



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. December 6, 2018 Committee Meeting Minutes**
- 5. CITIZEN COMMENTS**
- 6. NEW BUSINESS**
 - A. Review Public Input Received**
 - B. Presentation and Q&A on UGB Expansions**
 - C. Review Draft Charter Amendments**
 - D. Committee Discussion on Remaining Charter Issues**
- 7. COUNCIL LIAISON REPORT**
- 8. ADJOURN**

AGENDA

**SHERWOOD CITY CHARTER
REVIEW COMMITTEE
January 24, 2019**

**6:30 pm City Charter Review
Committee Meeting**

Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140

Charter Review Committee Meeting

Date: January 24, 2019

List of Meeting Attendees: ✓

Request to Speak Forms: none

Documents submitted at meeting:

- Charter Review Issues List 12/5/18 - Ex. A.
- Sherwood Charter Review Issues - Ex. B
- Draft Amendments for 1/24/19 Charter Review Committee Meeting - Ex C
- Urban Growth Boundary Presentation - Ex D.

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.

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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>	<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>

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<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>	

<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. (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.</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>

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Date

Charter Review
Gov. Body

C
Agenda Item

C
Exhibit #

Draft Amendments for 1/24/19 Charter Review Committee Meeting

Draft Amendment #1 – Term Limits

Section 24. - Councilors.

(a) At each general election, three councilors will be elected for four-year terms.

(b) No councilor shall serve on the council more than three consecutive terms. For purposes of this subsection, “terms” include terms to which the councilor was either elected or appointed, regardless of whether the councilor served the full four years of the term.

Section 25. - Mayor.

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

(b) A mayor may not serve more than three consecutive terms. For purposes of this subsection, “terms” include terms to which the mayor was either elected or appointed, regardless of whether the mayor served the full two years of the term.

Draft Amendment #2 – Quorum and Voting

Section 7. - Council.

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

Section 10. - Rules.

In January after each general election, the council must by resolution adopt council rules. The rules must be approved by a majority of the council.

Section 12. - Quorum.

~~A majority of the council members is a quorum to conduct business shall be defined as a~~ majority of the council and mayor positions that are not vacant, but a smaller number may meet and compel attendance of absent members as prescribed by council rules.

Section 13. - Vote Required.

The express approval of a majority of ~~a quorum of the councilors voting on a motion~~ is necessary for any council decision, except when this charter requires unanimous approval or approval by a majority of the council. Unanimous approval shall mean approval by all of the council and mayor positions that are not vacant. Approval by a majority of the council shall mean approval by a majority of the council and mayor positions that are not vacant.

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~~ approval 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~~ a majority of council votes 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.

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~~ unanimous approval may take effect as soon as adopted, or on such other date less than 30 days after adoption which may be specified. if it contains an emergency clause, and is not subject to veto by the mayor.

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) A mayor or councilor vacancy shall be filled by appointment by a majority of ~~the remaining council members~~ within 45 days of the date of vacancy. 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.

(b) An election is required if 13 months or more remain in the office term. The election must be held at the next available election date. The person elected will fill the vacancy for the remainder of the term.

