



Home of the Tualatin River National Wildlife Refuge

**6:30 pm WORK SESSION**

1. Call to order (Chair)
2. Roll call (Chair)

**7:00 pm REGULAR MEETING**

1. Call to order (Chair)
2. Roll call (Chair)
3. Approval of Meeting Minutes
  - a) Approval of January 30, 2014 Meeting Minutes
4. Open House/Work Session Format (7:00 pm)
  - a) To conduct open discussion with the public and receive feedback on Chapter 3 and Chapter 7 of the Sherwood City Charter
5. Public Hearing
  - a) Receive public comment on Chapter 3
  - b) Receive public comment on Chapter 7
6. Charter Review Committee Discussion
7. Adjourn

**AGENDA**

**Charter Review Committee  
February 13, 2014**

**6:30 pm Work Session  
7:00 pm Open House  
Meeting  
Community Room**

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





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.

Chapter III

COUNCIL

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

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.

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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:"

The mayor must sign all records of council decisions. The mayor serves as the political head of the city government.

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.

Section 10. Rules. ~~The council must by resolution adopt rules to govern its meetings. In January after each general election, the council must by resolution adopt council rules.~~

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. ~~The council shall afford an opportunity for general public comment at each regular meeting.~~

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.

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.

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

## 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

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.~~ No councilor shall serve on the council more than three consecutive terms.

Section 25. Mayor. At ~~each 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.~~

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.

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.
- (b) No person may 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.
- (d) The council is the final judge of the election and qualifications of its members.

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.

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 irrespective of any applicable term limit.

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.

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.
- (4) An election to a different City 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~~ all meetings in a 60 day period.
- (3) Ceasing to reside in the city
- (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).

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 or by appointment of the majority of the council if less than 13 months remain within 45 days. 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~~ shall 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.

## 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.

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.

**Ballot Title**  
**An Election on a Proposed Revision of the City Charter-Positions**

**CAPTION:** REVISIONS TO CITY OF SHERWOOD HOME RULE CHARTER-POSITIONS (8 words, max 10)

**QUESTION:** Should the City of Sherwood adopt certain revisions to amend the City Home Rule Charter, pertaining to positions? (18 words, max 20)

**SUMMARY:** This measure would amend the current city charter Chapter 3, Section 7-Council by removing the provision of "elected from the city by position" and reverting to the prior system of "elected from the City".

The Oregon Constitution gives city voters the right to adopt, amend and revise a charter. The charter grants legal authority to the city and sets duties. Sherwood voters adopted the current charter in May 2005.

The proposed revision removes "by position" language adopted in May 2005 and reverts to an election process that existed prior to this May election. The current process assigns position numbers to councilors and a candidate must file for a particular position, running against the incumbent and vying for that seat.

The former election process did not indicate position numbers and candidates would file and the top vote getters from the electorate would be elected as a City Councilor for the current term limit of four years. (155 words, max 175)

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**Ballot Title**  
**An Election on a Proposed Revision of the City Charter-Council Rules & Public Comment**

**CAPTION:** REVISIONS TO SHERWOOD HOME RULE CHARTER-RULES & PUBLIC COMMENT *(10 words, max 10)*

**QUESTION:** Should the City of Sherwood adopt revisions to amend the City Charter, pertaining to Council Rules and Public Comments? *(19 words, max 20)*

**SUMMARY:** This measure would amend the current city charter Chapter 3, Section 10-Rules by removing the provision of, "The council must by resolution adopt rules to govern its meetings" and replacing with, "In January after each general election, the council must by resolution adopt council rules". The measure would also amend Chapter 3, Section 11-Meetings to add the following provision to the existing language, "The council shall afford an opportunity for general public comment at each regular meeting".

The Oregon Constitution gives city voters the right to adopt, amend and revise a charter. The charter grants legal authority to the city and sets duties. Sherwood voters adopted the current charter in May 2005.

The proposed revisions requires review of adopted council rules by the newly appointed elected body after a general election and requires public comments to be received at each regular meeting. *(142 words, max 175)*

**Ballot Title**  
**An Election on a Proposed Revision of the City Charter-Term Limits**

**CAPTION:** REVISIONS TO SHERWOOD HOME RULE CHARTER-TERM LIMITS *(8 words, max 10)*

**QUESTION:** Should the City of Sherwood adopt revisions to amend the City Charter, pertaining to Council members term limits? *(18 words, max 20)*

**SUMMARY:** This measure would amend the current city charter Chapter 7, Section 24-Councilors by removing unnecessary language and adding the provision of, "No councilor shall serve on the council more than three consecutive terms".

