



Home of the Tualatin River National Wildlife Refuge

REGULAR MEETING

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA**
- 4. APPROVAL OF MINUTES**
 - A. October 30, 2018 Committee Meeting Minutes**
- 5. COUNCIL LIAISON COMMENTS ON CHARTER REVIEW PROCESS**
- 6. CITIZEN COMMENTS**
- 7. NEW BUSINESS**
 - A. Review Public Input Received**
 - B. Review Committee Member Preferences Regarding Charter Issues to Pursue**
 - C. Committee Discussion and Decision Regarding Charter Issues to Pursue**
 - D. Begin Discussion of Selected Charter Issues**
- 8. COUNCIL LIAISON REPORT**
- 9. ADJOURN**

AGENDA

**SHERWOOD CITY CHARTER
REVIEW COMMITTEE
December 6, 2018**

**6:00 pm City Charter Review
Committee Meeting**

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



SHERWOOD CITY CHARTER REVIEW COMMITTEE MEETING October 30, 2018 Minutes

- 1. CALL TO ORDER:** City Attorney Josh Soper called the meeting to order at 6:05 pm.
- 2. ROLL CALL:** Legal and Financial Assistant Jennifer Matzinger
- 3. COMMITTEE MEMBERS AND LIASONS PRESENT:** Brian Amer, Mark Cottle, Dave Grant, Randy Mifflin, Bernie Sims, Bob Silverforb, Nancy Taylor (via phone), Councilor Renee Brouse, Councilor Tim Rosener

COMMITTEE MEMBERS LATE: Linda Henderson (6:17pm)

COMMITTEE MEMBERS ABSENT: Laurie Holm

STAFF PRESENT: City Manager Joe Gall, City Attorney Josh Soper, City Recorder Sylvia Murphy, Community Development Director Julia Hajduk, IT Systems Administrator Mark Swanson, Legal and Financial Assistant Jennifer Matzinger, Councilor Kim Young

4. SELECTION OF CHAIR

Because this is the first meeting of the City Charter Review Committee, City Attorney Josh Soper opened the floor for nominations or self-nominations for the Chair position. He noted that due to Council Rules nobody is allowed to be Chair of two different committees or Boards/Commissions at the same time. Bernie Sims is Chair of Cultural Arts Commission and is the only person not eligible for being the chair.

MOTION FROM NANCY TAYLOR NOMINATING MARK COTTLE AS CHAIR, SECONDED BY BOB SILVERFORB. MOTION PASSED 7:0. ALL PRESENT MEMBERS VOTED IN FAVOR

Chair Cottle addressed the next agenda item.

5. SELECTION OF VICE-CHAIR

MOTION FROM DAVE GRANT NOMINATING HIMSELF AS VICE-CHAIR. SECONDED BY MARK COTTLE. MOTION PASSED 7:0. ALL PRESENT MEMBERS VOTED IN FAVOR.

Chair Cottle addressed the next agenda item.

6. APPROVAL OF AGENDA

There were no oppositions or changes to the agenda by any members. Agenda was approved.

Chair Cottle addressed the next agenda item.

7. CITIZEN COMMENTS

Bob Eddy approached the Committee with a prepared statement (see record, Exhibit C) requesting the City Charter be revised to include certain provisions. Vice-Chair Grant asked for clarification why Mr. Eddy believes his requests are necessary. Mr. Eddy responded that the Y was the main reason behind his request.

Chair Cottle stated that his concern with Mr. Eddy's request is the Urban Renewal District, which has assets that expire in 2022 that are all going to exceed whatever dollar amount we have when we choose to sell them. Discussion occurred regarding the Robin Hood Theatre parking lot and the Urban Renewal process to potentially sell it. Mr. Eddy clarified that if the citizens have paid for a building or paid for a park and in turn either with that purchase or afterwards it is being used to provide services to the citizens that would qualify. Mr. Eddy didn't believe that the Robin Hood Theatre lot provided services and didn't qualify for his example.

Vice-Chair Grant reiterated his concern that Mr. Eddy's requests are pretty broad, however he did agree with some aspects of what he was saying about an essential service like the Y and does believe it should be discussed as a group. Mr. Sims agreed the Committee could come up with reasonable criteria that could accommodate Mr. Eddy's requests.

Chair Cottle addressed the next agenda item.

8. NEW BUSINESS

A. Overview of Process

Bob Silverforb provided a report of the process that was used on the last Charter Review Committee. He stated there were primarily work sessions, however the timing went on far too long. He ended up with a huge manual from the last meeting that he reviewed and he noted the timing went well over a year. Member Silverforb felt that was too long of a time to meet and in the interest of the Committee Members that over a year would be too long. They took certain sections of the Charter and went over them at each meeting. Some were pretty cut and dry and didn't take a lot of time to go over while others took a lot of discussion and were carried over from one meeting to the next. Essentially, they went over the easier ones to discuss and resolve in a group and then took the tough ones that took a little longer to hash over those as a separate group. He suggests regardless of the method used they just keep this session a lot shorter.

Chair Cottle had a few suggestions for this session. He complimented the Sherwood Charter Review Issues table created by City Attorney Josh Soper (see record, Exhibit A) and stated that it enabled him to spend 45 minutes going through everything. His concern is if each person had more than 3-4 significant changes and the Committee presented all of those to the voters, it will just cause them to vote No. Instead, he proposes that each person prioritize their top 5 and forward those responses to Mr. Soper. Mr. Soper will then correlate all of those responses and present the total top 5 issues back to the Committee for discussion and action. He would also like to limit the Committee to only 4 or 5 meetings to accomplish those and if they get through them to review other topics to see what moves up the list. If nothing comes up, then they will not worry about moving down that road.

Record Note: Linda Henderson arrived to the meeting at 6:17 pm.

Vice-Chair Grant agreed that having more than 4-5 issues presented to voters is too hard as they have to vote on each amendment individually.

Chair Cottle briefly summarized that members selecting more than 4-5 substantive changes will be too overwhelming for voters. Instead, members take the time to prioritize their top revisions to give to Mr. Soper for compilation. He will then provide a list of the top priorities to the Committee with his recommendations of the most important measures and the members will decide which ones they want to discuss. The top selections will then be discussed over the next two or three meetings and if they don't get to the other ones on the list they will look to Mr. Soper for his direction to reevaluate or simply concede they were not important enough to discuss during this session. He believes there are several on the list that would be easy to go through.

Vice-Chair Grant asked if they needed to present each change to the voters as a separate charter measure. Mr. Soper clarified that while it wasn't required to use that method he has experienced problems when using a different method. Typically, if the voter doesn't like one thing in the amendment they will simply vote "No" on the entire amendment and it will fail. He also suggested members consider offering 3-5 substantive measures, as Chair Cottle suggested, and then to add one housekeeping measure to clean up all the small stuff.

Chair Cottle addressed the next agenda item.

B. Review of Charter and Suggested Discussion Items

Councilor Brouse asked how the dates in the Estimate of Election Costs and Deadlines (see record, Exhibit B) play into the members' selections. Mr. Soper reviewed the handout he provided for the members and explained it was to help them discuss what timeline they wanted. He stated the Committee has been charged by the City Council with getting something on the ballot no later than 2020. There are a number of other elections that are not mentioned on the handout, but he did list the major ones that will occur between now and then as well as the estimated election costs from the City Recorder's office if they put it on that ballot. He also included important deadlines such as the last date the Council had to approve the measure for referral to the elections office and an estimated deadline for when to present a measure to the Council for their approval while also allowing enough time for any revisions as well as the packet deadline for that Council meeting. In short, the first deadline after the election cost is the deadline for when the Committee needs to have their entire process completed. Mr. Soper confirmed the May 21st election looks challenging, but believes all the other election dates would be feasible.

Chair Cottle states while he prefers the no cost elections in 2020, his concern is the Committee completing their process and making a suggestion to a new Council and then having them reject the work they completed, delaying the process further with potential changes they might want to make. He said it doesn't mean they have to meet until 2020; only that they need to get their job done by that time.

Councilor Brouse clarified that was what she was asking regarding the relevancy of the dates for the process they were completing.

Mr. Soper advised that the Committee could certainly complete all of their work well in advance of any these deadlines, refer it to Council, and then Council could even act on it well in advance and then wait until the time for it to be put onto the ballot.

Chair Cottle said that unless Staff or the Council tells them that there is an emergency to do it sooner he suggests that the Committee aim for the soonest election that is no cost.

Member Amer asked how it would affect the cost if there are other measures that would share the ballot on November 5th of next year.

Mr. Soper explained that his understanding is that would then reduce the cost, however there would still be a cost. Discussion occurred on potential costs to the City should they decide to place something on the 2019 ballot. Chair Cottle suggested that the Committee try to get their work done so they can qualify for the November 5, 2019 ballot and they can leave it up to the Council whether or not they want to push it out to the 2020 election, depending on what the projected costs would be.

Member Henderson agreed and stated that in her previous experience there is an advantage of a graduated approach in that it gives the Committee time to interact with the public and have discussions so that measures weren't overwhelming to the voters.

Member Silverforb asked if by aiming for the November 2019 ballot if the packet deadline for the Council would be May 24th. Chair Cottle stated that they would be meeting that deadline by a long shot.

Chair Cottle then ordered that the Committee will set a goal to meet the November 5, 2019 ballot date with the caveat that they will leave it to the Council as to when they would like to send it out as well as letting them know that unless the Council states that something is pressing the Committee does not see the purpose in spending the money unnecessarily.

Chair Cottle addressed the next agenda item.

C. Next Steps & Schedule for Future Meetings

Chair Cottle asked Mr. Soper for a methodology on how he would like to receive the Committee's votes for their top issues. Mr. Soper replied that whatever the easiest method was for each Committee member would be workable with his office. Chair Cottle then suggested the Committee place stars by five sections and they will see what comes out. He will be including the housekeeping measure outside of those five selections and will leave that item up to the City Attorney to determine what that should be.

Chair Cottle then said the next meeting would be to start the discussion on the top five issues and see how fast they can parse that down to agreeable changes. He asked Committee members to finish their parts within the next seven (7) days and then come up with a date in November or December to decide.

Councilor Rosener asked the Committee how they would like to handle the Citizen's comment. Chair Cottle invited the City to put this out to the citizens to let them know they have a week to submit any additional comments either by email blast or on the City website. He thinks it's important for citizens to see their top 5 issues and to hear their dialogue on the top 5, but he also didn't want to hear from the same people twice just because they can. Member Henderson stated on the last Charter Review Committee they had at most 5 citizens who commented and doesn't believe there will be any major issues. Discussion ensued on the best way to handle future Citizen Comments. Chair Cottle suggested the Committee then wait and meet sometime the first week of December in order to allow sufficient time for Mr. Soper to get it out to the citizens and gather all of the information so they can see what the citizens want.

Mr. Soper clarified that it is possible that suggestions by Staff, Council, or citizens could become one of the Committee member's top 5 issues. He recommended that he compiles all of the proposals after he receives feedback from the different Committee members and any citizens from the outreach process and then have the Committee decide at their next meeting which issues are most important to them. Discussion

ensued regarding the logistics in compiling the top 5 issues. The first item of discussion at the next meeting will be prioritizing the Committee's top 5 issues. Chair Cottle summarized that Mr. Soper will send out an updated "Sherwood Charter Review Issues" list, Members will get their top 5 issues to Mr. Soper before the 14th, and Mr. Soper will provide Members with what Citizens want by the end of the month.

Mr. Gall suggested that for future meetings, due to meeting dates of other various boards and commissions, the best night to use the Community Room is on a Thursday night. Members agreed to schedule the next meeting for Thursday, December 6, 2018, at 6pm.

Member Silverforb expressed concern about the possibility that one of a Member's top 5 issues does not make the final top 5 issues that they feel strongly about. Mr. Soper also stated there is a possibility there may be some ties and there may not be a clear distinction on what the top 5 issues would be. Mr. Soper advised that he will come back at the next meeting with a compilation of what the identified top 5 issues were raised by the Committee and the top issues raised by the citizens and the Committee will then discuss what they want their top 5 issues to be. Chair Cottle stated that after Citizen Comments they will also have Committee Comments and allow Members 2 minutes to advocate for their top item that didn't make the list.