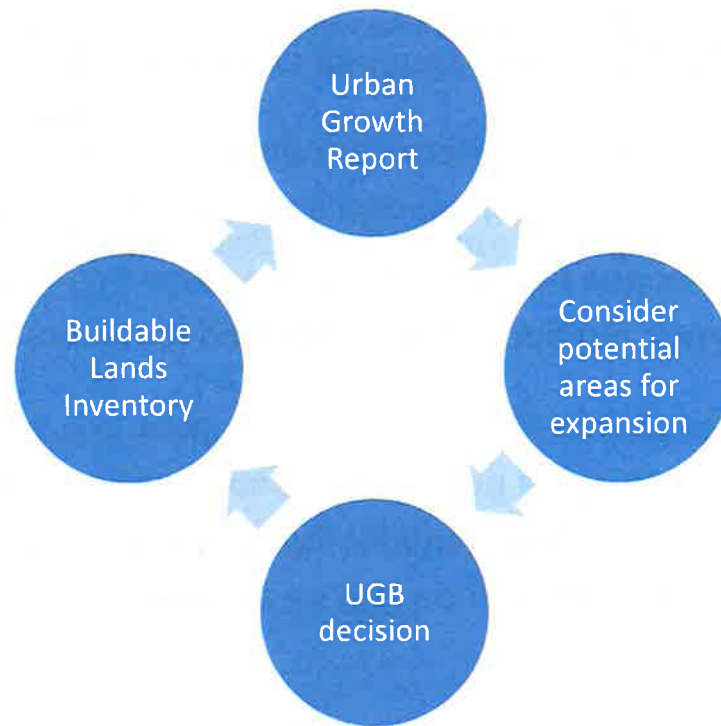
Urban Growth Boundary Expansions

Charter Review Committee

January 24, 2019

- Oregon law requires Metro to examine the 20 year capacity of the UGB every 6 years
- If demand is projected to exceed capacity:
 - Must find additional capacity within existing UGB
 - OR
 - Expand the UGB to accommodate the additional projected need
- If UGB expansion is needed Metro must look to expand onto land in a specific priority order

Metro's 6 year UGB Cycle



History of Expansions of the UGB

1979: UGB first established

1998: About 3,500 acres to accommodate 23,000 housing units and 14,000 jobs

1999: 380 acres based on the concept of sub-regional need

2002: 18,867 acres to provide 38,657 housing units and 2,671 acres for additional jobs

2004: 1,956 acres to address the need for industrial lands identified as part of the 2002 planning process

2005: 345 acres of land for industrial purposes, completing the 2002 planning process

2011: Metro Council added 2,015 acres to help address the anticipated 20-year need for new housing and jobs. In 2014, the Oregon Legislature added another 1,178 acres in Washington County through House Bill 4078, which also finalized urban and rural reserves in the county.

2015: Metro Council decided not to expand the urban growth boundary but agreed to look again in 3 years rather than 6 years

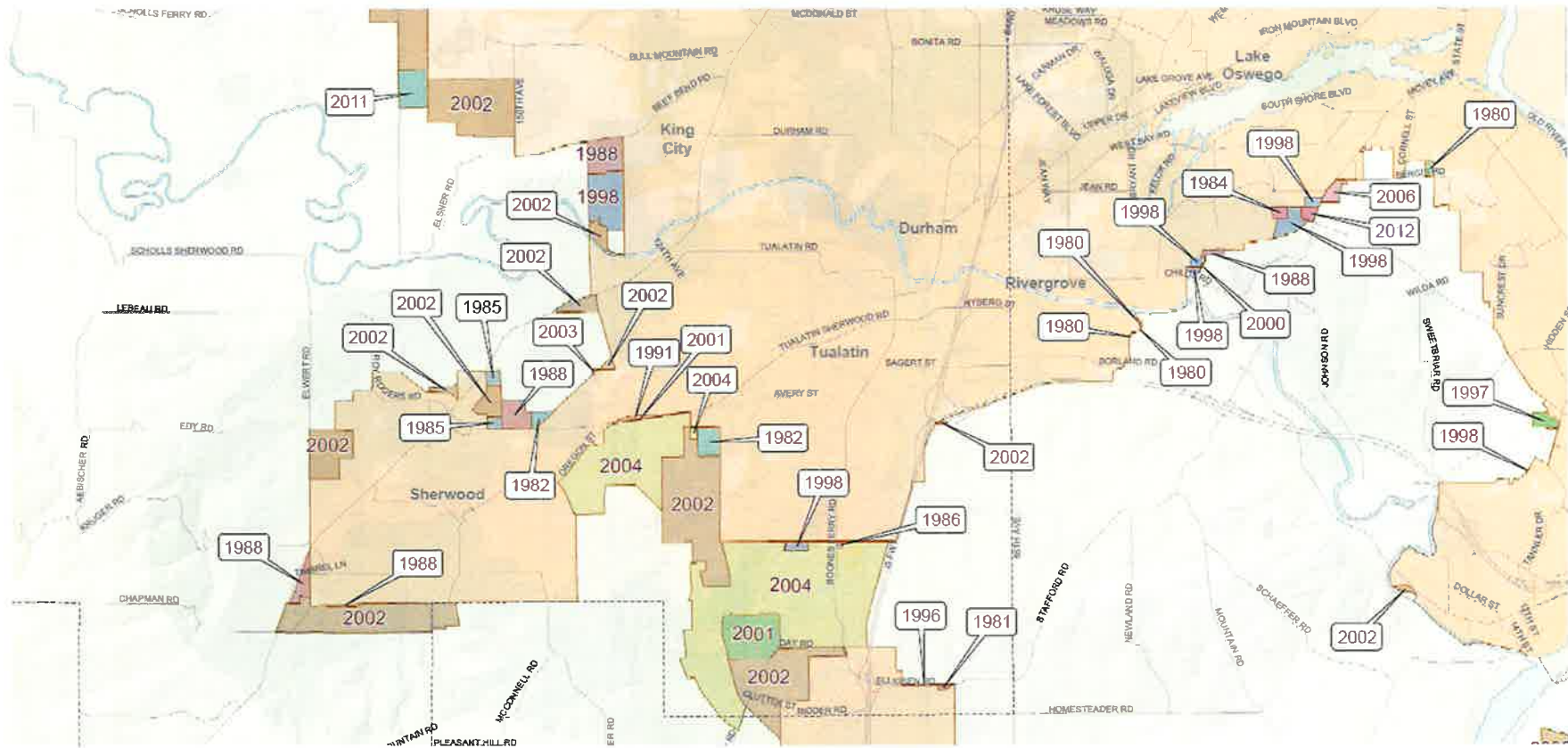
2016: In collaboration with regional Mayors and the State, Metro developed a process to allow interim expansions for residential purposes when a jurisdiction could demonstrate a specific need