Amend Section 25-Mayor, by removing incorrect language of, "after every other" general election and removing transition language no longer necessary. The mayor term limit shall remain as is, with no limits specified.

Amend Section 29-Terms, by adding language of, "irrespective of any applicable term limit".

The Oregon Constitution gives city voters the right to adopt, amend and revise a charter. The charter grants legal authority to the city and sets duties. Sherwood voters adopted the current charter in May 2005.

The proposed revisions allows for establishing language of setting councilor term limits to 3 consecutive terms, cleans up language pertaining to the mayor, retains mayoral term limit language as is, and adds clarification language to terms for elected officials. *(152 words, 175 max)*

**Ballot Title**  
**An Election on a Proposed Revision of the City Charter-Vacancies and Filling Vacancies**

**CAPTION:** REVISIONS TO SHERWOOD HOME RULE CHARTER-VACANCIES & FILLING VACANCIES *(10 words, max 10)*

**QUESTION:** Should the City of Sherwood adopt revisions to amend the City Charter, pertaining to Vacancies and Filing Vacancies? *(18 words, max 20)*

**SUMMARY:** This measure would amend Chapter 7, Section 31-Vacancies and Section 32-Filling Vacancies.

By adding a new provision to Section 31, a.4, of when an office becomes vacant, by *"an election to a different City office"*.

Amends b.2 pertaining to absences from the City by removing language of, "from three consecutive regular council meetings" and replacing with, *"all meetings in a 60 day period"*.

Amends Section 32 by adding the italicized text to existing language, "a mayor or councilor vacancy will be filled by an election if 13 months or more remain in the office term, *"or by appointment of the majority of the council if less than 13 months remain within 45 days"*.

Amends by replacing italicized language of *"may be"* to *"shall be"*, "A mayor or council vacancy *may be* filled by appointment by a majority of the remaining council members".

The amendments adds provisions of when an office becomes vacant, addresses allowed period of time an elected may be absent from City and adds language for filling vacancies in a timely manner. *(174 words, max 175)*

CITY OF SHERWOOD  
MEASURE TO AMEND CITY CHARTER

EXPLANATORY STATEMENT

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. Sherwood voters adopted the current City Charter in 2005. It has not been amended or revised since then. The proposed Charter amendments are being brought before city voters on the November 2014 Ballot.

This proposed measure would amend the current City Charter Chapter 3, Section 7-Council by removing the provision of "elected from the city by position" and reverting to the prior system of "elected from the City".

The current process has assigned position numbers to councilors and a candidate must file for a particular position, running against the incumbent and vying for that seat.

The former election process did not indicate position numbers and candidates would file and the top vote getters from the electorate would be elected as a City Councilor to fill the vacant seats.

The City Council formed a Charter Review Committee in 2013 comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback, held an open house and a public hearing on the proposed amendments. The Committee and City Council met to review the amendments, and the City Council held a public hearing to received citizen input.

If approved by the voters, the revisions will take effect upon the City Council adoption of the November 2014 election results. (235 words, 500 max)

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**CITY OF SHERWOOD  
MEASURE TO AMEND CITY CHARTER**

**EXPLANATORY STATEMENT**

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. Sherwood voters adopted the current City Charter in 2005. It has not been amended or revised since then. The proposed Charter amendments are being brought before city voters on the November 2014 Ballot.

This measure would amend the current City Charter Chapter 3, Section 10-Rules by removing the provision of, "The council must by resolution adopt rules to govern its meetings" and replacing with, "In January after each general election, the council must by resolution adopt council rules".

The measure would amend Chapter 3, Section 11-Meetings to add the following provision to the existing language, "The council shall afford an opportunity for general public comment at each regular meeting".

The proposed revisions requires review of adopted council rules by the newly elected governing body after a general election and requires public comments to be received at each regular meeting.

The City Council formed a Charter Review Committee in 2013 comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback, held an open house and a public hearing on the proposed amendments. The Committee and City Council met to review the amendments, and the City Council held a public hearing to received citizen input.