Discussion continued regarding narrowing down the number of issues and how Members will identify their top issues. Chair Cottle stated they will be relying on the Sherwood Charter Review Issues table provided by Mr. Soper and considering each Chapter as one item under the Section heading and not as listed individually under the Comments column. Mr. Soper will send out a new table, which will include Mr. Eddy's suggestion regarding City assets.

Chair Cottle addressed the next agenda item.

D. Other Items

Member Henderson asked if the thought process is that there will be more than one election and this is their first pass. Chair Cottle stated that it could be. He summarized that the Committee agreed they will not try to make the first date on the timeline provided. Instead, they will endeavor to get their work done well before the deadline for the May 24, 2019 election. The Committee will then present it to Council for 3-4 items to be put on a certain election date and potentially separate some items for a different election date as to not overwhelm the citizens.

Vice-Chair Grant asked how the Committee will and is currently communicating this process to the citizens in order to attract maximum comments. Mr. Soper replied that based on Chair Cottle's suggestion they will work on some sort of public outreach via social media or similar format to solicit comments while also ensuring they are aware of the process, when the next meeting is, etc. Chair Cottle also recommended that Members bring up the topics to their various boards and commissions on which Members currently volunteer. Discussion ensued on the best practices and areas on how to communicate with the public on the Committee's efforts. The general consensus of all Members was that the more community involvement there is with the process the better the outcome.

Mr. Soper asked if there was any other information he could provide to the Committee that would help them through this process. Chair Cottle stated there are some items that will not make sense to people who are non-attorneys and asked that any recommendations be easy to understand.

Chair Cottle reminded to Committee Members that if they are using private email addresses they are subject to public disclosure should someone decide to challenge their decisions. He recommended they create a free email account for Charter Review Committee business in the event there is an issue.

Chair Cottle addressed the next agenda item.

9. COUNCIL LIAISON REPORT

Councilor Brouse stated the Council has a joint meeting with the Planning Commission coming up next week. They also have a few more joint meetings coming up so that they will have met with all of the boards and commissions by the end of the year, which is one of the Council goals. There are also two potential ordinances they are looking at including a Transient Lodging Tax ordinance and a Truck Route ordinance.

Member Henderson stated she is curious if there is anybody else doing a charter review or has done one recently and what amendments they have made. Mr. Gall stated that can be done fairly easily through the League of Oregon Cities. Members also asked that Mr. Soper alert them to any issues he feels needs to be reviewed.

10. ADJOURN – Chair Cottle adjourned the meeting at 6:47 pm.

Charter Review Issues List 12/5/18

Notes:

Received issues lists from 8 out of 9 Committee members and 2 out of 2 Committee liaisons.

Liaison selected issues are indicated with parenthesis.

Not all lists included five issues.

Rank Order:

Section 16: 7 (1)

Section 25: 5 (1)

Section 3: 4 (1)

Section 12: 4 (1)

General Issues (disposition of assets): 3 +1 for both

General Issues (votes required): 3 +1 for both

Section 7: 2 (1)

Section 6: 1 (1)

Section 8: 1 (1)

Section 43: 1 (1)

Section 33: (2)

Section 11: 1

Section 27: 1

Section 37: 1

Numerical Order:

Section 3: 4 (1)

Section 6: 1 (1)

Section 7: 2 (1)

Section 8: 1 (1)

Section 11: 1

Section 12: 4 (1)

Section 16: 7 (1)

Section 25: 5 (1)

Section 27: 1

Section 33: (2)

Section 37: 1

Section 43: 1 (1)

General Issues (disposition of assets): 3

General Issues (votes required): 3

General Issues (both): 1

Housekeeping:

Discuss all.

Potential additions:

Placement of "or" in Section 31.

Defining "reside" in Sections 27 and 31.

Section 28 "Nominations"

Other:

Discuss Section 39.

Discuss City Attorney's red issues.

SHERWOOD CHARTER REVIEW ISSUES

Key: yellow = possible housekeeping items; green = most important issues in the opinion of the City Attorney; red = unnecessary issues in the opinion of the City Attorney

Charter	Comments
<p>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.</p>	
<p>Chapter I - NAMES AND BOUNDARIES Section 1. - 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 at least every six years, with the appointment of a charter review committee by the City council. (Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))</p>	
<p>Section 2. - Name. The City of Sherwood, Oregon, continues as a municipal corporation with the name City of Sherwood. (Res. 05-008 § 1 (part))</p>	
<p>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. (Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider adding a voter approval requirement for requesting expansions of the Urban Growth Boundary in excess of 100 acres.</p>
<p>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. (Res. 05-008 § 1 (part))</p>	
<p>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. (Res. 05-008 § 1 (part))</p>	
<p>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</p>	<p>Council Suggestion: Consider adding language regarding citizen initiatives to amend the Charter.</p>

<p>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. (Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider adding details regarding the appointment process, e.g., nomination by board/commission/committee, Mayor, or Council; final approval by Council.</p>
<p>Chapter III - COUNCIL Section 7. - Council. 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. (Res. No. 2014-077, § 1, 12-16-2014; Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider adding authority for a specified number of Councilors to call a meeting.</p> <p>Council Suggestion: Consider stating that the agenda creation procedures will be specified in Council Rules.</p> <p>Council Suggestion: Consider adding language stating that a number of members of Council that is less than a majority may cause an item to be added to the agenda (before and during meeting).</p> <p>Council Suggestion: Consider adding language stating that only a majority of Council may remove items from the agenda when those items were added by Council.</p> <p>Staff Suggestion: Consider removing “nominated and.”</p> <p>Staff Suggestion: Consider reorganizing language between this section and Section 11.</p>
<p>Section 8. - Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council. The mayor must sign all records of council decisions. The mayor serves as the political head of the city government. (Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider clarifying how order is preserved when the Mayor is the subject of disorder.</p> <p>Council Suggestion: Consider defining “political head of the city government” and clarifying scope.</p>
<p>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. (Res. 05-008 § 1 (part))</p>	
<p>Section 10. - Rules. In January after each general election, the council must by resolution adopt council rules. (Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider clarifying that the Charter prevails over Council Rules.</p> <p>Council Suggestion: Consider whether some enforcement mechanism for Council Rules should be established in the Charter.</p>
<p>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. (Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider defining the criteria for emergency meetings (beyond state law requirements).</p> <p>Council Suggestion: Consider requiring public comment at all meetings. Or, on any ordinance or resolution in regular, special, and emergency meetings.</p>

<p>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. (Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider clarifying quorum, like in Council Rules (50% plus 1 of the currently serving members of Council).</p> <p>Council Suggestion: Consider clarifying the process and meaning of “compel.”</p>
<p>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. (Res. 05-008 § 1 (part))</p>	
<p>Section 14. - Record. A record of council meetings must be kept in a manner prescribed by the council rules. (Res. 05-008 § 1 (part))</p>	<p>Staff Suggestion: Consider adding language stating that the record is also kept in a manner prescribed by Oregon Public Records and Meetings Law.</p>
<p>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:" (Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider clarifying that the Charter prevails over ordinances.</p>
<p>Section 16. - Ordinance Adoption. (a) Except as this provision provides otherwise, adoption of an ordinance requires reading of the proposed ordinance by title at two separate meetings separated by at least six days, and approval by a majority of council, which approval may occur at the meeting at which the second reading is conducted or a subsequent meeting. (1) The text of the proposed ordinance shall be posted and available to the public on the City's website at least six days in advance of each meeting at which the ordinance will be read or considered pursuant to this section. (2) At each meeting that the ordinance is read or considered pursuant to this section, the title of the ordinance shall be read and public comments shall be accepted, prior to any vote of the council on adoption. (3) An ordinance may be adopted at a single meeting of the council by unanimous vote of all sitting councilors on the question upon being read by title twice. (b) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting. (c) After the adoption of an ordinance, the vote of each member must be entered into the council minutes. (d) After adoption of an ordinance, the city recorder must endorse it with the date of adoption and the recorder's name and title. The city recorder must submit the ordinance to the mayor for approval. If</p>	<p>Council Suggestion: Consider whether six days is sufficient.</p> <p>Council Suggestion: Consider removing “substantive.” (Staff note: This language also appears in Sections 19 and 22.)</p>

<p>(c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.</p> <p>(d) After approval of a resolution, the city recorder must endorse it with the date of approval and the recorder's name and title.</p> <p>(Res. 05-008 § 1 (part))</p>	
<p>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.</p> <p>(Res. 05-008 § 1 (part))</p>	
<p>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:"</p> <p>(Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider clarifying that the Charter prevails over Orders.</p> <p>Staff Suggestion: Consider changing "may" to "must" to be consistent with other Charter language (e.g. regarding ordinances).</p>
<p>Section 22. - Order Approval. (a) Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.</p> <p>(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.</p> <p>(c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.</p> <p>(d) After approval of an order, the city recorder must endorse it with the date of approval and the recorder's name and title.</p> <p>(Res. 05-008 § 1 (part))</p>	
<p>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.</p> <p>(Res. 05-008 § 1 (part))</p>	
<p>Chapter VII - ELECTIONS Section 24. - Councilors. 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.</p> <p>(Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider whether term limits should be consistent between Mayor and Council.</p>
<p>Section 25. - Mayor. At each general election, a mayor will be elected for a two-year term.</p> <p>(Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider whether term limits should be consistent between Mayor and Council.</p>
<p>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.</p> <p>(Res. 05-008 § 1 (part))</p>	

<p>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. (Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider defining “reside.”</p> <p>Staff Suggestion: Consider clarifying subsection (d).</p>
<p>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. (Res. 05-008 § 1 (part))</p>	
<p>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. (Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	
<p>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. (Res. 05-008 § 1 (part))</p>	
<p>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 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 <u>Section 33(i)</u>. (Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider defining “reside.”</p> <p>Staff Suggestion: Consider limiting to conviction of a felony.</p>
<p>Section 32. - Filling Vacancies. A mayor or councilor vacancy will be filled by an election if 13 months or more remain in the office</p>	

<p>term or by appointment of the majority of the council within 45 days if less than 13 months remain. 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 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. (Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	
<p>Chapter VIII - APPOINTIVE OFFICERS Section 33. - City Manager.</p> <p>(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.</p> <p>(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.</p> <p>(c) The manager need not reside in the city.</p> <p>(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.</p> <p>(e) The manager must:</p> <ol style="list-style-type: none"> (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. <p>(f) The manager has no authority over the council or over the judicial functions of the municipal judge.</p>	<p>Council Suggestion: Consider clarifying that removal is at the discretion of Council.</p> <p>Council Suggestion: Consider whether education, experience, and competence should be three separate items.</p> <p>Council Suggestion: Consider clarifying that “regional and intergovernmental cooperation” must be aligned with Council policies, goals, and objectives.</p>

<p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(j) The manager may not serve as city recorder or city recorder pro tem. (Res. 05-008 § 1 (part))</p>	
<p>Section 34. - City Recorder.</p> <p>(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 City Manager.</p> <p>(b) The City Manager must appoint and may remove the recorder. The appointment must be made without regard to political considerations and solely on the basis of education and experience.</p> <p>(c) When the recorder is temporarily disabled from acting as recorder or when the office becomes vacant, the City Manager must appoint a recorder pro tem. The recorder pro tem has the authority and duties of the recorder. (Res. No. 2016-073, § 1, 12-2-16; Res. 05-008 § 1 (part))</p>	
<p>Section 35. - City Attorney.</p> <p>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 employees. (Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))</p>	
<p>Section 36. - Municipal Court and Judge.</p> <p>(a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council</p>	

