



*Home of the Tualatin River National Wildlife Refuge*

## **REGULAR MEETING**

- 1. Call to Order (Chair)**
- 2. Roll Call (Chair)**
- 3. Approval of Meeting Minutes**
  - A. Approval of June 18, 2014 Meeting Minutes**
- 4. Public Comments**
- 5. Committee Discussion on Proposed Ballot Titles & Explanatory Statements**
  - A. Section 1-Title, Section 47-Time of Effect & Review Period**
  - B. Section 6-Distribution**
  - C. Section 7-Council**
  - D. Section 16-Ordinance Adoption**
  - E. Section 33-City Manager, subsection i**
  - F. Section 35-City Attorney**
  - G. Section 37-Compensation**
- 6. Public Comments**
- 7. Adjourn**

## **AGENDA**

**Charter Review Committee  
June 26, 2014**

**6:30 pm Regular Meeting**

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



Sherwood City Charter Review Committee Meeting Date:

*June 24, 2014*

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# ATTENDANCE SHEET

**NAME**

**ADDRESS**

**PHONE**

NAME	ADDRESS	PHONE
<i>Tony Bevel</i>	<i>Sherwood Or</i>	<i>(503) 441-3033</i>



**SHERWOOD CHARTER REVIEW COMMITTEE**  
**Meeting Minutes**  
**22560 SW Pine St., Sherwood, Oregon**  
**June 18, 2014**

1. **Call to Order:** Chair Pat Allen called the meeting to order at 6:32 pm.
2. **Committee Members Present:** Chair Pat Allen Citizen at Large, Cultural Arts Commission Representative Alyse Vordermark, Library Advisory Board Representative Jack Hoffbuhr, Parks Advisory Board Representative Brian Stecher, Citizen at Large Bob Silverforb and Planning Commission Representative Beth Cooke. Budget Committee Representative Neil Shannon arrived at 6:36 pm. Citizen at Large Jennifer Kuiper and SURPAC Representative Charlie Harbick were absent.
3. **Staff and Council Liaison Present:** City Manager Joe Gall and City Recorder Sylvia Murphy. City Council Liaison Linda Henderson arrived at 6:40 pm.

Chair Allen addressed the draft May 29, 2014 meeting minutes (see record, Exhibit A) and asked for amendments or a motion to approve.

**Approval of May 29, 2014 Meeting Minutes**

**MOTION: From Bob Silverforb to adopt the May 29, 2014 meeting minutes, seconded by Alyse Vordermark. Motion passed 6:0, all present members voted in favor. (Neil Shannon was not present at time of vote). (Jennifer Kuiper and Charlie Harbick were absent).**

**4. Public Comments**

No public was present.

**5. Committee Discussion**

Chair Allen recapped the order of business and addressed agenda items A.1-5 and said the committee discussed these items at the previous meeting but had not made any decisions. The City Recorder recapped the documents provided; a copy of the charter with track changes based on the committees discussion over the prior three meetings, (see record, Exhibit B), and a document previously provided to the committee via email noting sample language from other cities on ordinance adoption, (see record, Exhibit C).

Ms. Murphy informed Chair Allen items A.1-5 on the agenda were topics brought forward during public comments at the previous meeting. He confirmed the topics were not incorporated into the charter document with track changes. Chair Allen addressed item A.1.

<u>June 26, 2014</u>	<u>Charter Review Comm.</u>
Date	Gov. Body
<u>3.A</u>	<u>A</u>
Agenda Item	Exhibit #

**Utility Advisory Board.** Chair Allen said it appears the general consensus was a utility advisory board was a good idea and the question was, is it a charter issue or not. He asked for comments from the committee. Ms. Vordermark stated the idea is a great idea but the language doesn't need to be placed in the charter and if the council wanted they could create the board. Ms. Vordermark stated other commissions are not mentioned in the charter. Mr. Hoffbuhr stated he agreed and said the council has the authority to appoint boards and if they wanted one they could appoint.

Chair Allen referred to the minutes and comments received at the previous meeting and the example from the City of Portland. He confirmed the committee thought the advisory board was a good idea, but not in the charter. He suggested the City Recorder keep a list of "good ideas" as part of their recommendations to the council that are not proposed charter amendments.

City Manager Gall informed the committee the council spoke about creating an advisory board at their annual retreat and believes the idea of creating a committee will be on the council's radar and a recommendation from this committee would possibly move that forward.

**Contract Language for City Manager and City Recorder.** Chair Allen stated as he read the meeting minutes he believes it states the committee should look at this topic but isn't sure for what reason.

Mr. Hoffbuhr stated the concern was centered around the discussion that the City Manager and City Recorder are hired without political influence and the charter was silent about the removal if they were let go. He said at the time of discussion the committee had not seen the employment contracts of either person until they were provided by the City Recorder. He said the contract language is very clear as to what would cause the employee to be terminated by the council. He said after he read the contracts, he wasn't sure if language was needed in the charter.

Mr. Silverforb replied he agreed and said he read the contracts and believes they are clear and very specific and he would not add anything to the charter.

Chair Allen asked what if we had a contract that wasn't as clear. Discussion followed and Mr. Hoffbuhr replied that was the point brought forward by Mr. Middleton, how do you define what political interference is. Mr. Silverforb stated there could be a lot of "what if's" and it's incumbent on the City to have contracts that are clear, he stated he hopes the contracts are reviewed by an attorney.

Mr. Stecher stated the question is, does the charter language provide enough guidance to ensure the City writes a good contract. He said the charter should provide enough guidance with intelligent legal counsel to draft contracts. Discussion followed and Chair Allen provided examples of "political consideration" in hiring and removal of employees. Discussion followed and Mr. Hoffbuhr stated removal must be in accordance with the contract. Chair Allen stated perhaps that is all the charter needs to say, is there shall be a contract, he asked if the committee could think of a reason for there not to be a contract.

City Manager Gall stated it is standard practice for a City of this size to have a contract. He said he did not know what value would be gained to add language to the charter and said voters might be confused and asked what if they vote it down, would that mean that we could not have contracts.

Ms. Cooke stated she would be concerned with confusing the voters and the possible implication that contracts are not currently in place.