If approved by the voters, the revisions will take effect upon the City Council adoption of the November 2014 election results. (246 words, 500 max)



CITY OF SHERWOOD  
MEASURE TO AMEND CITY CHARTER

EXPLANATORY STATEMENT

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. Sherwood voters adopted the current City Charter in 2005. It has not been amended or revised since then. The proposed Charter amendments are being brought before city voters on the November 2014 Ballot.

This measure would amend Chapter 7, Section 24-Councilors and Section 25-Mayor by removing unnecessary language pertaining to positions, setting term limits for councilors and removing unnecessary transitional language. It would amend Section 29-Terms as noted below.

The current language in Section 24 states: "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 are elected".

The proposed language would read in its entirety: "At each general election three councilors will be elected for four-year terms. No councilor shall serve on the council more than three consecutive terms".

This measure would amend Section 25-Mayor. The current language states: "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".

The proposed language would read in its entirety: "At each general election a mayor will be elected for a two-year term".

This measure would amend Section 29-Terms, by adding language of, "irrespective of any applicable term limit" to the end of the existing language. The section would read in its entirety: "The term of any 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 irrespective of any applicable term limit".

The City Council formed a Charter Review Committee in 2013 comprised of Sherwood residents to review and proposed amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback, held an open house and a public hearing on the proposed amendments. The Committee and City Council met to review the amendments, and the City Council held a public hearing to received citizen input.

If approved by the voters, the revisions will take effect upon the City Council adoption of the November 2014 election results. (386 words, 500 max)

CITY OF SHERWOOD  
MEASURE TO AMEND CITY CHARTER

EXPLANATORY STATEMENT

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. Sherwood voters adopted the current City Charter in 2005. It has not been amended or revised since then. The proposed Charter amendments are being brought before city voters on the November 2014 Ballot.

This proposed measure would amend Chapter 7, Section 31-Vacancies and Section 32-Filling Vacancies.

By adding a new provision to Section 31, creating subsection a.4, pertaining to language of when an office becomes vacant, by "*an election to a different City office*".

It amends b.2 pertaining to absences from the City by removing language of, "from three consecutive regular council meetings" and replacing with, "*all meetings in a 60 day period*".

It amends Section 32 by adding the italicized text to existing language, "a mayor or councilor vacancy will be filled by an election if 13 months or more remain in the office term, "*or by appointment of the majority of the council if less than 13 months remain within 45 days*".

Amends language by replacing italicized language of "*may be*" to "*shall be*" in existing language of: "A mayor or council vacancy *may be* filled by appointment by a majority of the remaining council members".

The amendments adds provisions of when an office becomes vacant, addresses the allowed period of time an elected may be absent from the City and adds language for filling vacancies in a timely manner of within 45 days.

The City Council formed a Charter Review Committee in 2013 comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback, held an open house and a public hearing on the proposed amendments. The Committee and City Council met to review the amendments, and the City Council held a public hearing to received citizen input.

If approved by the voters, the revisions will take effect upon the City Council adoption of the November 2014 election results. (333 words, 500 max)

# Approved Minutes



**SHERWOOD CHARTER REVIEW COMMITTEE**  
**22560 SW Pine St., Sherwood, Or**  
**February 20, 2014**

- 1. Call to Order:** Vice Chair Neil Shannon called the meeting to order at 7:02 pm.
- 2. Committee Members Present:** Budget Committee Representative Vice Chair Neil Shannon, Library Advisory Board Representative Jack Hoffbuhr, Parks Advisory Board Representative Brian Stecher, Citizen at Large Bob Silverforb, SURPAC Representative Charlie Harbick, Planning Commission Representative Beth Cooke, Cultural Arts Commission Representative Alyse Vordermark and Citizen at Large Jennifer Kuiper. Citizen at Large Chair Pat Allen was absent.
- 3. Staff and Council Liaison Present:** City Manager Joseph Gall, City Recorder Sylvia Murphy and City Council Liaison Linda Henderson.

Vice Chair Shannon addressed the prior meeting minutes and asked for a motion.

**4. Approval of February 13, 2014 Meeting Minutes**

**MOTION: from Brian Stecher to approve the meeting minutes, seconded by Beth Cooke. Motion passed 8:0. (Chair Pat Allen was absent).**

**5. Public Comments**

No one came forward.

**6. Charter Review Committee Discussion**

Prior to discussion staff introduced the following items into the record as provided to the committee.