<p>directs. The court will be known as the Sherwood Municipal Court.</p> <p>(b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.</p> <p>(c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.</p> <p>(d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.</p> <p>(e) The municipal judge may:</p> <ol style="list-style-type: none"> (1) Render judgments and impose sanctions on persons and property; (2) Order the arrest of anyone accused of an offense against the city; (3) Commit to jail or admit to bail anyone accused of a city offense; (4) Issue and compel obedience to subpoenas; (5) Compel witnesses to appear and testify and jurors to serve for trials before the court; (6) Penalize contempt of court; (7) Issue processes necessary to enforce judgments and orders of the court; (8) Issue search warrants; and (9) Perform other judicial and quasi-judicial functions assigned by ordinance. <p>(f) The council may appoint and may remove municipal judges pro tem.</p> <p>(g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.</p> <p>(Res. 05-008 § 1 (part))</p>	
<p>Chapter IX - PERSONNEL Section 37. - Compensation. The council must authorize the compensation of City appointive officers and employees as part of its approval of the annual city budget. The mayor and councilors shall not be compensated but may be reimbursed for actual and reasonable expenses. (Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))</p>	<p>Staff Suggestion: Consider defining “reasonable.”</p>
<p>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. (Res. 05-008 § 1 (part))</p>	<p>Staff Suggestion: Consider removing “based on merit and fitness,” clarifying whether Council needs to approve Employee Handbook, etc.</p>
<p>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</p>	<p>Council Suggestion: Consider the purpose of this section.</p>

<p>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. (Res. 05-008 § 1 (part))</p>	
<p>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. (Res. 05-008 § 1 (part))</p>	
<p>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. (Res. 05-008 § 1 (part))</p>	
<p>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. (Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider defining “solid waste” rather than relying on the State’s definition, in case it changes.</p>
<p>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. (Res. 05-008 § 1 (part))</p>	<p>Staff Suggestion: Consider eliminating this section.</p>
<p>Section 44. - Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed. (Res. 05-008 § 1 (part))</p>	
<p>Section 45. - Repeal. All charter provisions adopted before this charter takes effect are repealed. (Res. 05-008 § 1 (part))</p>	

<p>Section 46. - Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter. (Res. 05-008 § 1 (part))</p>	
<p>Section 47. - Reserved. Editor's note— Res. No. 2014-077, § 1, adopted December 16, 2014, amended the Code by repealing former § 47, which pertained to time of effect, and derived from Res. 05-008.</p>	
<p>General Issues (not specific to existing section)</p>	<p>Staff Suggestion: Consider clarifying and bringing consistency to language regarding number of affirmative votes required for certain actions (e.g. Sections 7, 13, 16, 17, 32, and possibly 19 and 22).</p> <p>Citizen Suggestion: Consider adding language regarding disposition of City assets.</p>

Charter Review Committee Meeting

Date: December 6, 2018

List of Meeting Attendees: ✓

Request to Speak Forms: none

Documents submitted at meeting: ✓

- Sherwood Charter Review Issues - Ex A
- Citizen Comment - Robert Eddy
- City Charter item for consideration - Ex A-1
- 2018 Statewide Charter Amendment
Ballot Measures - Ex. B
- Sherwood City Charter - Ex. C

Jennifer Matzinger

From: Josh Soper
Sent: Wednesday, November 14, 2018 3:40 PM
To: Charter Review
Subject: Charter Review Committee Update
Attachments: Charter with Council & Staff Comments (update for 12-6-18 CRC meeting).docx; City Charter item for consideration (letter from Bob Eddy).docx; Charter Amendment Ballot Measure History.docx; Sherwood City Charter (plain).doc; CRC Mtg. Agenda 12.06.18.doc

Good afternoon, Charter Review Committee Members.

Just a reminder to please send me your top 5 Charter issues lists as soon as possible. (And a thank you to those who already have.) At the first Committee meeting, we discussed a deadline of November 13, 2018; however, as long as I receive your lists by November 29, 2018, I'll have time to compile the lists for the next meeting. You can send me your list in whatever format is easiest for you.

To assist you in that process, I'm attaching an updated version of the Charter issues list that I sent previously. The only changes are: (1) the addition of the issue raised by a citizen at the first meeting (the e-mail from the citizen discussing this issue is also attached); (2) some minor clarifications of some items; and (3) highlighting the issues I believe could be classified as housekeeping, as well as the issues I don't believe are necessary and the issues I believe are most important. Please note that, when I've identified an issue as "not necessary," I mean that from a legal perspective; there may be other reasons you may wish to address those issues anyway, and there may be other issues I didn't flag as not necessary which you may believe are not necessary for other reasons. Same goes for the issues I flagged as most important.

I've also attached, as requested at the last meeting:

1. A list of recent charter amendment ballot measures from other cities. The list includes every charter amendment ballot measure statewide from 2018. It also includes all of the charter amendment ballot measures from Washington County back to 2014. Even with those relatively tight parameters, it's a pretty long list. However, if you'd like more data, please let me know.
2. A plain version of the current Charter (without comments), as requested by one of the Committee members.

The City posted a request for public input on its website today, and will shortly be advertising it on social media, etc. I would encourage you to help get the word out as well. The link to submit ideas is:

<https://www.sherwoodoregon.gov/othercommittees/webform/submit-comments-charter-review-committee>

Finally, a reminder that our next meeting is Thursday, December 6, 2018 at 6:00 p.m. in the Community Room at City Hall. An agenda is attached.

If you have any questions or need any additional information, please let me know. Thank you.

Josh Soper
City Attorney
City of Sherwood
22560 SW Pine St., Sherwood, OR 97140
Phone: (503) 625-4235 | Fax: (503) 625-5524
www.sherwoodoregon.gov

Jennifer Matzinger

From: Josh Soper
Sent: Monday, November 26, 2018 4:02 PM
To: Jennifer Matzinger
Subject: FW: Charter Review Committee - First Meeting 10/30/18, 6:00 p.m.

Jen, please make sure we're set up to call Laurie at the number below for the next CRC meeting. Thanks!

Josh Soper
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From: Laurie Holm
Sent: Monday, November 26, 2018 3:23 PM
To: Josh Soper <SoperJ@SherwoodOregon.gov>
Subject: Re: Charter Review Committee - First Meeting 10/30/18, 6:00 p.m.

Hi Josh -

Great!! Cell number is 503-521-6909

Thanks,
Laurie

Laurie Holm
Sherwood Planning Commission
Email: holml@sherwoodoregon.gov

From: Josh Soper
Sent: Monday, November 26, 2018 1:43:10 PM
To: Laurie Holm
Subject: RE: Charter Review Committee - First Meeting 10/30/18, 6:00 p.m.

Thanks, Laurie. We'll call you from the speakerphone in the meeting room. Just send me your cell number when you get a chance and we'll take care of the rest. Thank you!

Josh Soper
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From: Laurie Holm
Sent: Monday, November 26, 2018 12:07 PM
To: Josh Soper <SoperJ@SherwoodOregon.gov>
Subject: Re: Charter Review Committee - First Meeting 10/30/18, 6:00 p.m.

Hi Josh -

Yes, I can try and call in. My agenda shows that I would be done by 5pm so I can make sure to get back to my hotel in time for the meeting.

Let me know the best way to handle, if it is you calling my cell phone directly or if there's a call-in bridge that could be used.

Thanks!

Laurie Holm
Sherwood Planning Commission
Email: holm@sherwoodoregon.gov

From: Josh Soper
Sent: Wednesday, November 14, 2018 9:38:26 AM
To: Laurie Holm
Subject: Re: Charter Review Committee - First Meeting 10/30/18, 6:00 p.m.

Thanks for letting me know, Laurie. Would you like to try to call in to the meeting? If so, I'd be happy to set that up.

Get [Outlook for iOS](#)

From: Laurie Holm
Sent: Tuesday, November 13, 2018 7:44:00 PM
To: Josh Soper
Subject: Re: Charter Review Committee - First Meeting 10/30/18, 6:00 p.m.

Hi Josh -

I will send you my recommendations by the deadline.

Unfortunately, I can't make the December meeting. I start a new job on December 3rd and I have to be in San Francisco for three weeks.

So, i won't be in attendance for the next Charter Review meeting.

Thanks!

Laurie Holm
Sherwood Planning Commission
Sent from my Verizon smartphone

----- Original message -----

From: Josh Soper <SoperJ@SherwoodOregon.gov>
Date: 11/9/18 11:14 AM (GMT-08:00)
To: Laurie Holm <HolmL@SherwoodOregon.gov>
Subject: RE: Charter Review Committee - First Meeting 10/30/18, 6:00 p.m.

I'll be sending out some more information about that very soon, either later today or early next week, but your action item is to identify your top 5 issues you'd like the Charter Review Committee to look at (by Charter section number) and send them to me. The deadline is November 29, 2018.

The next meeting is Thursday, December 6, 2018 at 6:00 p.m. in the Community Room at City Hall.

Let me know if you need anything else!

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From: Laurie Holm
Sent: Thursday, November 8, 2018 4:47 PM
To: Josh Soper <SoperJ@SherwoodOregon.gov>
Subject: Re: Charter Review Committee - First Meeting 10/30/18, 6:00 p.m.

Thanks Josh!

I will watch it. In the meantime, what's the action items that I would need to know to be prepared for and when will the next meeting be held?

Laurie Holm
Sherwood Planning Commission
Sent from my Verizon smartphone

----- Original message -----

From: Josh Soper <SoperJ@SherwoodOregon.gov>
Date: 11/8/18 4:33 PM (GMT-08:00)
To: Laurie Holm <HolmL@SherwoodOregon.gov>
Subject: RE: Charter Review Committee - First Meeting 10/30/18, 6:00 p.m.

Laurie, the meeting minutes aren't quite done yet (I'll send them out as soon as they are), but in the meantime I wanted to let you know that the meeting was video recorded and you can access it here:

<http://www.sherwoodoregon.gov/othercommittees/page/charter-review-committee-meeting-0>

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From: Laurie Holm
Sent: Friday, October 26, 2018 10:31 AM
To: Josh Soper <SoperJ@SherwoodOregon.gov>
Subject: Re: Charter Review Committee - First Meeting 10/30/18, 6:00 p.m.

Sounds great!! Thanks Josh!!

Laurie Holm
Sherwood Planning Commission
Sent from my Verizon smartphone

----- Original message -----

From: Josh Soper <SoperJ@SherwoodOregon.gov>
Date: 10/26/18 10:15 AM (GMT-08:00)
To: Laurie Holm <HolmL@SherwoodOregon.gov>
Subject: RE: Charter Review Committee - First Meeting 10/30/18, 6:00 p.m.

Thanks for letting me know, Laurie. And yes—I'll send you the meeting minutes to review, and will be happy to discuss further with you after you get a chance to look them over, if that would be helpful. Have a good trip!

Josh Soper
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From: Laurie Holm
Sent: Thursday, October 25, 2018 8:59 AM
To: Josh Soper <[SoperJ@Sho](mailto:SoperJ@SherwoodOregon.gov)>
Subject: Re: Charter Review Committee - First Meeting 10/30/18, 6:00 p.m.

Hi Josh -

It turns out I will not be able to attend the first meeting on Tuesday. I have to fly out to SF on Monday and my return flight doesn't arrive back until 8pm on Tuesday.

Will the meeting be recorded or can you provide me with a summary of discussions afterwards?

Thanks!!

Laurie Holm
Sherwood Planning Commission
Sent from my Verizon smartphone

----- Original message -----

From: Josh Soper <SoperJ@SherwoodOregon.gov>
Date: 10/9/18 1:29 PM (GMT-08:00)
To: Laurie Holm <HolmL@SherwoodOregon.gov>
Subject: RE: Charter Review Committee - First Meeting 10/30/18, 6:00 p.m.

Good idea, Laurie. Yes, I can put something like that together. Note, though, that Council's direction to the Committee was to target an election date "no later than 2020," so there will be quite a few options!

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From: Laurie Holm
Sent: Monday, October 8, 2018 4:50 PM
To: Josh Soper <SoperJ@SherwoodOregon.gov>
Subject: Re: Charter Review Committee - First Meeting 10/30/18, 6:00 p.m.

Hi Josh -

Thank you for sending this out.