Chair Allen suggested coming back to this section when the committee addressed the redlined charter. Mr. Gall asked the City Recorder if it was less likely for City Recorders to have contracts. Ms. Murphy replied yes, most City Recorders work for the City Manager.

**Section 33.1, Violation of Charter Language.** Chair Allen said in referring to the prior meeting minutes, the Mayor was supportive of the committees notion of removing this language from the charter. He confirmed this with the committee members.

**Section 37 Compensation, Reimbursable Expenses.** Chair Allen said he believes he saw the discussion about practice but not about the charter issues. Mr. Shannon stated he believes a concern was a councilor could submit an expense without preapproval of that expense or without anybody judging whether or not that expense was reasonable or unreasonable and they were being compensated for whatever they applied for. He said he thinks the idea the City Manager was working with and the idea the committee was trying to get to with the charter was that the City has a process where someone can preapprove what might be considered reasonable expenses and have a procedure for compensation.

Ms. Vordermark suggested this go on the list of “good idea” suggestions for the council, to follow the same processes as staff of having expenses processed. Comments were received that the Council Rules would be a good place for this. Mr. Gall stated it’s in the Council Rules but believes it could be more robust. Comments were received that the Council will look at their Rules in January. Mr. Gall stated as the City grows and councilors get more engaged with activities that cost money, he thinks we are right to improve the system. He said we don’t currently have a problem but could easily have an issue if we don’t have a good system. He said it’s a matter of having policies and procedures in the Council Rules and not necessarily adding language to the charter. Discussion followed regarding the language of “reasonable” and it meaning something different to different people. Comments were received that “reasonable” is not undefined, discussion followed. Discussion followed regarding the approval process.

Chair Allen suggested coming back to this discussion when the committee addressed the redlined charter.

**Chapter III Language regarding Agenda Amendments.** Chair Allen said he read the public testimony in favor of keeping the language that the committee inserted into the suggested amendments and the reason for having the language in the charter was because it was stronger than having it in the Council Rules. Chair Allen referred to the language in Section 7-Council, allowing the majority of the council to cause something to be placed on the agenda.

Chair Allen stated this sums up the discussions and said the committee has a few things they need to come back to in their discussion of the redline document and a few topics they determined to be good ideas but not charter material. He said the committee could capture these in a report to the council. He asked the committee for other topics of discussion before moving forward. No comments were received and he addressed the next agenda item.

**B. Pending Legal Counsel Feedback.** The City Recorder stated based on the committee’s prior meetings they requested staff seek legal feedback on certain areas of language. She said as the committee continued their discussions, the discussion died down and the committee continued without staff providing legal feedback. She said she met with City Manager Gall to review the areas of discussion the committee wanted legal feedback on and asked the committee members if there were areas where they still want legal advice.

Chair Allen suggested going through the redlined charter and said this may prompt areas they still may want legal advice. He addressed the following sections and referenced Exhibit B, the redlined charter.

**Section 1. Title.** Deleting the “2005” reference in the name of the charter. He said he would like to have other grammatical cleanup items to be able to package together with this. He asked for committee thoughts. No comments were received.

**Section 6. Distribution.** He said the committee discussed this section and agreed upon the language as listed to help clarify the procedures regarding appointments to boards and commissions. He referred to the language of, *“The council appoints members of commissions, boards and committees, subject to the consent of the City council by resolution, as established by ordinance or resolution”*. He said this doesn't make sense and believes it should have stated, *“The mayor appoints, subject to the consent of the council”*.

The City Recorder reminded the committee of their prior discussion to take the language recently adopted by the council when they amended their council rules and insert that language here, “subject to the consent of the City council by resolution.” Chair Allen suggested revising the language and brief discussion followed.

Chair Allen suggested the following language, *“The mayor appoints members of commissions, boards and committees as established by ordinance or resolution, subject to the consent of the City council by resolution”*. No objections from the committee were received on the suggested lanaguage.

**Section 7. Council.** Chair Allen referenced the redlined language of, *“A majority of the council may cause an item to be added to the agenda of any meeting or to the agenda of a future meeting if needed to meet requirements for public notice”*. He said this has the idea that the council ultimately has the ability to get something on the agenda over the objection of the mayor. Discussion followed regarding the concern for this language and a recent example of a council meeting was discussed with adding something to the agenda at the objection of the mayor. Discussion followed regarding the language in the council rules indicating the agenda cannot be changed without the consent of the mayor and the council president.

Council Liaison Henderson stated anything that is added to the agenda should be some sort of an emergency, a life, health, safety issue, something needing immediate attention, something that would not need public comment on due to the nature of the issue. Discussion followed regarding the council rules limiting the proposed language with the charter allowing the maximum freedom and the rules constricting the freedom.

Ms. Cooke stated she did not believe the language was necessary and feels it's important for the public to have notice. She referred to the recent council incident being an embarrassment to the City and not an emergency. She commented regarding the mayor and council president should be able to work together and doesn't believe this language should be in the charter.

Mr. Shannon stated he agrees. Ms. Henderson stated one of the reasons the council amended the council rules was because the agenda was being amended by the mayor at his discretion, published or not.

Chair Allen asked the committee if they believe having this issue dealt with in the council rules is sufficient or do they want the charter to speak to it. He suggested language of, *“a majority of the council may cause*

*an item to be added to a future agenda*". Discussion followed with current practice of items being added to the agenda being the decision of the mayor and council president.

Chair Allen restated the proposed language with a slight modification, *"a majority of the council may cause an item to be added to the agenda of a future meeting."* The committee agreed with this language.

Chair Allen addressed the next **Section 16. Ordinance Adoption** and said the committee spent time on language of multiple readings of an ordinance and have seen examples of language from other City charters. He read the proposed redline language, *"Adoption of an ordinance requires two readings of the ordinance title at two separate meetings. The second reading must be at least six (6) days after the first reading. The council must accept public comment prior to adoption."*

The City Recorder clarified that this language was not specifically discussed by the committee at the prior meeting. She stated staff offered to craft language rather than bring back multiple examples for the committee to discuss. Chair Allen confirmed the crafted language was in line with what the committee had been discussing. He confirmed the proposed language would replace the current language. Ms. Murphy confirmed and stated except for the first sentence, it would remain.