City Charter with Track Changes, (see record, Exhibit A)

Draft Ballot Titles pertaining to Positions, Council Rules & Public Comments, Term Limits, and Vacancies & Filling Vacancies, (4 ballot titles) (see record, Exhibit B)

Draft Explanatory Statements, (4 statements-one for each ballot title) (see record, Exhibit C)

Vice Chair Shannon asked for discussion on Section 11-Meetings in regards to when public comments are heard and said the committee discussed this when he was on vacation and he would like to briefly provide input. He said he was in favor of adding the term, "prior to the start of business" at the end of the current sentence. He said his position on this is, he doesn't believe it would interfere with the operations of the City council meeting as they have awards and presentations that occur prior to conducting council

business. He said there can be frustrations from the people that come before the Council and the Council may make decisions on business and inviting public comments after their decisions have been made. He said we are not writing in the rules how long the comments are to be or how many comments they receive and move the others to the end, he said this can be addressed in the Council Rules. He said he referred to this as a bill of rights and would like this as the rights of the citizens to bring questions before the Council before decisions are made and not afterwards. Mr. Shannon asked for comments from the committee.

Ms. Vordermark asked Council Liaison Henderson if there was something to do with citizens comments not having to be received to make decisions. Ms. Henderson said in the past the council did not accept citizen comments on business that was listed on the agenda. She said this is a way to keep things moving and not let things get held up on topics that are not required to have a public hearing. She said we can take public comments on anything we want and there are ordinances on land use decisions that require public hearings. She explained past practice and the language being on the form people fill out to provide comment and said the current Mayor Middleton does not do this. She said during the recent Walmart discussions the Mayor moved citizen comments because the Council was not getting any business done and he has not moved them back. She said this is one example of power the Mayor has. She gave an example of receiving general public comments and receiving public hearing comments.

Ms. Vordermark asked if it made a difference to state, the comments needed to be at the beginning of a meeting.

Mr. Shannon gave the example of an ordinance, which passes laws and requires a public hearing and a resolution, which is more of the administration of the City, which does not. He shared an example of a request he made to move business on an agenda to allow for comments and the Mayor moved the business. Mr. Shannon said the Mayor did not have to do this. Discussion followed regarding what business requires a public hearing and prior business of the council where public comments were not received.

Mr. Silverforb stated he believes Mr. Shannon has valid points but does not agree with them. He said we all could come up with cases at one time or another where we were unhappy with the fact that public comment was not taken and said you can't please all the people all of the time. He said he would like to leave it so that the power be with the Mayor and the Council to decide when they want to have public comment. Mr. Shannon said he can accept this and may take the opportunity to provide comments when the council discusses their rules next January.

Comments were received and it was clarified that the committee agreed of proposing the Council would take public comments but the committee was not indicating when. Additional questions and comments were received regarding past events.

Ms. Kuiper asked regarding resolutions and requirements of the law to provide comments or if this was part of the charter and can be changed. Mr. Shannon replied it is not required and Ms. Henderson said public testimony isn't required at all. The City Recorder added public testimony is required by law for land use matters and said the reference in the Charter to ordinances and resolutions does not indicate the requirement of receiving public comments and suggested a future opportunity for the committee to consider this when they address these sections of the charter.

Ms. Henderson commented regarding the public having other opportunities to provide comments to the council prior to a meeting, via email, in writing or conversation and not needing to wait for a meeting. City Manager Gall commented regarding recent business of the Council with a desire being voiced to move a resolution to allow for public comments.

Vice Chair Shannon addressed the next business item.

**The Committee addressed the ballot title for Positions** and it was suggested under the Caption, prior to the word "positions" to insert the word "Council", likewise under the Question to insert "Council". The City Recorder commented that the position numbers refer to Councilors, as the Mayor does not have a position number and suggested inserting the word "councilor". No objections or comments were received.

Discussion occurred regarding language in the 3<sup>rd</sup> paragraph of the Summary and the reference to the May election and it was suggested to include language indicating which election is being referred to, the current May 2014 election or the prior May 2005 election. Alternative language was suggested as:

*The proposed revision removes "by position" language adopted in May 2005 and reverts to an election process that existed prior to the May 2005 election. The current process assigns position numbers to councilors thereby requiring a candidate to file for a particular position.*

Discussion occurred regarding the last paragraph in the Summary and amending the language to clarify. The committee referred to language in the West Linn Charter.