I had a question/comment. Please note that this is coming from my corporate paralegal/project manager mentality so please forgive me if it's not appropriate at this point in the process. 😊

Would it be possible for you to draft up a sample calendar that lays out what the timing requirements would be so that the committee can be fully informed of what the timeline of decisions would be should we suggest any sort of changes that would require to be on the ballot in May or November 2019? It might also be good to have cost analysis of what it would cost to have it on the ballot in May vs. November.

In my past life, when preparing for the Proxy/Annual Meeting I always put a calendar together so that we knew exactly what the input deadlines and required governance filing deadlines were. This helped the team to work backwards to know what the requirements were.

Thanks for entertaining my question/comment.

-Laurie

Laurie Holm
Sherwood Planning Commission
Email: holml@sherwoodoregon.gov

From: Josh Soper
Sent: Monday, October 8, 2018 4:36:51 PM
To: Charter Review
Subject: Charter Review Committee - First Meeting 10/30/18, 6:00 p.m.

Good afternoon, Charter Review Committee members.

The first meeting of the Committee will be held in Council Chambers at City Hall on Tuesday, 10/30/18 at 6:00 p.m. Please see attached for the meeting agenda.

I have also attached a document that contains each section of the current City Charter along with corresponding comments from City Council and City staff regarding areas you may want to consider discussing as part of this charter review process. Please note that these are just suggestions—it will be up to the Committee to decide which issues it will consider, and what process it will use. Nevertheless, I would encourage you to take the time to review this document in advance of the Committee's first meeting, and to add any notes you may have for discussion.

Finally, I am attaching the City Council resolution forming the Committee, which includes an exhibit outlining Council's expectations for the Committee.

In the meantime, if you have any questions for me—whether about the first meeting, process, or substantive questions relating to the Charter—please don't hesitate to let me know. Thank you!

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SHERWOOD CHARTER REVIEW ISSUES

Key: yellow = possible housekeeping items; green = most important issues in the opinion of the City Attorney; red = unnecessary issues in the opinion of the City Attorney

Charter	Comments
<p>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.</p>	
<p>Chapter I - NAMES AND BOUNDARIES Section 1. - 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 at least every six years, with the appointment of a charter review committee by the City council. (Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))</p>	
<p>Section 2. - Name. The City of Sherwood, Oregon, continues as a municipal corporation with the name City of Sherwood. (Res. 05-008 § 1 (part))</p>	
<p>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. (Res. 05-008 § 1 (part))</p>	Council Suggestion: Consider adding a voter approval requirement for requesting expansions of the Urban Growth Boundary in excess of 100 acres.
<p>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. (Res. 05-008 § 1 (part))</p>	
<p>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. (Res. 05-008 § 1 (part))</p>	
<p>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</p>	Council Suggestion: Consider adding language regarding citizen initiatives to amend the Charter.

11/26/18
Date

Charter Review Committee
Gov. Body

B
Agenda Item

A
Exhibit #

<p>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. (Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider adding details regarding the appointment process, e.g., nomination by board/commission/committee, Mayor, or Council; final approval by Council.</p>
<p>Chapter III - COUNCIL Section 7. - Council. 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. (Res. No. 2014-077, § 1, 12-16-2014; Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider adding authority for a specified number of Councilors to call a meeting.</p> <p>Council Suggestion: Consider stating that the agenda creation procedures will be specified in Council Rules.</p> <p>Council Suggestion: Consider adding language stating that a number of members of Council that is less than a majority may cause an item to be added to the agenda (before and during meeting).</p> <p>Council Suggestion: Consider adding language stating that only a majority of Council may remove items from the agenda when those items were added by Council.</p> <p>Staff Suggestion: Consider removing “nominated and.”</p> <p>Staff Suggestion: Consider reorganizing language between this section and Section 11.</p>
<p>Section 8. - Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council. The mayor must sign all records of council decisions. The mayor serves as the political head of the city government. (Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider clarifying how order is preserved when the Mayor is the subject of disorder.</p> <p>Council Suggestion: Consider defining “political head of the city government” and clarifying scope.</p>
<p>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. (Res. 05-008 § 1 (part))</p>	
<p>Section 10. - Rules. In January after each general election, the council must by resolution adopt council rules. (Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider clarifying that the Charter prevails over Council Rules.</p> <p>Council Suggestion: Consider whether some enforcement mechanism for Council Rules should be established in the Charter.</p>
<p>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. (Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider defining the criteria for emergency meetings (beyond state law requirements).</p> <p>Council Suggestion: Consider requiring public comment at all meetings. Or, on any ordinance or resolution in regular, special, and emergency meetings.</p>

<p>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. (Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider clarifying quorum, like in Council Rules (50% plus 1 of the currently serving members of Council).</p> <p>Council Suggestion: Consider clarifying the process and meaning of “compel.”</p>
<p>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. (Res. 05-008 § 1 (part))</p>	
<p>Section 14. - Record. A record of council meetings must be kept in a manner prescribed by the council rules. (Res. 05-008 § 1 (part))</p>	<p>Staff Suggestion: Consider adding language stating that the record is also kept in a manner prescribed by Oregon Public Records and Meetings Law.</p>
<p>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:" (Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider clarifying that the Charter prevails over ordinances.</p>
<p>Section 16. - Ordinance Adoption. (a) Except as this provision provides otherwise, adoption of an ordinance requires reading of the proposed ordinance by title at two separate meetings separated by at least six days, and approval by a majority of council, which approval may occur at the meeting at which the second reading is conducted or a subsequent meeting. (1) The text of the proposed ordinance shall be posted and available to the public on the City's website at least six days in advance of each meeting at which the ordinance will be read or considered pursuant to this section. (2) At each meeting that the ordinance is read or considered pursuant to this section, the title of the ordinance shall be read and public comments shall be accepted, prior to any vote of the council on adoption. (3) An ordinance may be adopted at a single meeting of the council by unanimous vote of all sitting councilors on the question upon being read by title twice. (b) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting. (c) After the adoption of an ordinance, the vote of each member must be entered into the council minutes. (d) After adoption of an ordinance, the city recorder must endorse it with the date of adoption and the recorder's name and title. The city recorder must submit the ordinance to the mayor for approval. If</p>	<p>Council Suggestion: Consider whether six days is sufficient.</p> <p>Council Suggestion: Consider removing “substantive.” (Staff note: This language also appears in Sections 19 and 22.)</p>

<p>the mayor approves the ordinance, the mayor must sign and date it.</p> <p>(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.</p> <p>(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.</p> <p>(g) After July 1, 2015, any ordinance, resolution or order approved by a majority of the City Council that imposes a new city tax, charge, or fee and/or increases by more than two percent annually any city utility tax, charge, or fee including but not limited to water charges, sewer and surface water charges, and street utility fees that are imposed on residential properties occupied by owners and/or occupants within the City of Sherwood boundaries, shall not be effective unless ratified by a majority vote of the City's qualified electors voting in an election where at least 50 percent of the registered voters cast a ballot, or the election is a general election in an even-numbered year.</p> <p>(Res. No. 2016-073, § 1, 12-2-16; Res. No. 2016-043, § 1, 7-19-2016; Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider removing the Mayor's veto power. (Note: this would require changes in other parts of the Charter as well, e.g. other parts of Section 16, parts of Section 17.)</p> <p>Council Suggestion: Consider expanding the number of elections where double majority requirement does not apply.</p>
<p>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.</p> <p>(Res. 05-008 § 1 (part))</p>	
<p>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:"</p> <p>(Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider clarifying that the Charter prevails over Resolutions.</p> <p>Staff Suggestion: Consider changing "may" to "must" to be consistent with other Charter language (e.g. regarding ordinances).</p>
<p>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.</p>	

<p>(c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.</p> <p>(d) After approval of a resolution, the city recorder must endorse it with the date of approval and the recorder's name and title.</p> <p>(Res. 05-008 § 1 (part))</p>	
<p>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.</p> <p>(Res. 05-008 § 1 (part))</p>	
<p>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:"</p> <p>(Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider clarifying that the Charter prevails over Orders.</p> <p>Staff Suggestion: Consider changing "may" to "must" to be consistent with other Charter language (e.g. regarding ordinances).</p>
<p>Section 22. - Order Approval. (a) Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.</p> <p>(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.</p> <p>(c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.</p> <p>(d) After approval of an order, the city recorder must endorse it with the date of approval and the recorder's name and title.</p> <p>(Res. 05-008 § 1 (part))</p>	
<p>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.</p> <p>(Res. 05-008 § 1 (part))</p>	
<p>Chapter VII - ELECTIONS Section 24. - Councilors. 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.</p> <p>(Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider whether term limits should be consistent between Mayor and Council.</p>
<p>Section 25. - Mayor. At each general election, a mayor will be elected for a two-year term.</p> <p>(Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider whether term limits should be consistent between Mayor and Council.</p>
<p>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.</p> <p>(Res. 05-008 § 1 (part))</p>	

<p>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. (Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider defining “reside.”</p> <p>Staff Suggestion: Consider clarifying subsection (d).</p>
<p>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. (Res. 05-008 § 1 (part))</p>	
<p>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. (Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	
<p>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. (Res. 05-008 § 1 (part))</p>	
<p>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 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 <u>Section 33(i)</u>. (Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider defining “reside.”</p> <p>Staff Suggestion: Consider limiting to conviction of a felony.</p>
<p>Section 32. - Filling Vacancies. A mayor or councilor vacancy will be filled by an election if 13 months or more remain in the office</p>	

term or by appointment of the majority of the council within 45 days if less than 13 months remain. 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 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.
(Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

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.

Council Suggestion: Consider clarifying that removal is at the discretion of Council.

Council Suggestion: Consider whether education, experience, and competence should be three separate items.

Council Suggestion: Consider clarifying that "regional and intergovernmental cooperation" must be aligned with Council policies, goals, and objectives.

<p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(j) The manager may not serve as city recorder or city recorder pro tem. (Res. 05-008 § 1 (part))</p>	
<p>Section 34. - City Recorder.</p> <p>(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 City Manager.</p> <p>(b) The City Manager must appoint and may remove the recorder. The appointment must be made without regard to political considerations and solely on the basis of education and experience.</p> <p>(c) When the recorder is temporarily disabled from acting as recorder or when the office becomes vacant, the City Manager must appoint a recorder pro tem. The recorder pro tem has the authority and duties of the recorder. (Res. No. 2016-073, § 1, 12-2-16; Res. 05-008 § 1 (part))</p>	
<p>Section 35. - City Attorney.</p> <p>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 employees. (Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))</p>	
<p>Section 36. - Municipal Court and Judge.</p> <p>(a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council</p>	

<p>directs. The court will be known as the Sherwood Municipal Court.</p> <p>(b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.</p> <p>(c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.</p> <p>(d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.</p> <p>(e) The municipal judge may:</p> <ol style="list-style-type: none"> (1) Render judgments and impose sanctions on persons and property; (2) Order the arrest of anyone accused of an offense against the city; (3) Commit to jail or admit to bail anyone accused of a city offense; (4) Issue and compel obedience to subpoenas; (5) Compel witnesses to appear and testify and jurors to serve for trials before the court; (6) Penalize contempt of court; (7) Issue processes necessary to enforce judgments and orders of the court; (8) Issue search warrants; and (9) Perform other judicial and quasi-judicial functions assigned by ordinance. <p>(f) The council may appoint and may remove municipal judges pro tem.</p> <p>(g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.</p> <p>(Res. 05-008 § 1 (part))</p>	
<p>Chapter IX - PERSONNEL</p> <p>Section 37. - Compensation.</p> <p>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.</p> <p>(Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))</p>	<p>Staff Suggestion: Consider defining “reasonable.”</p>
<p>Section 38. - Merit Systems.</p> <p>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.</p> <p>(Res. 05-008 § 1 (part))</p>	<p>Staff Suggestion: Consider removing “based on merit and fitness,” clarifying whether Council needs to approve Employee Handbook, etc.</p>
<p>Chapter X - PUBLIC IMPROVEMENTS</p> <p>Section 39. - Procedure.</p> <p>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</p>	<p>Council Suggestion: Consider the purpose of this section.</p>

<p>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. (Res. 05-008 § 1 (part))</p>	
<p>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. (Res. 05-008 § 1 (part))</p>	
<p>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. (Res. 05-008 § 1 (part))</p>	
<p>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. (Res. 05-008 § 1 (part))</p>	<p>Council Suggestion: Consider defining “solid waste” rather than relying on the State’s definition, in case it changes.</p>
<p>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. (Res. 05-008 § 1 (part))</p>	<p>Staff Suggestion: Consider eliminating this section.</p>
<p>Section 44. - Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed. (Res. 05-008 § 1 (part))</p>	
<p>Section 45. - Repeal. All charter provisions adopted before this charter takes effect are repealed. (Res. 05-008 § 1 (part))</p>	

<p>Section 46. - Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter. (Res. 05-008 § 1 (part))</p>	
<p>Section 47. - Reserved. Editor's note— Res. No. 2014-077, § 1, adopted December 16, 2014, amended the Code by repealing former § 47, which pertained to time of effect, and derived from Res. 05-008.</p>	
<p>General Issues (not specific to existing section)</p>	<p>Staff Suggestion: Consider clarifying and bringing consistency to language regarding number of affirmative votes required for certain actions (e.g. Sections 7, 13, 16, 17, 32, and possibly 19 and 22).</p> <p>Citizen Suggestion: Consider adding language regarding disposition of City assets.</p>

10/30/2018

City Charter item for consideration:

Sherwood is a relatively new city in the 21st century. Citizen understanding of issues and involvement in the decision process has been encouraged.