The committee discussed the examples of ordinance language from other cities (see record, Exhibit C). Chair Allen referred to language of the "six (6) days" between readings and the committee discussed "emergency clause" and the state legislature. Discussion followed regarding types of emergencies and the council needing to take action prior to the 6 day waiting period.

The City Recorder referred to the language of six (6) days and the example coming from the City of Beaverton and explained the purpose. Chair Allen asked the committee about a provision that the council can enact an ordinance with less than six days noticing by declaring an emergency and subject to a unanimous vote of the councilors present at time of voting. Discussion followed regarding all examples from other cities having unanimous voting requirements for emergency legislation.

Ms. Vordermark referred to the City of Beaverton language, section 4. Chair Allen commented regarding taking the current proposed language and adding the language from Beaverton. Comments in support were received from the committee to add the Beaverton language.

The City Recorder confirmed the suggested proposed language as portions of language from Sherwood and Beaverton to read, *"Adoption of an ordinance requires approval by a majority of the council. Adoption of an ordinance requires two readings of the ordinance title at two separate meetings. The second reading must be at least six (6) days after the first reading. The Council must accept public comment prior to adoption. An ordinance may be adopted at a single meeting of the council by unanimous vote of all councilors present and voting on the question upon being read in full and then by title."*

Chair Allen addressed **Section 33. City Manager** and the committees prior discussion of appointment or removal for political considerations. He said the proposal the committee previously discussed was to add, "removal may not be based on political consideration". He said we would do that change to the City Manager and City Recorder sections. He said he looks at this from the prospective of what will a voter think and would they understand, and what if they said no to the amendment, then the employee can be removed for political consideration and this is not what the committees intent was. Discussion followed regarding why the committee proposed the amendment and they decided not to amend the charter lanaguge.



Chair Allen addressed **Section 33.i** and the proposal to remove the language of, *"Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing."* He said he would prefer to remove the language and have the voters deal with this.

Mr. Shannon asked how would this be sold to the voters, how would it be phrased that we are improving the charter. Chair Allen replied because this retains the election or the removal of the mayor in the hands of the people of the City and doesn't delegate that decision to four councilors. He said people continue to have the right to recall and continue to have the right to consider electing or reelecting.

Council Liaison Henderson clarified the language was referring to the coercion of staff and interfering with staff. She asked what is the process when a mayor interferes with staff and coerces them. She said the committee had a long discussion of what occurs when a mayor or councilor coerces staff. Discussion followed with examples of coercion and general communications between elected officials and staff.

Chair Allen stated the fact that other cities don't have this language leads him to believe it's not important language.

Ms. Cooke stated she would be concerned that it could be used for political purposes to remove an elected official.

Mr. Shannon replied there is no "or else", you're establishing a rule that the council cannot coerce but there is nothing in the language referring to a penalty. Discussion followed that an employee can point to this language as protective to the employee.

Chair Allen addressed **Section 34.b** and said the committee already spoke to this language. The proposed amendment would not be considered.

He addressed **Section 35. City Attorney** and said the committee added language to clarify the notion that the City attorney can either be an employee of the City or can be a firm contracted by the City and they wanted to make sure that both methods are okay and the proposed language grammatically clarifies it.

No objections were received from the committee on the proposed language.

Chair Allen addressed **Section 37. Compensation** and said the committee discussed this section and said the main point is to make it a function of the charter that the council shall not be compensated and we added language of "reasonable" to "actual expenses". He said the main point is if a future council or citizens wanted to propose compensation they would have to do it by a vote and through a change in the charter as opposed to simply by ordinance.

Chair Allen asked if the committee was okay with the proposed addition of "reasonable" language, no objections were received.

Chair Allen addressed **Section 47. Time of Effect** and said this is the end language to the 2005 charter language in Section 1. Title.

The City Recorder informed the committee that she added the effective date of January 1, 2015 as a proposed effective date and explained with potential amendments on a November ballot and the process of

the council certifying the election results, January 1, 2015 would be a good effective date. Chair Allen asked if the committee had any concerns with this, no objections were received.

Chair Allen stated the committee has concluded the areas and topics they have discussed and asked for other topic they would like to address.

City Manager Gall reminded Chair Allen of **Section 42. Solid Waste Incinerators**. Chair Allen commented on the information previously provided by City Manager Gall on solid waste incinerators and current state statutes. He commented on the committee's previous discussions of **Section 43. Willamette River Drinking Water** and not amending these sections. He confirmed the committee did not want to propose changes to these sections.

City Manager Gall informed the committee that the City of Wilsonville's charter still has this prohibition language in their charter.

City Manager Gall suggested placing language in the charter stating the charter should be looked at on a routine basis, whether that's every 5, 7 or 10 years, something to force a committee like this to review the charter. He said it is not unusual language in charters. The committee discussed and agreed that it was a good idea. Discussion occurred with the timeline of 5 years, 7 years and 6 years considering the two year election cycle. They agreed upon 6 years. City Manager Gall suggested looking at language in the Gresham City Charter.

The City Recorder asked if that language would be placed in Section 47 and Chair Allen suggested the language in Section 47 be added to Section 1. He suggested language amending **Section 1. Title** to read, *"This charter shall be referred to as the Sherwood City Charter and takes effect January 1, 2015."* He said the charter review period language would be whatever is in the Gresham charter.

Ms. Murphy confirmed the proposed elimination of Section 47, the committee confirmed.

Chair Allen said if the committee does all proposed changes, that would be 7 changes. He recapped the proposed amended areas with a ballot measure for each area. Changes too:

Section 1. Title to include language from Section 47 and eliminating Section 47, adding language of a 6 year review period.

Section 6. Distribution

Section 7. Council

Section 16. Ordinance language to include language from City of Beaverton

Section 33.i City Manager

Section 35. City Attorney

Section 37. Compensation

Chair Allen asked regarding the drafting of ballot titles and the City Recorder replied she would draft the ballot titles and explanatory statements and forward them to legal counsel for final review and the committee would follow the same process as with the May 2014 election. She said she contacted the attorney that previously support the committee and he is available to attend the committee's June 26<sup>th</sup> meeting.

Ms. Murphy pointed out a previous typographical error in the charter in Section 42, with the use of the word “form” that should state “from”, she asked if the committee wanted to propose amending this to make the correction.