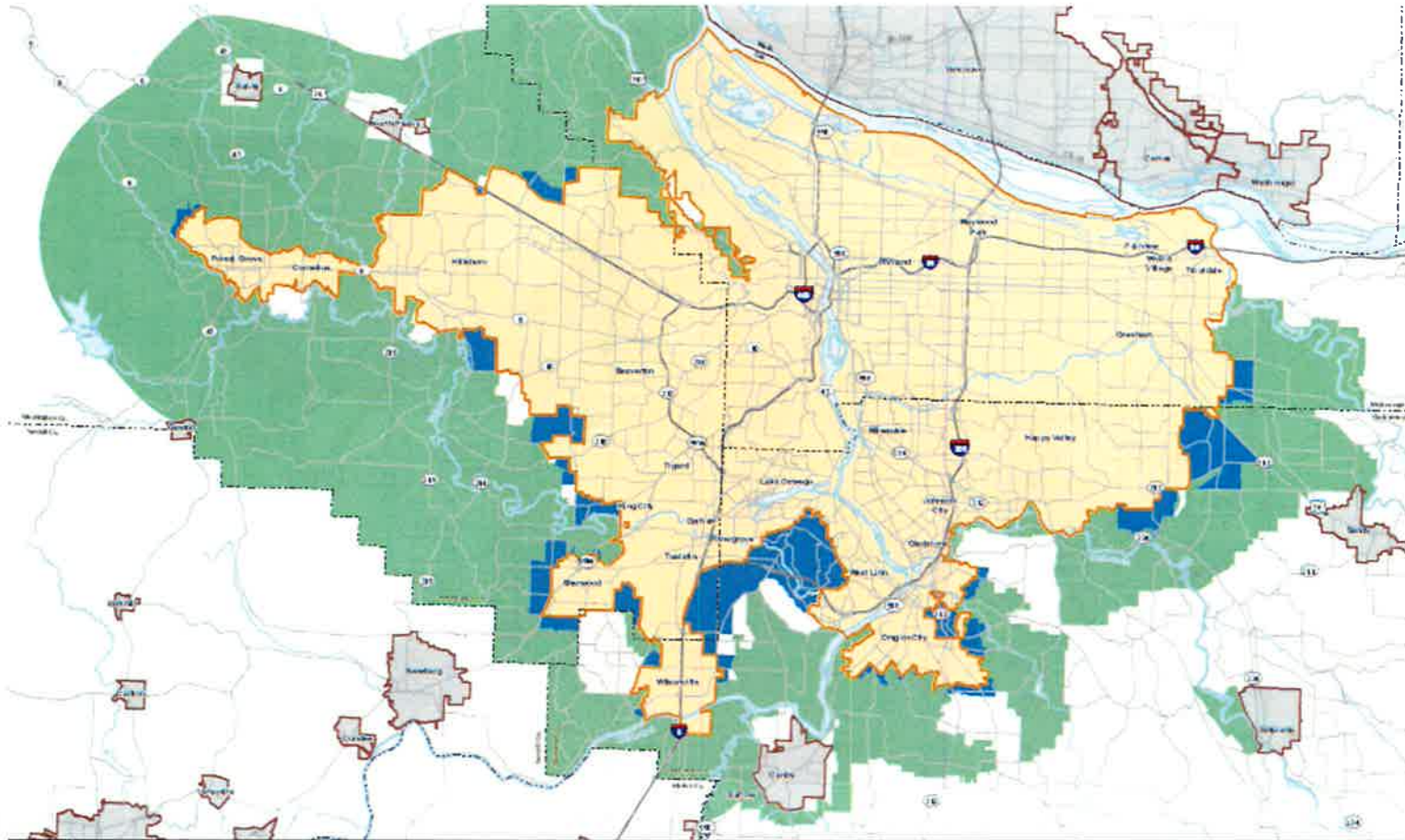
2018: Metro developed an expedited process for the next UGB expansion