“That’s the way it’s always been done...” does not have a long history of precedents here.

With the advent of the communication tools developed over this past couple of generations, information can be shared with the citizens with speed and ease.

With an assumption that the opening statements are true, I would like to request that the City Charter be revised to include the following provisions:

1. Recognition that all “City” **Assets** belong to the citizens of the city.
2. Recognition that these assets are deployed to provide support to the **Services** provided to those citizens.
3. Recognition that there are capital and maintenance costs, as well as intrinsic values associated with each of the **Assets** of the City.
4. Recognition that there are varying numbers of citizens who benefit from the **Services** provided.
5. Recognition that the **Services** provided can be through any mixture of city staff and/or contracted organizations.

Any decision to sell, dispose of, re-purpose the **Service** or replace a services provider of an **Asset** with an original cost of \$ xxx,xxx, or a current value of \$ xxx,xxx, or an annual population of citizens served greater than x,xxx ... must be put to the citizens for approval through the ballot process.

Robert Eddy

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11/26/18
Date

Charter Review Comm
Gov. Body

B
Agenda Item

A-1
Exhibit #

2018 Charter Amendment Ballot Measures (Statewide)			
City/County	Measure	Ballot Title	Summary
Lake Oswego	3-537	Shall the City Charter be amended to remove the requirement to post notices of proposed ordinances in two public places?	<p>Section 33B of the Lake Oswego Charter currently requires that, at least one week before the City Council considers a proposed ordinance, written notice of the ordinance must be posted at City Hall and "two other public places," and must be published in a newspaper of general circulation in the city. The notice must include the ordinance title and the day, time and place where it will be considered.</p> <p>Approval of this measure amends Section 33B of the Charter to remove the requirement to post ordinance notices in "two other public places." Section 338 would continue to require posting notices at City Hall and publishing them in a newspaper of general circulation.</p> <p>The city intends to continue its current practice of also publishing ordinance notices on the city's website; posting City Council agendas, which include titles and links to proposed ordinances, on the city's website; publishing agenda notices in an electronic newsletter sent to subscribers; and sending electronic notices of agendas to those who have requested them.</p>
Lake Oswego	3-538	Shall the Lake Oswego Charter be amended to allow cancellation of up to three regular City Council meetings each year?	<p>Section 14A of the Lake Oswego City Charter currently requires the City Council to hold a regular meeting at least twice each month at a time and place designated by the Council. The Council has designated the first and third Tuesdays of each month for regular meetings. Special meetings may also be called as needed, with advance public notice.</p> <p>Approval of this measure amends Section 14A of the City Charter to authorize the Council to cancel up to three regular meetings each calendar year. A majority vote of the entire Council would be required. No more than two of the regular meetings canceled each year could be consecutive. This change would have the effect of allowing the Council to declare a recess</p>

11/26/18
Date

Charter Review Comm.
Gov. Body

D
Agenda Item

B
Exhibit #

			for a period of time and allowing scheduling options when a regularly-scheduled meeting is considered not necessary to accomplish the work of the Council. Section 14A of the Charter would continue to authorize special meetings in addition to regular meetings.
Coos Bay	1-167	To adjust the frequency of Council meetings; remove unnecessary and unconstitutional provisions; modify the process for issuing revenue bonds.	<p>The purpose of the measure is to change the language of the City's Charter to do the following:</p> <ol style="list-style-type: none"> 1. Allow for City Council meeting when business requires such meetings, rather than twice a month; 2. To remove language in the Charter concerning the consolidation with the City of Eastside, and the failed consolidation with the City of North Bend; 3. To remove section 9.11, which was ruled unconstitutional by the Court. The section required a certain number of policeman and fireman based upon the population of the City; 4. To remove the requirement that before revenue bonds can be issued by the City, that the issuance be approved by a majority vote of the electorate. Revenue bonds are paid back from a specific source of revenue, rather than from the general fund or a tax increase. An example would be paying for sewer improvements based upon revenue to the City's wastewater fund. 5. Adds "roadway" to the definition of Utilities in section 2.4.
Bend	9-118	Shall the Bend Charter be amended to have the voters directly elect the Mayor to a four year term?	<p>This measure amends the City of Bend Charter of 1995. Currently, the City Council appoints one of its members as mayor and mayor pro tem every two years. If approved, Sections 7, 8 and 9 would be amended to provide that a mayor be elected for a four-year term beginning in the general election In November 2018. The mayor pro tem would continue to be selected by Council for a term of two years every odd numbered year. The measure also proposes to amend Sections 10, 12, 13, 14, 19, 21, 22, 23 and 27 to provide that the mayor will serve as the political head of the City government, clarify vacancy provisions and make term of office, oath, compensation, and qualification</p>

			<p>provisions apply to all members of Council, including Councilors and a directly elected mayor.</p> <p>The Oregon Constitution gives voters the right to adopt, amend and revise a charter. The Bend Charter grants legal home rule authority to the City and sets the duties of the Council, Mayor and City Manager.</p>
Bend	9-119	Shall the Bend Charter be amended to have council member and mayor compensation set by Council ordinance 7	<p>This measure amends the City of Bend Charter of 1995. Currently, the Charter provides for councilor compensation of \$200 each month plus reimbursement for expenses incurred in serving the City, consistent with the plan for reimbursing City personnel. The amendment would take compensation for Council members and the mayor out of the Charter, to be set by Council ordinance, based on a recommendation of an independent advisory committee. The amendment would continue the compensation for current councilors at \$200 per month until the end of their terms.</p> <p>The Oregon Constitution gives voters the right to adopt, amend and revise a charter. The Bend Charter grants legal home rule authority to the City and sets the duties of the council, mayor and city manager. The Charter was submitted to and approved by the voters of the City of Bend in May of 1995.</p>
Eugene	20-283	Shall City Charter be amended to, establish office of elected City Auditor to independently audit city operations and activities?	<p>This Charter amendment establishes new Office of Independent City Auditor, led by elected City Auditor. City Auditor must be certified; and have five years' relevant experience. Election held every four years. Auditor and auditor's office are independent, not subject to City Council or Manager direction or supervision.</p> <p>Auditor has authority to perform financial, performance, compliance, or other audits of any city funded operation; may oversee other city audits. Auditor must establish whistleblower hotline, conduct investigations of reports of fraud, waste, abuse, mismanagement, or illegal activity.</p>

			<p>City officers and employees must cooperate with auditor's office, provide unrestricted access to documents, people, other information, facilities necessary for audits. Auditor's activities subject to outside peer review. All audit reports and peer reviews posted on auditor's website.</p> <p>City must fund Auditor's office at not less than 0.1% of City's total budget (approximately \$677,000 for FY18) which includes auditor compensation. Auditor paid at least 70% of averaged salaries of Eugene and Salem City Managers and EWEB General Manger (approximately \$153,000 in 2017), plus same benefit package as Eugene City Manager.</p>
Eugene	20-287	Shall Charter be amended to require City Council to appoint a performance auditor to audit city activities?	<p>This Charter amendment establishes a new office of a performance auditor. Auditor conducts or supervises performance audits, financial audits, and studies. Auditor must be certified, have five years relevant experience, and reside in the city. Auditor subject to peer review.</p> <p>City Council hires and supervises auditor. Council must fund Auditor's Office at no less than \$250,000 per year. Auditor may only be fired for cause by a vote of six or more councilors.</p> <p>Auditor hires, supervises, and removes Auditor's Office employees. Auditor may hire consultants. Auditor's Office independent of City Manager, but not independent of City Council. Auditor has timely access to all city employees, information, and records required to conduct a performance audit.</p> <p>Citizen audit review board created to advise City Council and Auditor and oversee work of Auditor. All complete audits and studies posted on city's website and provided to Council and City Manager.</p>

			<p>If this measure and Measure 20-283 both receive a majority of "yes" votes, whichever measure receives the most "yes" votes becomes effective and other measure never takes effect.</p>
Lane	20-290	<p>Shall Lane County amend Charter to adopt "Score Then Automatic Runoff" method for counting candidate votes in local office races?</p>	<p>Passage of measure will amend Lane County Charter to implement Score Then Automatic Runoff (STAR) method of tallying votes for all candidates for county office, and maintain nonpartisan nature of local elections.</p> <p>The amendment eliminates primary elections for county officers and requires STAR voting at the November general election. The STAR method directs elector to score each candidate appearing on the ballot using a scale of zero to five, with zero the lowest score and five the highest score. For each office the sum total scores for each candidate shall be tallied. For the two candidates achieving the highest scores ballots will be tallied as follows: Each elector's ballot shall be considered as cast for a particular candidate receiving the highest score. If an elector gives each candidate the same score the ballot will not count for either candidate. The candidate receiving the highest number of votes will be the winner.</p> <p>The amendment includes Board authority to establish rules administration of STAR system and rules for a tie-vote.</p>
Dunes	20-294	<p>Shall the City Charter be amended to clarify the authority of the Municipal Judge and creation of a Municipal Court?</p>	<p>Approving this measure amends the City Charter of Dunes City by replacing Section 21 with a new Section 21. Adoption of this Charter amendment requires an affirmative vote of the people.</p> <p>Section 21 of the Charter authorizes the City Council to appoint a Municipal Court Judge. This proposed new Section 21 would replace the current provisions and provide more details as to the Municipal Judge's authority. The proposal allows a Municipal Court Judge the authority granted by State law, unless the City Council adopts an ordinance specifically limiting such authority. The proposal would also allow the City Council to contract for the</p>

			<p>services of a Municipal Court Judge and allow the City Council to authorize holding Municipal Court at a location outside the City limits.</p> <p>The proposal is based upon a League of Oregon Cities model that is in use by many other cities throughout Oregon. If approved, the Charter amendment would take effect January 1, 2019.</p>
Malheur	23-59	Should the Charter be amended to require any sales tax increases above 1% to have voter approval?	<p>In the May 15, 2018, election, there is a separate Ballot Measure which seeks voter approval of the 1% sales tax enacted by City of Ontario in Ordinance #2729-2017. If that Ballot Measure is approved by the voters, the proposed City Charter amendment will impose a cap on the sales tax percentage; any future increases will require a vote of the people. The proposed Charter amendment adds Section 2.2 which reads as follows:</p> <p>"Section 2.2. On May 15, 2018, the voters approved by referendum a ballot measure allowing the City to impose a 1% sales tax. The City shall not increase the sales tax percentage beyond 1% without voter approval."</p> <p>If the separate Ballot Measure fails, the vote on the Charter amendment will have no effect; the Charter will not be amended, regardless of the vote on the Charter amendment.</p>
Portland	26-200	Should Portland Charter limit campaign contributions, expenditures for elected offices; require certain funding disclosures for campaign communications; allow payroll deductions?	<p>Limits contributions received by candidates, candidate committees in city elections per election cycle to:</p> <ul style="list-style-type: none"> • No more than \$500 from individual, political committee. • No more than \$5,000 loan balance from candidate. • Any amount from small donor committee (defined), which may accept contributions of \$100 or less per individual donor per year. <p>Allows candidates to receive any amount from government public campaign funding system. Limits independent expenditures to</p>