Chair Allen asked if she had some ability to fix scrivener’s errors and the proposed amendment would just put this section on a ballot to fix an error. The committee decided not to recommend an amendment to fix the error.

Chair Allen asked regarding their next scheduled meetings and the City Recorder replied June 26<sup>th</sup> at 6:30 pm, July 10<sup>th</sup> and the July 15<sup>th</sup> is a work session with the council. He confirmed staff would provide draft ballot titles at the June 26<sup>th</sup> meeting. Discussion followed regarding members availability.

Prior to adjourning, Chair Allen indicated there was not any public present at the meeting, therefore public comments were not addressed.

**6. Adjourn:**

Chair Allen adjourned the meeting at 7:30 pm.

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Sylvia Murphy, MMC, City Recorder

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Pat Allen, Chair

**Ballot Title**  
**An Election on a Proposed Revision of the City Charter-Title and Effective Date**

**CAPTION:** REVISION TO SHERWOOD CHARTER; TITLE AND EFFECTIVE DATE (9 words, max 10)

**QUESTION:** Should the charter provisions pertaining to title, date and review be revised to be current and also require periodic review? (20 words, max 20)

**SUMMARY:** This measure would affect two sections of the current city charter; Chapter I, Section 1-Title, and Chapter XI, Section 47-Time of Effect

Section 1 would be amended by eliminating the year "2005" from the title of the charter and substituting an effective date of January 1, 2015. In addition, Section 1 would include a new provision requiring review of the charter every 6 years by a charter review committee. Section 47 would be deleted.

The net effect would change the date of the charter to 2015. In addition, every six years, the council would appoint a committee to review whether the charter continues to meet the needs of the city's residents.

Section 1-Title would be amended to read as follows:

*Title, Effective Date and Review. This charter shall be referred to as the Sherwood City Charter and takes effect January 1, 2015. This charter shall be reviewed every six years with the first review beginning no later than January 1, 2021, with the appointment of a charter review committee by the city council.*

(173 words, max 175)

June 26, 2014  
Date

Charter Review Comm.  
Gov. Body

5.A-C  
Agenda Item

B (14pgs)  
Exhibit #

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. In 2013, the City Council formed a Charter Review Committee 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 and held a public hearing on the proposed amendments. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to received citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This proposed measure would affect two sections of the current city charter: Chapter I, Section 1-Title, and Chapter XI, Section 47-Time of Effect.

The proposed revisions would amend Section 1 by eliminating the year “2005” from the title, add an effective date for the new charter of January 1, 2015, and add a provision requiring review of the charter every 6 years by a charter review committee.

The proposed revision would amend Section 47 by deleting it entirely. That section currently provides that “this charter takes effect July 1, 2005.” With the new language in Section 1, there is no longer a need for this provision.

The charter review committee wanted to ensure that the date of the charter reflected its most recent amendment and to ensure that the charter would be reviewed periodically to ensure that it continues to meet the needs of the citizens of Sherwood.

The proposed amendments to Section 1-Title are as follows (language to be added is underlined; language to be deleted is shown in ~~striketrough~~):

Title, Effective Date and Review. This charter ~~may~~ shall be referred to as the 2005 Sherwood City Charter and takes effect January 1, 2015. This charter shall be reviewed every six years with the first review beginning no later than January 1, 2021, with the appointment of a charter review committee by the city council.

If approved by the voters, the revisions will take effect \_\_\_\_\_.

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(350 words, 500 max)

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

**CAPTION:** REVISION TO SHERWOOD CHARTER; SECTION 6-DISTRIBUTION, MAYORAL APPOINTMENTS *(8 words, max 10)*

**QUESTION:** Should the charter be revised to allow mayor to appoint members to city commissions, boards and committees with council consent? *(20 words, max 20)*

**SUMMARY:** This measure amends Section 6, Chapter II of the current city charter. Currently, the Charter allows the city council to appoint members of commissions, boards and committees. The new measure would authorize the Mayor to appoint those members, subject to the consent of the city council.

The amended Section 6 would read in its entirety as follows:

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 mayor appoints members of commissions, boards and committees, as established by ordinance or resolution, subject to the consent of the city council by resolution.

*(151 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. In 2013, the City Council formed a Charter Review Committee 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 and held a public hearing on the proposed amendments. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to received citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This measure amends Section 6 – Distribution, Chapter II of the current city charter. Currently, the charter requires members of commissions, boards and committees to be appointed by the council. The amended provision authorizes the mayor to appoint those members, subject to the consent of the city council.

The text of Section 6 would be amended as follows (underlined language would be added; language with ~~strike~~through would be deleted):

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.~~ The mayor appoints members of commissions, boards and committees, as established by ordinance or resolution, subject to the consent of the city council by resolution.

If approved by the voters, the revisions will take effect \_\_\_\_\_.

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(300 words, 500 max)

**Ballot Title**  
**An Election on a Proposed Revision of the City Charter-Council Agenda Setting**

**CAPTION:** REVISION TO SHERWOOD CHARTER; SECTION 7-COUNCIL ESTABLISHING AGENDA *(8 words, max 10)*

**QUESTION:** Should the charter be revised to allow the council majority to add items to future council meeting agendas? *(18 words, max 20)*

**SUMMARY:** The Oregon Constitution gives city voters the right to adopt, amend and revise a charter. The charter is the foundational document of the city and grants legal authority to the city and sets duties. Sherwood voters adopted the most recent revisions to the charter in May 2014.

This measure would amend Section 7-Council, Chapter III of the current city charter by adding language allowing a majority of the council to cause an item to be added to a future meeting agenda.

The section would read in its entirety as follows:

*The council consists of a mayor and six councilors nominated and elected from the City. A majority of the council may cause an item to be added to the agenda of a future meeting.*

*(124 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. In 2013, the City Council formed a Charter Review Committee 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 and held a public hearing on the proposed amendments. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to received citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This proposed measure would amend the Section 7-Council, Chapter III of the current city charter by adding a provision allowing a majority of the council to cause an item to be added to the agenda of a future meeting. Currently, the Mayor, as the presiding officer of the city council, controls the agenda that comes before the city council. The proposed change would allow a majority of the council to require that a matter come before the council even if the mayor objected to considering the matter.