The City Recorder informed the committee the ballot titles were a very rough draft and per City Code the City Attorney must draft the ballot titles and explanatory statements. She explained the timeline the committee was working under and the next scheduled meeting with the City Council to review the committee's recommendations. Discussion followed regarding alternative language in the 4<sup>th</sup> paragraph of the summary with reference made to West Linn and removing language in the 2<sup>nd</sup> paragraph to allow for more text in the 4<sup>th</sup> paragraph.

Vice Chair Shannon said he did not believe the committee could word-smith the ballot title tonight and appreciated the work already done and said the committee would have another opportunity at the work session with the council to comment on the language.

**Vice Chair Shannon addressed the ballot title for Council Rules and Public Comments** and said they were looking at addressing Section 10 of the Charter and removing the provision that the Council must adopt rules for its meeting and the committee would add language of, "*in January after each general election*". He said they also looked at language requiring the Council to take public comment. He asked the committee to review the draft ballot title and provide comments. Ms. Kuiper asked regarding technical edits and the City Recorder replied the City Attorney would oversee the technical edits.

**Vice Chair Shannon addressed the ballot title for Term Limits** and said the committee looked at the changes they proposed and outlined the areas they were looking to change and trying to ensure the public is clear on the effect. He suggested in the Caption to insert the word "Councilor" before the text of "term limits."

Mr. Hoffbuhr suggested in the 2<sup>nd</sup> paragraph, 2<sup>nd</sup> sentence removing the word “limit” after term as there are no term limits for the Mayor. The sentence would read: *“The Mayor’s term shall remain as is, with no limits specified.”* Discussion followed to amend the language in the 5<sup>th</sup> paragraph to read: *“The proposed revision establishes councilor term limits to 3 consecutive terms, cleans up language pertaining to the mayor, retains mayoral term as is, and adds clarification language to terms for elected officials.”*

**Vice Chair Shannon addressed the ballot title for Vacancies and Filling Vacancies.** Mr. Silverforb addressed the 4<sup>th</sup> paragraph in the Summary and said if the intent of the council is to appoint a replacement within 45 days, he believes the last words of “within 45 days” would be better placed to read: *“or by appointment of the majority of the council within 45 days if less than 13 months remain.”*

Ms. Kuiper referred to the 2<sup>nd</sup> paragraph in the Summary which begins with the language of, “by adding” and asked if this was supposed to be part of the 1<sup>st</sup> sentence. Discussion followed including discussion on the format of the remaining paragraphs and it was suggested to remove the word “by” in the 2<sup>nd</sup> paragraph and incorporating the first and second paragraphs into one and formatting the remainder of the Summary language to be in bullet form with each paragraph being an action item.

The City Recorder asked regarding the ballot titles for Council Rules and Public Comment and if there were any amendments to those draft documents.

Mr. Stecher referred to the last sentence in the last paragraph of the Summary and adding the word “council” before the word “meeting.” Discussion followed regarding the language in the last paragraph pertaining to the receipt of public comments. The committee suggested amending the text to read: *“requires an opportunity for public comment at each regular council meeting.”*

Vice Chair Shannon stated he did not believe the amendments required a motion for approval and said it’s directing staff to amend. He reminded the committee of their next meeting, a work session with the City Council on February 25<sup>th</sup> at 6:30 pm.

Mr. Shannon stated the committee meeting was now open to receive public comment. No one came forward.

Mr. Harbick asked if the committee would be meeting on Thursday February 27<sup>th</sup>. The City Recorder explained the options of the committee as: if the February 25<sup>th</sup> meeting was a City Council work session with the committee attending the work session this would allow for the public notice to indicate a Council work session and if the Council chose at the end of the work session to adopt the ballot titles, they would convene to a regular Council session, hold a public hearing and adopt the resolutions for the ballot titles. She explained the alternative of the committee holding another meeting, dual public noticing for both meetings, a committee meeting and a Council meeting and the timing needed for the Council to adopt the ballot titles. The committee decided to meet in a City Council work session allowing the Council to convene a regular session afterwards.

City Manager Gall informed the committee that Attorney Ed Sullivan would be providing legal counsel for the work performed by the committee. Discussion followed regarding the explanatory statements and legal counsel reviewing these draft documents as well for consideration of adoption. The City Recorder explained the meeting materials she would prepare for the Council meeting packet on February 25<sup>th</sup>.

**7. Adjourn:**

Vice Chair Shannon adjourned the meeting at 7:55 pm.

  
Sylvia Murphy, MMC, City Recorder

  
Neil Shannon, Vice Chair