			<p>\$5,000 per individual, \$10,000 per political committee, per election cycle. Unlimited independent expenditures by small donor committees.</p> <p>Each communication (defined) to voters relating to a city candidate election must prominently disclose (defined) information about source of contributions, expenditures for communication.</p> <p>Allows individuals to make campaign contributions by payroll deduction if private or public employer agrees or allows payroll deductions for other purposes.</p> <p>Entities making independent expenditures greater than \$750 must register as political committee within three days.</p> <p>Fines for violations; subpoena power for, investigations by City Auditor.</p> <p>Definitions; other provisions.</p>
2017 Charter Amendment Ballot Measures (Washington County Only)			
Portland	26-189	Shall Charter be amended to increase City Auditor's independence from audited agencies and include Auditor's authority to investigate City agencies?	<p>The measure changes Charter provisions regarding the elected City Auditor, which were last updated in 1994. The Auditor's responsibilities have expanded since then to include more oversight functions, such as the ombudsman and lobbyist registration. Currently, the Auditor relies on and sometimes must seek permission from City agencies subject to the Auditor's oversight for legal, personnel, procurement, and budget services.</p> <p>The measure increases the Auditor's independence by: allowing the Auditor to seek advice from independent legal counsel, giving the Auditor more autonomy over staffing decisions, designating the Auditor as a contracting agency, and authorizing the Auditor to submit budget requests directly to the City Council without review by an audited City agency.</p>

			<p>The measure requires periodic external reviews of the Auditor's Office.</p> <p>The measure also establishes in Charter the Auditor's ombudsman function, which conducts impartial investigations into the public's complaints against City agencies. Currently, the ombudsman operates under authority granted in code. It has been in the Auditor's Office since 2001 and is a core component of the Auditor's oversight responsibilities.</p> <p>Other provisions.</p>
Portland	26-194	Shall City Council be authorized to impose Transient Lodgings Tax obligations on online businesses and others without further voter approval?	<p>In City Charter Section 7-113, adopted in 1971, city voters authorized City Council to impose a Transient Lodgings Tax on amounts paid "for lodging" in hotels or other short-term rental spaces. The "owner or operator" of rental space is required to collect and remit this tax to the City. Recently, a federal court ruled that Charter Section 7-113 does not authorize the City to collect the Transient Lodgings Tax from a business that operates websites that connect tourists and other renters with homeowners and others seeking to make property available for short-term rentals. By authorizing new definitions and interpretations of Section 7-113, this measure authorizes Council to change the scope of Transient Lodgings Tax obligations and, among other things, (1) impose the tax obligations on businesses that facilitate short-term rentals but may not fit the 1971 definition of "owner or operator"; and (2) tax payments that may not fit the 1971 definition of payments "for lodging." Council could make such changes by ordinance without any additional voter approval. This measure does not change tax rates.</p>
2016 Charter Amendment Ballot Measures (Washington County Only)			
Sherwood	34-244	Shall charter require voter approval before certain taxes, charges and fees imposed on residential properties may be created or increased?	<p>This proposed charter amendment would require double majority voter approval before the City could impose on residential properties occupied by owners and/or occupants: (1) any new tax, charge or fee; or (2) an increase of more than two percent annually on any City utility tax, charge or fee. City utility taxes, charges and fees would include but not be limited to water charges, sewer and surface water charges, and street utility fees,</p>

			<p>but would not include taxes, fees and charges imposed by other governments such as Clean Water Services.</p> <p>The Oregon Constitution requires that new or increased taxes on property receive double majority voter approval or be approved at May or November elections. The measure would require double majority voter approval unless the election occurs in November of an even-numbered year. "Double majority" voter approval requires both: (1) more than 50% of eligible electors to vote in an election; and (2) a majority of those voting to vote in favor.</p> <p>The measure leaves certain terms undefined, which City Council may define in an implementing ordinance.</p>
2014 Charter Amendment Ballot Measures (Washington County Only)			
Washington County	34-222	Shall Section 84 of the Washington County Charter be amended to reduce the allowed difference in population of commissioner districts?	<p>Section 84 of the Washington County Charter divides the county into four commissioner districts and requires reapportionment of these districts every 10 years if the population of any commissioner district is more than 115% of the population of any other commissioner district. An 8,858 difference in population between the largest and smallest commissioner districts did not trigger reapportionment after the 2010 census, so commissioner district boundaries were not changed.</p> <p>The proposed Charter amendment would adjust the population requirements between commissioner districts by lowering the trigger for reapportionment to 105% instead of the current 115%. The proposed Charter amendment would also lower the maximum population allowed between commissioner districts after reapportionment to 103% instead of the current 110%. Finally, the proposed amendment would increase the time to adopt the final district boundaries from 45 days to 90 days and would make other minor changes to allow for reapportionment without having to wait until the 2020 census.</p>

Lake Oswego	3-452	Shall the City Charter be amended regarding signatures, and degree of road-widening, necessary to require elections approving road projects?	<p>This measure was referred to the ballot by the Lake Oswego City Council.</p> <p>The Lake Oswego Charter currently requires a city-wide election to approve construction of any “major road” or “major road expansion” if an election request is signed by at least 25 registered City voters. This ballot measure increases the required number of signatures to at least three percent of all registered City voters (under current registration numbers, 758 signatures).</p> <p>The Charter defines “major road” as any new road having pavement over 32 feet wide. This will remain unchanged. The Charter currently defines “major road expansion” as increasing the pavement width of an existing road by any amount, if the road will be over 20 feet wide after the widening. It does not include road maintenance or repair that does not significantly increase road width. This ballot measure changes the definition of “major road expansion” to mean increasing pavement width to add at least one new automobile traveling lane extending for at least 500 feet.</p> <p>A “yes” vote amends the Charter as described.</p>
Metro	26-160	Shall Metro Charter Provision Prohibiting Metro From Requiring Density Increases in Single-Family Neighborhoods Be Retained, with 16-Year Sunset?	<p>Retains provision in Metro Charter prohibiting Metro from requiring local governments to increase density in identified existing single-family neighborhoods. Requires revote in 2030 to remain effective. This prohibition was approved by voters in 2002 and is required by Metro Charter to be voted on again at the November 2014 general election. A “yes” vote on this measure would retain the prohibition for 16 years; a “no” vote repeals the prohibition on June 30, 2015.</p>

SHERWOOD CITY CHARTER

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, 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 at least every six years, with the appointment of a charter review committee by the City council.

(Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))

Section 2. - Name.

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

(Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

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.

11/26/18
Date

Charter Review Comm.
Gov. Body

D
Agenda Item

C
Exhibit #

(Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

Chapter III - COUNCIL

Section 7. - Council.

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.

(Res. No. 2014-077, § 1, 12-16-2014; Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

Section 8. - Mayor.

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

(Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

Section 10. - Rules.

In January after each general election, the council must by resolution adopt council rules.

(Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

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.

(Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

Section 14. - Record.

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

(Res. 05-008 § 1 (part))

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:"

(Res. 05-008 § 1 (part))

Section 16. - Ordinance Adoption.

- (a) Except as this provision provides otherwise, adoption of an ordinance requires reading of the proposed ordinance by title at two separate meetings separated by at least six days, and approval by a majority of council, which approval may occur at the meeting at which the second reading is conducted or a subsequent meeting.
 - (1) The text of the proposed ordinance shall be posted and available to the public on the City's website at least six days in advance of each meeting at which the ordinance will be read or considered pursuant to this section.

- (2) At each meeting that the ordinance is read or considered pursuant to this section, the title of the ordinance shall be read and public comments shall be accepted, prior to any vote of the council on adoption.
 - (3) An ordinance may be adopted at a single meeting of the council by unanimous vote of all sitting councilors on the question upon being read by title twice.
- (b) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.
 - (c) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.
 - (d) After adoption of an ordinance, the city recorder must endorse it with the date of adoption and the recorder's name and title. The city recorder must submit the ordinance to the mayor for approval. If the mayor approves the ordinance, the mayor must sign and date it.
 - (e) If the mayor vetoes the ordinance, the mayor must return it to the city recorder with written reasons for his veto within 10 days of receipt of the ordinance. If the ordinance is not so returned, it takes effect as if approved.
 - (f) At the first council meeting after veto by the mayor, the council will consider the reasons of the mayor and again vote on the ordinance. If four councilors vote to adopt the ordinance, it will take effect.
 - (g) After July 1, 2015, any ordinance, resolution or order approved by a majority of the City Council that imposes a new city tax, charge, or fee and/or increases by more than two percent annually any city utility tax, charge, or fee including but not limited to water charges, sewer and surface water charges, and street utility fees that are imposed on residential properties occupied by owners and/or occupants within the City of Sherwood boundaries, shall not be effective unless ratified by a majority vote of the City's qualified electors voting in an election where at least 50 percent of the registered voters cast a ballot, or the election is a general election in an even-numbered year.

(Res. No. 2016-073, § 1, 12-2-16; Res. No. 2016-043, § 1, 7-19-2016; Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

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:"

(Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

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:"

(Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

Chapter VII - ELECTIONS

Section 24. - Councilors.

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.

(Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

Section 25. - Mayor.

At each general election, a mayor will be elected for a two-year term.

(Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

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.

(Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

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 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).

(Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

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 within 45 days if less than 13 months remain. 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 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.

(Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

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 City Manager.
- (b) The City Manager must appoint and may remove the recorder. The appointment must be made without regard to political considerations and solely on the basis of education and experience.
- (c) When the recorder is temporarily disabled from acting as recorder or when the office becomes vacant, the City Manager must appoint a recorder pro tem. The recorder pro tem has the authority and duties of the recorder.

(Res. No. 2016-073, § 1, 12-2-16; Res. 05-008 § 1 (part))

Section 35. - City Attorney.

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 employees.

(Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))

Section 36. - Municipal Court and Judge.

- (a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Sherwood Municipal Court.
- (b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.
- (c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.
- (d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.
- (e) The municipal judge may:
 - (1) Render judgments and impose sanctions on persons and property;
 - (2) Order the arrest of anyone accused of an offense against the city;
 - (3) Commit to jail or admit to bail anyone accused of a city offense;
 - (4) Issue and compel obedience to subpoenas;
 - (5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
 - (6) Penalize contempt of court;
 - (7) Issue processes necessary to enforce judgments and orders of the court;
 - (8) Issue search warrants; and

- (9) Perform other judicial and quasi-judicial functions assigned by ordinance.
- (f) The council may appoint and may remove municipal judges pro tem.
- (g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

(Res. 05-008 § 1 (part))

Chapter IX - PERSONNEL

Section 37. - Compensation.

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

(Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

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.

(Res. 05-008 § 1 (part))

Section 44. - Ordinance Continuation.

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

(Res. 05-008 § 1 (part))

Section 45. - Repeal.

All charter provisions adopted before this charter takes effect are repealed.

(Res. 05-008 § 1 (part))

Section 46. - Severability.

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

(Res. 05-008 § 1 (part))

Section 47. - Reserved.

Editor's note— Res. No. 2014-077, § 1, adopted December 16, 2014, amended the Code by repealing former § 47, which pertained to time of effect, and derived from Res. 05-008.

Approved Minutes



SHERWOOD CITY CHARTER REVIEW COMMITTEE MEETING December 6, 2018 Minutes

- 1. CALL TO ORDER:** City Attorney Josh Soper called the meeting to order at 6:05 pm.
- 2. ROLL CALL:** Legal and Financial Assistant Jennifer Matzinger.