The text of Section 7 would be amended as follows (the new language is shown as underlined):

*The council consists of a mayor and six councilors nominated and elected from the City. A majority of the council may cause an item to be added to the agenda of a future meeting.*

If approved by the voters, the revisions will take effect \_\_\_\_\_.

(262 words, 500 max)

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

**CAPTION:** REVISION TO SHERWOOD CHARTER; SECTION 16-ORDINANCE ADOPTION *(7 words, max 10)*

**QUESTION:** Should the charter section governing the process of ordinance adoption be revised? *(12 words, max 20)*

**SUMMARY:** This measure amends Section 16-Ordinance Adoption, Chapter IV of the charter by deleting it and creating a new provision. That provision would impose several new requirements on the city council adoption of new ordinances.

The proposed amendment would read in its entirety as follows:

*Except as this provision provides otherwise, adoption of an ordinance requires approval by a majority of the council at two separate meetings separated by at least six days. The text of the proposed ordinance shall be posted and available to the public at least six days in advance of the meeting at which the ordinance will be considered, and any amendment to the text as posted shall be read in full. At each meeting that the ordinance is considered, the title of the ordinance shall be read and public comments shall be accepted prior to the vote of the council. An ordinance may be adopted at a single meeting of the council by unanimous vote of all councilors present and voting on the question upon being read by title twice.*

*(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. In 2013, the City Council formed a Charter Review Committee 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 and held a public hearing on the proposed amendments. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to received citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This proposed measure would amend Chapter IV, Section 16-Ordinance Adoption of the current city charter by deleting the current provision in its entirety and replacing it with a new provision. The new provision would require ordinances to be read by title at two council meetings separated by at least six days. In emergency situations, the council could adopt the ordinance at a single meeting if there was unanimous support to do so. In addition, the new provision would require the city to post any proposed ordinance at least six days in advance of the meeting where it will be considered and require the council to accept public comment on all ordinances prior to adoption.

The charter review committee wanted to ensure that interested persons could participate in the city's adoptions of new ordinances.

The proposed revision would read in its entirety:

*Except as this provision provides otherwise, adoption of an ordinance requires approval by a majority of the council at two separate meetings separated by at least six days. The text of the proposed ordinance shall be posted and available to the public at least six days in advance of the meeting at which the ordinance will be considered, and any amendment to the text as posted shall be read in full. At each meeting that the ordinance is considered, the title of the ordinance shall be read and public comments shall be accepted prior to the vote of the council. An ordinance may be adopted at a single meeting of the council by unanimous vote of all councilors present and voting on the question upon being read by title twice.*

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If approved by the voters, the revisions will take effect \_\_\_\_\_.

(384 words, 500 max)

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

**CAPTION:** REVISION TO SHERWOOD CHARTER; SECTION 33-City MANAGER (7 words, max 10)

**QUESTION:** Should the charter be revised by deleting a provision regarding council authority to remove an elected official for coercion? (19 words, max 20)

**SUMMARY:** The Oregon Constitution gives city voters the right to adopt, amend and revise a charter. The charter is the foundational document of the city and grants legal authority to the city and sets duties. Sherwood voters adopted the most recent revisions to the charter in May 2014.

This measure would amend the Section 33-City Manager, Chapter VIII of the city charter by removing language in section 33.i, allowing the council to remove an elected official for coercing the city manager or a candidate for that position.

The proposed amendment is shown below, with the deleted material shown in strikethrough:

*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.*

(148 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. In 2013, the City Council formed a Charter Review Committee 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 and held a public hearing on the proposed amendments. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to received citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This proposed measure would amend Section 33-City Manager, Chapter VIII of the current city charter by deleting language in Section 33.i that authorizes a majority of the council to remove an elected official for coercing the City Manager or a candidate for the office of the manager. The Charter Review Committees believed that removal from office was the duty of Sherwood voters and a majority of the council should not have this authority.

The amendment would revise section 33.i to read as follows (with deleted language shown in ~~strikethrough~~):

*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.*

If approved by the voters, the revisions will take effect \_\_\_\_\_.

(262 words, 500 max)

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

- CAPTION:** REVISION TO SHERWOOD CHARTER; SECTION 35-CITY ATTORNEY *(7 words, max 10)*
- QUESTION:** Should the charter be revised to clarify that the city attorney may be a city employee or a contracted firm? *(20 words, max 20)*
- SUMMARY:** The Oregon Constitution gives city voters the right to adopt, amend and revise a charter. The charter is the foundational document of the city and grants legal authority to the city and sets duties. Sherwood voters adopted the most recent revisions to the charter in May 2014.

This measure would amend the Section 35-City Attorney, Chapter VII of the current city charter by adding language clarifying that the city attorney may be either an employee of the city or a contracted firm.

If the amendment is adopted, the provision would read in its entirety:

The office of city attorney is established as the chief legal counsel of the city government. The city attorney shall be either an employee of the city or a firm under a written contract approved by the council. A majority of the council must appoint and may remove the attorney or contracted firm. If the attorney is an employee of the city, the attorney must appoint and supervise, and may remove, any city attorney office employee.

*(170 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. In 2013, the City Council formed a Charter Review Committee 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 and held a public hearing on the proposed amendments. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to received citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This proposed measure would amend the Section 35-City Attorney by clarifying current language Chapter VIII of the current city charter to clarify that the City Attorney may be an employee of the city or a law firm that enters into a contract with the city that has been approved by the council.

The proposed amendment would add the language shown as underlined to section 35 of the charter:

The office of the city attorney is established as the chief legal ~~officer~~ counsel of the city government. The city attorney shall be either an employee of the city or a firm under a written contract approved by the council. A majority of the council must appoint and may remove the attorney or contracted firm. If the attorney is an employee of the city, the attorney must appoint and supervise, and may remove any city attorney office employees.

If approved by the voters, the revisions will take effect \_\_\_\_\_.

