January 2, page 13. Brief discussion occurred and it was asked if term limits don't pass then this doesn't have to change as far as adding that. Chair Allen replied, the proposed language indicates "irrespective of any applicable term limits" and said if there isn't an "applicable term limit" then it doesn't matter.

Chair Allen addressed Section 30-Oath and said there were no changes.

Mr. Shannon suggested stopping at this point as the next section of Vacancies is going to be lengthy discussion.

Chair Allen agreed and said that leaves us with Section 31-Vacancies and Section 32-Filling Vacancies.

Chair Allen referred to the calendar and said we have a meeting scheduled for January 30 and confirmed with the City Recorder. He said by this meeting on the 30th the committee needs to see a redlined document that captures the language decisions we have made tonight and will have the language decisions we need to make on Section 31 and Section 32. He said we will need to look at the redlined document via email, and after that as we spoke of, doing a public workshop/open house and a hearing on the 13th. He said we spoke of having a meeting and dividing it in two, the first half was doing some discussion in groups by tables, discussing Chapter 3 and Chapter 7 and circulating amongst those tables and have discussions of what we have been talking about including the issue briefs if those are available by that point. He said we could spend an hour doing this with people rotating amongst the tables, followed by an actual public hearing to received testimony and that would then give us the meeting on the 27th where we would be able to take everything we have heard and turn it into what would be our final recommendations on Chapter 3 and Chapter 7 to the City Council. No objections were received.

Chair Allen asked City Manager Gall regarding the issue briefs and asked if staff will be doing these as a staff function or is staff looking at the committee to complete them. City Manager Gall replied he thinks it's a combination and staff can make some conclusions and bring the committee a draft, but he would be cautious about not speaking for the committee members.

Chair Allen said he believes staff has enough on this format as staff knows what the committee's recommendations are. City Manager Gall said he could take an attempt at the language and share it with the Chair and Vice Chair for initial word-smithing and then distribute it.

Chair Allen said in the timeline between now and the 13th, this appears doable for us to react to something that is 60% complete. Chair Allen suggested the City manager send the draft documents to the entire committee and he reminded the committee members should avoid a "reply all" as this turns the communications into a public meeting, which we can't do. He said to reply back to the staffer that sent them. He confirmed this process worked for the committee members.

City Manager Gall stated in the conclusions and findings, he will be cautious in the draft as he doesn't want to speak for the citizens. Chair Allen replied if you can at least put prompts to remind us of the ground we have covered that would be useful. Mr. Gall confirmed.

Chair Allen said for the next meeting, there is a chance that we will need to go past 9 pm to get all this work ready for the public. It was suggested the committee could schedule another meeting if needed.

8. Public Comment

No one came forward.

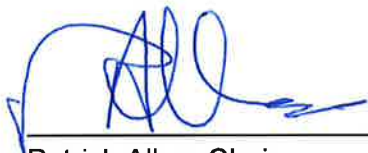
9. Adjourn

Chair Allen adjourned the meeting at 8:55 pm.

Submitted by:



Sylvia Murphy, MMC, City Recorder



Patrick Allen, Chair