COMMITTEE MEMBERS AND LIASONS PRESENT: Brian Amer, Mark Cottle, Laurie Holm (via phone), Randy Mifflin, Bernie Sims, Nancy Taylor, Councilor Renee Brouse, Councilor Tim Rosener. Dave Grant arrived at 6:09 pm and Linda Henderson arrived at 6:17 pm. Bob Silverforb was absent.

STAFF PRESENT: City Manager Joe Gall, City Attorney Josh Soper, IT Systems Administrator Mark Swanson, Legal and Financial Assistant Jennifer Matzinger.

3. APPROVAL OF AGENDA

There were no oppositions or changes to the agenda. Agenda was approved.

Chair Cottle addressed the next agenda item.

4. APPROVAL OF MINUTES

A. October 30, 2018 Committee Meeting Minutes

MOTION: FROM NANCY TAYLOR TO APPROVE THE MINUTES, SECONDED BY BERNIE SIMS. MOTION PASSED 7:0. ALL MEMBERS PRESENT AT THE TIME OF THE VOTE VOTED IN FAVOR.

Chair Cottle addressed the next agenda item.

5. COUNCIL LIAISON COMMENTS ON CHARTER REVIEW PROCESS

Councilor Brouse stated that part of the reason they meet is because of the bylaws that direct them to meet approximately every 6 years. Secondly, it is a way to prevent a few or one or two councilors from hijacking a meeting or to push their agenda through.

Councilor Rosener agreed with Councilor Brouse that part of the reason to meet this year was born out of some of the challenges we went through as a community last year. They now have a set of Council rules that help them govern that. It allows the entire council the opportunity to have something on the agenda. For example, it now only takes 3 councilors to put an item on the agenda or call a meeting instead of having the minority being silenced by the majority of the council. However, the challenge they have is the

Council rules can be changed every year. He stated our Charter has different standards. For example, it says that it takes 4 council members to put an item on the agenda. He said that while they have a great council right now they wanted to ensure that the voices of future elected officials could be heard.

Record Note: Dave Grant arrived to the meeting at 6:09 pm.

Chair Cottle summarized that what he was hearing as an important item to council is to amend the charter so that the minority or at least one less than a majority could put something on the agenda. In other words, currently if the majority was 4, then the number required would be 3, but if the number of councilors was changed to either 5 or 9 members it would resort to one less than whatever a majority would be at that time. Both Councilor Rosener and Councilor Brouse agreed that was correct. Councilor Brouse further clarified that they wanted to ensure that the charter reflects that in particular because the council rules can change from year to year and this would give the minority something to fall back on.

Chair Cottle asked if there was anything else the councilors felt were critical for the committee to look at or redo. There were no other comments from the Council liaisons.

6. CITIZEN COMMENTS – None.

Chair Cottle addressed the next agenda item.

7. NEW BUSINESS

A. Review Public Input Received

Chair Cottle asked City Attorney Josh Soper if he had received any public input. Mr. Soper explained the various methods of advertising he explored, including a survey on the City's website, placing an announcement on Facebook as well as Twitter, contacting the Sherwood Gazette for placement online and in their printed paper. He said despite these efforts, they have not received any public input. Chair Cottle stated that he would like council members on the committee to make a statement at their next council meeting to let people know they can go online and provide comments. Mr. Soper explained they had done that at the last council meeting, but the deadline was that day. He stated that the link is still active on the website, however they have not received anything. Chair Cottle asked that we continue to make the announcement and further asked the council members to ask their committees as they meet to continue to make the announcement to ensure people are aware and point them toward the website for comments on the process.

Discussion ensued about potential future processes for input received from the public. Ms. Taylor stated that she believed public education on what they are voting on, the substance, and why they need to weigh in is important to her because in the future they may need to expand/contract on some of these ideas. Chair Cottle agreed that should be part of our outreach and providing education in order to have a meaningful dialogue for those citizens who are interested is important. He asked Mr. Soper to provide a short explanation of what the charter is and outline the hierarchy of governance of the City i.e. the charter, ordinances, policy, rules, etc. just so people understand the context as well as explain that a charter is not a place for specific items, it is to help us govern.

B. Review Committee Member Preferences Regarding Charter Issues to Pursue

Chair Cottle then briefly reviewed the Sherwood Charter Review Issues prepared by Mr. Soper (see record, Exhibits A and B) and their respective ranked order. Chair Cottle asked if there were any sections that didn't get a top vote that somebody wanted to have time spent on.

C. Committee Discussion and Decision Regarding Charter Issues to Pursue

Chair Cottle briefly reviewed the color coded system provided by Mr. Soper. He began with the items that were listed in red and explained those were the items that Mr. Soper deemed to be unnecessary and asked if any members had any questions. Mr. Soper clarified that the four sections that were highlighted in red were all items that clarified that the charter prevails over something else that is subsidiary to the charter. In his opinion, they were not sections that needed to be addressed as they simply discussed the inherent nature of the charter.

Chair Cottle asked if there were any items under housekeeping that committee members disagreed with. He explained for those that missed the last session the reasoning behind why they broke sections up into categories. He stated that the substantive issues would be stand-alone ballot issues and all of the other housekeeping items would go onto another ballot initiative. Chair Cottle clarified that the committee member's determination tonight was not final and was only asking if anyone wanted to address the housekeeping sections.

Mr. Soper stated that he did have some possible additions to the housekeeping items based on comments from committee members. He then briefly reviewed those additions, which included: grammatical and punctuation issues found in section 31; a reference to nominations to run for mayor or council in section 28, which were previously addressed in another section and should be made consistent; an effective date of January 1, 2015, which needs to be brought current; and adding a definition to the word "reside".

Chair Cottle stated he found one in section 21 that he did not think was necessary. He said they wanted to change the wording "may state the City of Sherwood orders as follows" to read as "must state the City of Sherwood orders as follows". His problem with that change is that if you put it as "must" and for some reason someone doesn't add "the City of Sherwood orders" do we really want to make an ordinance ineffective because we made an error and did not follow the charter language. He said as an attorney he would point out the discrepancy and challenge an ordinance that it is no longer effective. Mr. Soper stated that they have the "must" language currently in place for ordinances, but the wording in resolutions and orders is "may". He said the staff suggestion was to bring them all in line with each other so they all either say "must" or "may". Chair Cottle felt more confident that they should leave it at "may" to avoid any problem in the future. He said that whichever word they ultimately decided upon would affect both section 18 and section 21.

Chair Cottle reviewed the items labeled in green, which were issues Mr. Soper felt were most important. He asked if any of the members wanted to go over them. Councilor Tim Rosener said when they were setting council rules one of the issues that was discussed a lot was the definition of a quorum. He agreed that it is a legal term, however the question was does it apply to all 7 seats or how many are seated. He felt that there was some vagueness in that language. Mr. Soper stated he was happy to see that all of the items that he identified in green matched committee members picks as well. He agreed with Councilor Rosener's assessment about the vagueness around the word quorum, in particular given the recent experience with the number of vacancies that occurred on council. Mr. Soper certainly wants to address those in the event that situations come up again in the future.

D. Begin Discussion of Selected Charter Issues

Chair Cottle noted that there was a tie on section 5. He said he would like to address the issue of disposing of assets and said he thinks it is very dangerous if we want to go to a city vote on disposing of city assets of any size because he doesn't know what the future brings as far as emergencies that may arise or opportunities that may arise. He said he knows a lot of people went through some heartburn with a prior council and what they tried to do to the YMCA and said he believes the system worked as it did not happen. He said if the citizens are passionate enough they can do what they did then. He said it makes him very nervous when we delay selling assets or hold harmless an organization because currently we like it, but we don't know if that is going to be true in 20 years. He said in speaking of the Y, there are three people that were at the ground floor getting the Y to come to Sherwood and the Y is a wonderful partner today and he doesn't know if they will be a wonderful partner for Sherwood in 20 years. He said he doesn't know if Sherwood will outgrow what the Y can do or if they will want to take it on themselves and doesn't think we should hamstring the council from exploring those options by requiring a vote. He asked if anyone else wanted to put forward a charter amendment requiring a citizens vote? He stated there are many ways to do it and said we can have a charter amendment requiring citizens to vote on disposing of assets over a certain amount of value, or we can say, the council has to have their normal hearing on it and in three months, two or one month later, they have to have another hearing, so it can't be done in a quick fashion.

Nancy Taylor asked regarding disposal of assets, and referred to the property recently purchased by the Sherwood school district and if there was language in the charter would the citizens have had to vote. Discussion occurred regarding an asset being anything the city owns and has monetary value. Discussion occurred regarding various city owned properties with a value over \$2 million.

Ms. Taylor said her point is the school district purchased the property without any interference and that was the best way for that to happen and it needed to happen quickly. Chair Cottle commented regarding his tenure on the city council and purchasing property, and practices when selling property. City Attorney Soper commented regarding the selling of public property and there being state requirements that must be followed. Chair Cottle commented that his issue is more philosophical, and for him we vote on a city council for a particular purpose and this is one of them.

Chair Cottle asked if any of the committee members wanted to limit the city council's ability to purchase assets by way of the charter, or sell assets? Chair Cottle asked for feedback on limiting the selling of assets?

Bernie Sims said there has to be so much diligence so it feels like an unnecessary thing to cover at the charter level. Brian Amer agreed this is why we elected council. Linda Henderson added it takes a majority of council to make a decision.

Chair Cottle addressed the next subject. Mr. Soper referred to council vacancies and said currently the default in our charter is if anything is going to be approved by the council it has to be approved by a majority of a quorum, unless the charter says it has to be approved by a majority of the council. He said a majority of the council is at least 4 votes. He said if it's a majority of a quorum, a quorum could be 4 votes and a majority of that is 3. He said he is suggesting the group look at two questions; the division between what requires a majority of a quorum and what requires a majority of the council and whether that division makes sense, and then fixing the issue and clarifying what happens to the quorum and the majority of council requirements in terms of the numbers when there are vacancies on the council. He said he believes the simple solution here is to say, when there is a vacancy that empty position does not count towards the

total number. He provided an example and asked for discussion. Laurie Holm asked if it can be written such that, it's a majority of council as seated at the time of the vote. Mr. Soper replied this was his initial thought process to eliminate the vacant positions from the total that is being counted. Discussion occurred regarding "seated position" and "filled positions". Ms. Holm replied she would agree with this, referring to positions that are filled. Chair Cottle asked if it made sense in the charter to say a "quorum" versus a "majority" of the seated council? Mr. Soper referred to definitions in Section 19, Resolution and an Order Approval. Chair Cottle asked for an explanation of the difference between a resolution and an order. Mr. Soper gave the example of a high school civics class and the three levels of government. He said an ordinance is legislative actions, like Congress, a resolution is administrative actions, or executive actions like the presidency, and an order is like a judicial action, like the courts. Chair Cottle referred to orders and they being a land use decision, and provided examples of the differences between all three types of legislation. Mr. Soper stated as it is currently, resolutions and orders only require a majority of a quorum, but a majority of the council is required to enact an ordinance. Chair Cottle commented that this made sense to him and provided examples.

Council Liaison Tim Rosener referred to the current language and an ordinance requiring two public hearings, unless it's an emergency where you need to have the full council present.

Mr. Soper replied there is a majority of a quorum, a majority of the council and there is one thing that requires all council members, and this is the emergency ordinance adoption. Comments were received that this needs to be clarified; all "seated councilors", or "all councilors". Mr. Soper said he believes the easy fix to the vacancy language is to put something in the vacancy section that says, if there is a vacant position that position is treated as if it does not exist, so then all councilors would be all "seated councilors", by default. He said if fixed in one place it will permeate to the rest of the charter. Discussion followed with reference to section 31.

Chair Cottle asked the group if they thought there was any reason to make it always be the full council, a majority of the full council. Discussion followed regarding confusion with past issues with vacancies. Chair Cottle referred to the prior discussion and disposal of property and language stating, for example, disposal of property worth more than \$2 million requires a majority of the seated council. Mr. Soper referred to Section 13 the default rule is the majority of quorum unless specified otherwise. Discussion followed. Chair Cottle commented that when disposing of assets he wants the entire Council to make the decision. Discussion occurred regarding the decision surrounding the YMCA.