(266 words, 500 max)

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

**CAPTION:** REVISION TO SHERWOOD CHARTER; SECTION 37-COMPENSATION (6 words, max 10)

**QUESTION:** Should the charter be revised to require that any council compensation requires voter approval? (14 words, max 20)

**SUMMARY:** The Oregon Constitution gives city voters the right to adopt, amend and revise a charter. The charter is the foundational document of the city and grants legal authority to the city and sets duties. Sherwood voters adopted the most recent revisions to the charter in May 2014.

This measure would amend the Section 37 – Compensation, Chapter IX of the current city charter by adding language prohibiting the mayor and councilors from receiving compensation for their service. The charter would continue to allow councilors to be reimbursed for actual expenses, but require that the reimbursements must be reasonable.

If approved, the revised provision would read in its entirety as follows:

*The council must authorize the compensation of City appointive officers and employees as part of the approval of the annual City budget. The mayor and councilors shall not be compensated but may be reimbursed for actual and reasonable expenses.*

(148 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. In 2013, the City Council formed a Charter Review Committee 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 and held a public hearing on the proposed amendments. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to received citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This proposed measure would amend Section 37 of Chapter VIII of the City Charter by adding language that prohibits the mayor and councilors from receiving compensation for their service. In addition, Section 37 would continue to allow the mayor and councilors to be reimbursed for actual expenses, but that those expenses would explicitly be required to be reasonable.

The Charter Review Committees believed that the compensation and reimbursement of city officials needed to be clarified. The Charter Review Committee discussed the potential for compensation in the future and noted that it would require a vote of the electorate to amend this charter provision. The Committee also discussed reimbursable expenses and agreed that any “actual expenses” incurred by the mayor or councilors must also be reasonable to allow for compensation.

The proposed amendment would read in its entirety (with added language shown in underline):

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 shall not be compensated but may be reimbursed for actual and reasonable expenses.

If approved by the voters, the revisions will take effect \_\_\_\_\_.

(306 words, 500 max)

# Approved Minutes

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**SHERWOOD CHARTER REVIEW COMMITTEE**  
**Meeting Minutes**  
**22560 SW Pine St., Sherwood, Oregon**  
**June 26, 2014**

1. **Call to Order:** Chair Pat Allen called the meeting to order at 6:32 pm.
2. **Committee Members Present:** Chair Pat Allen Citizen at Large, Library Advisory Board Representative Jack Hoffbuhr, Cultural Arts Commission Representative Alyse Vordermark, Parks Advisory Board Representative Brian Stecher, Citizen at Large Jennifer Kuiper, SURPAC Representative Charlie Harbick and Budget Committee Representative Neil Shannon. Planning Commission Representative Beth Cooke arrived at 6:34 pm. Citizen at Large Bob Silverforb was absent. Citizen at Large alternate Renee Brouse was present.
3. **Staff, Council Liaison and Legal Counsel Present:** City Recorder Sylvia Murphy and Council Liaison Linda Henderson arrived at 7:12 pm. Bill Kabeiseman with Garvey, Schubert & Barer. City Manager Joe Gall was absent.

Chair Allen addressed the draft June 18, 2014 meeting minutes (see record, Exhibit A) and asked for amendments or a motion to approve.

**Approval of June 18, 2014 Meeting Minutes**

**MOTION: From Neil Shannon to adopt the June 18, 2014 meeting minutes, seconded by Jack Hoffbuhr. Motion passed 8:0, all present members voted in favor. (Bob Silverforb was absent).**

**4. Public Comments**

No one came forward.

Chair Allen introduced Bill Kabeiseman as legal counsel supporting the committee. Mr. Kabeiseman stated he looked through the committee meeting minutes and had initial documents to work from that were provided by staff. He said he worked towards staying within the work limits and adequately identify the question that was being asked and tried to explain where this was coming from and why. He said a general question that applies to all the ballot titles is an effective date. He said this came up with the previous ballot measures and said typically it's 30 days after an election and language has been proposed as January 2015. He said he wanted to see if the committee wanted to make all amendments affective at the same time or stagger them. He offered to talk through the work he did or answer questions and help the committee with any changes.

Chair Allen asked the committee to address the effective date and said his thoughts are if they are all effective January 1, 2015, they all become effective with the new council that is elected in November. Committee members agreed. The committee referred to the draft ballot titles and explanatory statements (see record, Exhibit B).

Chair Allen referred to the language of the seating of a Charter Review Committee and asked if the committee wanting to indicate a date of January 1, 2015. He asked if the committee wanted to consider not specifying an exact date. Discussion followed regarding the newly elected council appointing the committee or the committee being appointed in November or December. The City Recorder explained the process and the timeline to appoint a committee was approximately a 6-8 week process. Discussion followed regarding the language indicated "no later than January 1, 2015."

Chair Allen asked if the committee members cared that the council that appoints the committee is the council that considers the recommendations. Comments were received that it did not matter. Chair Allen commented that he believes the committee members care about the process of a committee review started at about the six year mark.

Ms. Vordermark suggested language of, "the charter shall be reviewed at least every six years." She asked what if the council wants to do a review every four years. Comments were received in favor of the suggested language.

Chair Allen confirmed with legal counsel if this language was specific enough. Mr. Kabeiseman replied he believes so and said this gives the council flexibility to have a review in two or four years.

Chair Allen stated the suggested language as, "*This charter shall be reviewed at least every six years.*" The City Recorder confirmed the committee wanted to retain the remainder of the sentence to read, "*This charter shall be reviewed at least every six years, with the appointment of a charter review committee by the city council.*" The committee agreed.

Discussion followed noting areas of the ballot title and explanatory statement that required amendments to reflect the suggested language.

Prior to addressing the next agenda item, Chair Allen acknowledge the arrival of an audience member and stated the committee had already addressed public comments and offered to receive comments. No comments were received.

Chair Allen addressed the next agenda item.

## **5. Committee Discussion**

Chair Allen recapped the order of business and addressed agenda item:

### **5.A Section 1-Title, Section 47-Time of Effect and Review Period**

Addressed in above comments.

### **5.B Section 6-Distribution**

Chair Allen stated this language deals with appointments to boards and commissions by the mayor with approval by the council. He stated this clarifies the process and firmly states that with this language the mayor positively appoints members to boards and commissions and the appointments need to be effectively confirmed or approved by the council.

Vice Chair Shannon stated after further review, he is not in favor of the proposed amendment. He explained we are giving the mayor too much responsibility, basically the power to appoint everyone on every commission and just based on the approval of the council. He said it leads him to the concept of handpicked committees by a single individual. He said he would leave the charter as it currently reads. He stated he recalls the committee looking at this section originally due to concerns over the language rather than the subject. He said one thing that the language did not address was outside agencies where the City had representation. He said he knows the committee ended up wording this based on the Council Rules. He said by putting this language in the charter we are codifying that the mayor will appoint every member of a board. He said if we don't change this, the council could still by Council Rules say that the mayor makes all the appointments.

Ms. Kuiper asked what is the provision if the council does not consent. Mr. Shannon said he would have to appoint someone else. Ms. Kuiper relied there lies the system of checks and balances, and said she understands what Mr. Shannon is saying. Ms. Cooke replied she would agree with Ms. Kuiper.

Mr. Stecher replied he is not too worried about this and likes that the mayor is the leader of the community and likes having the council needing to consent to his decisions. He said the amendment doesn't bother him with needing the consent of the other six elected officials.

Ms. Vordermark stated in practice it doesn't happen this way and said with the cultural arts commission, everyone is interviewed and a recommendation to appoint is provided to the mayor.

Chair Allen stated his thoughts are either version of the language states someone does not get on a board or commission without a majority vote of the council. He said the thing that bothered him with the language in the current charter is the phrase, "the council appoints." He said he has a hard time understanding what this means, to have a group of people appoint. He said it's clearer to him to state a person appoints with consent.

Mr. Hoffbuhr stated he believes this is a standard practice and said the committee has spoken about this and is comfortable with the changes.

Ms. Cooke stated she is comfortable with the proposed language and believes it provides clarity.

Chair Allen stated after the committee has addressed all the sections he will go back and formally address each section and call for a vote. Chair Allen addressed the next agenda item.

## **5.C Section 7-Council**

Chair Allen said this is the issue of adding the ability of a majority of the council to cause something to be placed on the agenda. He said the way the system works now, the mayor and or the council president, depending on how it's delegated in the Council Rules, pretty much controls the agenda and if a mayor doesn't want something on the agenda, it doesn't get on the agenda. He said this

codifies the notion that a majority of the council can cause something to come to an agenda over the objection of the mayor and the council president. He asked for questions, thoughts or concerns.

Vice Chair Shannon clarified it's for a "future meeting" and said it would prevent someone from hijacking a meeting. Mr. Allen confirmed and stated it also deals with the noticing requirement and if it's an ordinance it allows for dealing with the first and second reading issues.

Ms. Cooke stated she is slightly uncomfortable with this as their needs to be communication within the council and if there is something that is contentious a majority can overrule. She stated they should be able to work together. She said she is comfortable as long as it's a future meeting, but is still fairly uncomfortable implementing the change.

Ms. Kuiper asked about causing an item to be removed from the agenda. Comments were received that a majority of the council could vote against an item. Discussion followed regarding preventing an elected official from removing something from an agenda. The City Recorder explained Robert's Rules of Order allows for an amendment to an agenda with a motion and a second and the Council Rules indicates the council will follow Robert's Rules. Brief discussion followed regarding current council activities.

Chair Allen asked for other comments, with none heard he addressed the next section and asked Mr. Kabeiseman to speak on this section.

#### **5.D Section 16-Ordinance Adoption**

Mr. Kabeiseman stated ordinance adoption is tricky and many cities handle them differently. He said ultimately what seems to drive first is thoughtfulness. He said in most cases two readings must occur. He said the usual default in most cities is the ordinance must be read in full at two separate meetings. He said the language being proposed indicates that a reading can be done by title instead of reading it in full and both readings can occur at the same meeting by unanimous consent. He said in reading the committee's meeting records, it appears the committee wants to ensure there are two meetings. He said you want to preserve the ability if there is a true emergency for a council to be able to act quickly. He said the way you do that is through unanimity, having all seven members of the council voting in favor. He said if any member of the council wants to have two meetings, they can do that under this provision. He said this sets the default first, that an adoption of an ordinance requires the approval by the majority of the council at two separate meetings, separated by at least six days. He said this is the default and something cannot get passed through without having two meetings. He said you would also need to make sure the public is aware of what's in the ordinance so the text would need to be posted at least six days in advance of the meeting, and if the council is going to amend it, it needs to be read in full, stating what the amendments are.

He said he also understood the committee wanted to ensure that all ordinances allowed for public comments and this is included as well as the emergency provision that states if the council has unanimity the council can conduct both readings at the same meeting.

Ms. Vordermark asked if it had to be a unanimous vote of all council members "present."

Mr. Shannon stated he had a similar comment and was thinking language that stated, "of the full council."

Ms. Kuiper asked what would constitute an “emergency” ordinance. Mr. Kabaeisman said that would be up to the council.

Mr. Kabeiseman addressed the question of needing all council members present or all councilors. He said he understands the reason for wanting all councilors at the same time and said if there is a true emergency situation, an earthquake for example, and the council needed to authorize something, there may be some council members that cannot make it and you want to make sure that the business of the city can continue. He said this does leave the possibility open that if you have a bare majority that wants to oppress the minority, there is an opportunity to do that.

Mr. Shannon commented regarding declaring an emergency and the requirement of posting an ordinance for six days. He said the ordinance would still have to be posted for six days, the declaration of an emergency does not change that. He said he would have a problem with four council members being able to adopt something at a single meeting. He said he would like to see language along the lines of a “full council”. He said in his review of the proposed language the language addresses changes he would like to see. He said his only issue is he would like to see an ordinance adopted at a single meeting to require the approval of a full council.

Mr. Harbick asked what happens if a council member is killed in a car accident, we no longer have a full council. Mr. Kabeiseman replied the committee may word the language as “all currently serving” councilors.

Ms. Kuiper replied her concern is there is no intuitive, when you read the language you don’t get an idea that this last sentence is really for an emergency type of setting. She stated what if every ordinance was by a unanimous vote.

Chair Allen replied and gave examples of circumstances where the council wanted to act quickly and not fairly describing something as an emergency and would not raise concerns with the public. He said an action needed by the council without public concern. He provided another example and in conclusion said he is comfortable with the ambiguities knowing there is a mechanism to go back and check.