Mr. Rosener referred to having an opening (vacancy) on the council and controlling the agenda and delaying the filling of a seat if it favors the voting. He said we have previously seen this. Discussion occurred.

Mr. Soper recapped and said he will prepare an amendment to Section 31 that would clarify the vacancies in office don't count towards anything and word it accordingly. He explained and provided an example and said if you have a 7 member council and you have a vacancy, you treat it as if you have a 6 member council. He said if anyone has concerns with a "majority of quorum" versus "majority of council" to let him know, otherwise he will leave it alone. Discussion occurred.

Ms. Taylor asked regarding Section 31, section 4 an election to a different city office and what about a state or regional office. Chair Cottle replied his understanding it's an Oregon state law that you cannot hold more than 1 elected position. Discussion occurred. Mr. Soper said if cleaning up section 31, with the

consensus of the committee he will have the language state, "elected office". No objections were received from the committee.

The committee discussed the word "reside" in Section 31 and Mr. Soper said he would address this as a housekeeping measure and said his concern with the housekeeping measure is if he asked the committee to define reside, he would probably get 7 different definitions. Discussion occurred and Mr. Soper explained that to him a housekeeping issue is not a substantive change, noncontroversial and objective, and clearly a "fix", versus a decision about what the language should state. Discussion occurred regarding the "housekeeping" measure being separate from the other proposed measures.

Mr. Soper said we are not the first community to struggle with the word reside and said the law cannot come up with an effective definition. He said there are definitions for tax purpose, registering to vote, running for office, different states, different counties and different rules, but they all ultimately come down to a subjective definition. In Oregon for registering to vote a person's place of abode in the state, the person intends to remain in or if absent, to return to. Discussion occurred about different perspectives of the definition and if the word "reside" was the right word to use. Mr. Soper said most of the sections where "reside" comes into play, it also requires a person to be a registered elector in this community, which then triggers the state definition he just stated. He said if we want to do our own definition of reside, we will probably do something similar to what the state already does for registering to vote. Discussion occurred.

Chair Cottle addressed Section 12-Quorum and asked if there was anything else in this section. Mr. Soper stated he believes the suggestion, unless someone feels differently for the quorum issue, was to use the definition we have in the council rules, which is the 50%, plus 1. Chair Cottle stated they also wanted to know what "compel attendance" means. Chair Cottle commented regarding historically, what "compel" attendance looked like. He said he has not seen it used since 1990. Dave Grant clarified that it would only be for an emergency ordinance because that is the only time you have to have everyone there. Discussion occurred and Mr. Soper said you could also have a situation where you couldn't establish a quorum because people were preventing something from happening. Chair Cottle stated this could happen in a land use decision. Council Liaison Brouse asked doesn't this go back to the rationale of having a majority of seated councilors, versus a quorum? Mr. Soper stated for orders, it's a majority of a quorum. Discussion occurred.

Council Liaison Rosener referred to the LOC (League of Oregon Cities) model charter language.

Mr. Soper said the other way the charter is written is less than a quorum could compel attendance as prescribed by council rules. He said the question here is whether we want to define it in the charter or leave it as is in the council rules. Ms. Henderson asked who compels the council to follow their rules. Chair Cottle replied no one. Ms. Henderson said you can't pass an ordinance without the majority of the council, if you can't change council rules with a majority of a quorum. Mr. Soper replied, correct. Discussion occurred and Chair Cottle said when the committee gets there, they can say that council rules are adopted by the council and can only be changed by the council. Mr. Soper commented regarding compelling attendance and adding some sort of penalty for not attending. Comment was asked, if monetary? Chair Cottle added, or you lose your office, it becomes a disqualifying event. Discussion occurred.

Chair Cottle suggested leaving it to council to suggest to the committee, as they have until May, if they needed to tackle that issue or if they are capable of tackling that. He said he liked the idea that council rules are voted on by the council every year, and ought not to be changed by a quorum but changed by the majority of council. Ms. Brouse asked to clarify that Chair Cottle was suggesting the Council decide what

compel means or how they would address that? Chair Cottle replied, the process of compelling. He said right now it's essentially left up to the council rules. He asked the group if they think the committee needs to be involved in the process, if it needs to be in the charter or can it stay in the council rules, the methodology of compelling. He said he liked not allowing the council rules to be modified midway through the year by a quorum because that just undoes the council rules of the entire group. Discussion occurred. Chair Cottle stated he believes the rules should only be modified by the same methodology as they were originally adopted. Ms. Brouse confirmed that that would be reflected in this document (the charter). Mr. Soper recapped and said we would amend section 10 to require approval of the council rules by a majority of the council. Chair Cottle added that he believes this is a housekeeping matter and should not create much debate. Ms. Henderson added that she would like to see under the council rules a penalty for violation of council rules. She said what is the point of specifying council rules if there is no enforcement, there is no due process. She spoke of censuring, striking a deal, people apologizing and then moving on. Councilor Rosener reminded the group of an occurrence where the council voted three times on the same subject because they did not like the result of the vote. Discussion occurred. Chair Cottle added that citizens should have the right to enforce council rules, but he did not know what the methodology is of enforcing council rules, is it requesting a hearing through the mayor claiming that someone violated council rules. Ms. Henderson commented regarding the current system and having to compel three councilors to put it on a future agenda, which would force the discussion.

Mr. Soper asked the group if enforcement of council rules was something they want to put in the charter, or something the council should look at and address in their own rules. Mr. Grant stated there was a mechanism for a majority of the council to remove another council member and that was removed from the charter a number of years ago. Discussion occurred that the provision was in Section 3, specified reasons. Discussion occurred. Chair Cottle stated that there is a big code of Oregon violation of laws that has due process language and said if the council is so inept that they can't figure out a way to have appropriate penalties without us writing them out for them, he thinks it becomes difficult although he also knows that the frustration is that those in the minority will complain that someone is violating the charter, but if you don't have four votes, there is no triggering event. Mr. Soper added there is no mechanism to prosecute someone for violating the council rules. Mr. Soper added that council rules could probably be more called council guidelines.

Ms. Brouse recapped and asked, should the mechanism for enforcement of council rules be in the charter or in the council rules, if the charter is the prevailing document of what is supposed to happen then it should be in the charter. Chair Cottle said yeah, but how do you want to do that? He gave the example of putting in the constitution the criminal code of the US in regards to the rules of the legislature. Mr. Soper added he thinks it depends on what you have in mind for what enforcement should look like. Discussion occurred regarding prior conduct of the council. Chair Cottle added that all we are going to do here is to allow those in the minority to put something on the agenda. He said to enforce anything you will either need to have a private office that has independent ability to look at it and enforce it or you will have to get a majority of the council to enforce it. He said these are the only two methodologies he can think of. He said the question is, do we want to vest some other person with the power to overlook the city council to make sure they are following their own rules. He said he did not think you want to do that. Discussion occurred. Mr. Soper commented and said generally what you would see is the only enforcement is censure and it does not have any consequences, it's just a public reprimand. He said this seems appropriate based on what's in the council rules. Chair Cottle reminded that four council members would be needed to agree upon this. Discussion occurred and comments were received regarding having language in the charter as it did not fluctuate like council rules. Discussion occurred regarding removal of council members through a recall process. Mr. Soper added that it could be as simple as putting something in the charter that says, "a

majority of council may censure a councilor for violating the council rules". He said the rules could elaborate what that means. Ms. Brouse agreed and said it gives us something to fall back on. Chair Cottle stated that it's dangerous to make policies for the next 20 years based upon a recent incident. He said let's look at putting something in the language.

Chair Cottle addressed Section 3 Boundaries. He said this is a suggestion of voter approval requirement for requesting expansion of urban growth boundary (UGB) in excess of 100 acres.

Chair Cottle said if he understand the request, it would not place in the voters hands of whether it could come in, it's whether we could seek to ask for more than 100 acres to come in. Mr. Soper confirmed. Chair Cottle asked Mr. Soper to explain the process and commented regarding Metro and current practices. Mr. Soper replied this is one of the challenges with the process for UGB expansion has changed recently and may change in the new future and changes with some regularity. He stated his suggestion for this issue would be that if we discuss this at the next meeting maybe bring in a subject matter expert to talk more in depth so we can look at what this looks like and our approaches. No objections were received from the committee.

Chair Cottle addressed the Mayors position, Section 25. He asked if anyone wanted to have term limits for the mayor. Ms. Brouse stated there should be consistency. Chair Cottle asked why? Ms. Taylor stated she liked the idea of term limits in general for the reasoning that we need new people. She explained her interpretation of the current process that seems to her to not have term limits but has a "cooling off" period. Discussion occurred regarding the consecutive term limits for council and if considering term limits for the mayor to also consider the term as it is two years. Chair Cottle suggested three consecutive terms, being six years in total, and he/she would need to sit out for one, two year term before running again. Discussion occurred regarding Tualatin's terms and recent changes. Mr. Sims stated there are two issues, what is the term of the mayor, as it's continually running every two years and where is the city benefiting on such a short term. Mr. Grant stated this was discussed when the committee previously looked at this and said the feeling was that since the mayors term was a two year term, that term limits might not be needed as the mayor is constantly running for office. Discussion occurred regarding if wanting to term limit someone out, to term limit them for one of the terms and allow them to run again. Comments were received that some people agreed and this was effective. Chair Cottle polled the committee members for term limiting the mayors position. He asked how many terms would be appropriate. Comments were received as 3 terms. Discussion occurred regarding the terms of councilor positions being a total of 12 years. Chair Cottle asked Mr. Soper to craft language that the mayor terms out after three terms and must sit out for one term before running again. Comments were received in agreement with Mr. Sims that term limits could be 2-4's instead of 3-6's. Chair Cottle stated this previously failed when wanting to increase the term of the mayor. Ms. Holm asked why did it fail and what is the rational of the mayor having a shorter term than councilor members if everyone is essentially equal. Chair Cottle replied they are not because the mayor sets the agenda and he/she can veto things. Discussion occurred. Chair Cottle provided an explanation of why he believes the terms are as such. He said if you want the term to go to four years, he suggested doing that separate from everything else as it recently failed. Mr. Soper added he recalls there was a proposal to change it to a four year term, but there were no term limits at the time. He said maybe if you're doing both at the same time, it would have a different result. Comments were received in agreement. City Manager Gall stated that he believes it has failed twice during his seven year tenure at the city. He said when he inquired with residents as to why they voted against it, one of the consistent responses was because you have three councilors up every two years and you get an opportunity to vote on the mayor, which is a quorum, it's a majority of the seven council members, and if things are really out of whack, and if we want a new majority on the council, every two years we have a chance to swap out four people. Comments were

received that this makes sense. Chair Cottles recapped the poll of hands to term out the mayors position at three terms and said the consensus was three terms (2 year term), and sitting out a term, before running again. Mr. Soper replied he would draft the language as such.

Chair Cottle stated he will leave Section 16 for the next meeting as it will involve a lot of discussion, unless the committee wanted to address it tonight. No objections were received.

Chair Cottle recapped and said Mr. Soper will propose concept language for what we spoke of tonight and put housekeeping into one section, and we will leave section 16 for future discussion and probably only focus on this section at our next meeting. Mr. Soper confirmed to have the UGB discussion as well with a subject matter expert.

The committee discussed their next meeting date and concluded to meet on January 24 with a 10-15 minute discussion on land use, and start discussion on Section 16.

Mr. Amer commented regarding a possible change on disposition of assets and if this would require a vote of the full majority of the Council, as opposed to a quorum. He asked if Mr. Soper has this in his notes. Chair Cottle added that he did not believe that the committee should propose a single dollar limit and it should float with the consumer price index so that in twenty years it's still semi relevant to the issue.

8. COUNCIL LIAISON REPORT – None.

Ms. Henderson commented regarding the challenge with a 6pm start time due to her employment and the committee agreed to start the next meeting at 6:30 pm.

9. ADJOURN - Chair Cottle adjourned the meeting at 7:31pm.



Minutes approved on: 01/24/19