The City Recorder stated in response to Mr. Shannon’s comments, an elected official can choose not to attend a council meeting when they are not in favor of an ordinance to keep the ordinance from passing.

Chair Allen clarified and stated in the language proposed by Mr. Shannon, lack of attendance of an elected official would halt an ordinance from passage.

Mr. Stecher replied he thinks this is fine and the council can choose to pass an ordinance in two meetings, regardless if the elected official wanted to attend or not. Mr. Shannon replied all we are doing is making the council wait a week.

Chair Allen polled the committee members to see if they were in favor of “all present” or “all councilors”.

Mr. Hoffbuhr indicated all councilors.

Ms. Vordermark indicated all councilors, Mr. Stecher agreed as did Ms. Kuiper.

Mr. Harbick indicated all present and Ms. Cooke indicated all present and stated just in case it was a true emergency and not all councilors could attend the meeting. Chair Allen indicated he was in favor of all present.

Chair Allen stated the proposed language needed to remove the word “present and voting”.

Mr. Kabeiseman stated he would need to review the language to ensure the dead councilor scenario mentioned earlier was addressed and it might be language of “all sitting councilors” or something similar. Mr. Shannon reminded of the language of, “the full council.”

Chair Allen confirmed language of, “by unanimous vote of all sitting councilors” and Mr. Kabeiseman replied something like that.

The City Recorder asked in regards to language of an emergency clause and Chair Allen confirmed with the committee members that a definition of an emergency was not needed. Chair Allen addressed the next section.

#### **5.E Section 33-City Manager, subsection i**

Chair Allen stated this is the issue where we have a unique provision that states a majority of the council can remove the mayor or a member of the council for violating the charter provision about attempting to coerce City employees. He said the discussion was the provision has never been exercised in recent years that anyone is aware of. He said he believes it’s undemocratic that four members of the council can decide that someone has violated the charter and can remove them, as opposed to having a recall process.

He asked if the committee had concerns over the language as presented. No concerns were voiced. He addressed the next agenda item.

#### **5.F Section 35-City Attorney**

Chair Allen stated this is language that provides grammatical clarity to an issue we all agreed was already there, which was the City attorney can either be an employee of the City as an attorney or can be a contracted law firm. He said the committee discussed this and has always been authorized but this change ensures the grammar of the charter clarifies it. He asked if the committee had questions or concerns with the proposed language. No comments were received and he addressed the next section.

#### **5.G Section 37-Compensation**

Chair Allen stated the committee proposed changes to make it a charter provision that councilors cannot be compensated. He said in practice what this means is if at some point there was a desire to compensate council it would require a vote of the people via a charter amendment. He said the committee reviewed the language regarding actual expenses and proposed “actual and reasonable” expenses. He said the committee discussed what is reasonable and if it was defined sufficiently. He



said the committee wanted the language to be a bit tighter than any actual expense, but not prescriptive enough to get into definitional issues.

Vice Chair Shannon added that the committee recognized that the council rules established better procedures for council to identify expenses and seeking reimbursements.

Chair Allen asked for questions or concerns on the proposed language. No comments were received. He asked the City Recorder and legal counsel if there were any issues the committee had not addressed and needed too.

Mr. Kabeiseman said he had thoughts regarding the reasonableness of expenses and after reviewing the meeting minutes there was discussion of the council rules specifying how things should be and what is expected to be reimbursed or not. He said it does a good job when addressing reasonableness.

Chair Allen stated the committee discussed "reasonable" and said it is not a phrase foreign to judges in terms of interpreting.

Chair Allen asked to receive public comments on the proposed amendments.

## **6. Public Comments**

Tony Bevel Sherwood resident came forward and stated he has seen the City council on numerous occasions use a conference call system and said in the case of an emergency, giving that the telecom is working, there is no reason for someone not to have input.

With no other public comments received, Chair Allen asked to take a committee vote on the seven proposed amendments. He said the vote was to recommend the changes to the council and asked the committee members to address each section.

**Section 1-Tile and Section 47-Time and Effect and Review Period.** Vice Chair Shannon moved to recommend to the city council revisions to Section 1-Tile and Section 47-Time and Effect and Review Period. Seconded by Ms. Vordermark. Motion passed 8:0 (Bob Silverforb was absent).

**Section 6-Distribution.** Mr. Hoffbuhr moved to recommend to the city council revisions to Section 6-Distribution as amended. Seconded by Ms. Vordermark. Motion passed 7:1 (Mr. Shannon was opposed and Mr. Silverforb was absent).

**Section 7-Council.** Vice Chair Shannon moved to recommend to the city council changes in effect to Section 7-Council. Seconded by Mr. Hoffbuhr. Motion passed 7:1 (Ms. Cooke was opposed and Mr. Silverforb was absent).

**Section 16-Ordinance Adoption.** Mr. Stecher moved to recommend changes to Section 16-Ordinance Adoption. Seconded by Neil Shannon. Motion passed 8:0 (Mr. Silverforb was absent).

**Section 33-City Manager, subsection (i).** Vice Chair Shannon moved to recommend changes to the council to subsection (i). Seconded by Mr. Hoffbuhr. Motion passed 8:0 (Mr. Silverforb was absent).

**Section 35-City Attorney.** Mr. Hoffbuhr moved to recommend to the city council the changes to Section 35-City Attorney. Seconded by Ms. Cooke. Motion passed 8:0 (Mr. Silverforb was absent).

**Section 37-Compensation.** Vice Chair Shannon moved to recommend to the city council the changes to Section 37-Compensation. Seconded by Mr. Hoffbuhr. Motion passed 8:0 (Mr. Silverforb was absent).

Chair Allen asked if there were any further actions needed tonight. No comments were received. He addressed the committees next meeting date and the committee agreed to cancel their next meeting and said the next meeting would be a work session with the city council on July 15<sup>th</sup>.

Chair Allen said he was glad to work with the committee members and believes the committee has done good work and is happy with the results, he thanked the committee members.

With no other business to address Chair Allen adjourned the meeting.

**7. Adjourn:**

Chair Allen adjourned the meeting at 7:15 pm.

  
Sylvia Murphy, MMC, City Recorder

  
Pat Allen, Chair