UP NEXT:

- 2021: Metro will entertain interim expansion requests - Process TBD
- 2024: State mandated analysis of need and potential UGB expansion – Process TBD

UGB Expansion History around Sherwood





Title 14, Urban Growth Boundary
August 2017

- Metropolitan Portland Urban Growth Boundary
- Rural Reserves
- Urban Reserves
- County Boundaries
- Other Urban Growth Boundary



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Metro Legislative Amendment to the UGB - Criteria

If the Metro Council determines there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering the following factors:

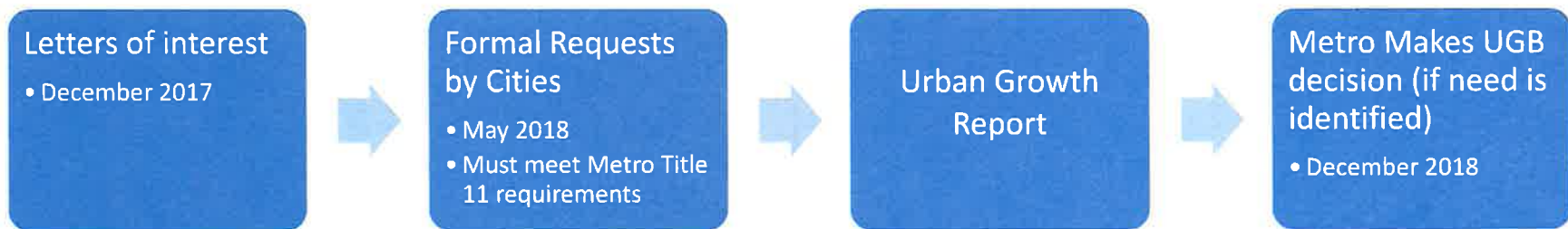
- (1) Efficient accommodation of identified land needs;
- (2) Orderly and economic provision of public facilities and services;
- (3) Comparative environmental, energy, economic and social consequences; and
- (4) Compatibility of proposed urban uses with nearby agricultural and forest activities occurring on land outside the UGB designated for agriculture or forestry pursuant to a statewide planning goal.
- (5) Equitable and efficient distribution of housing and employment opportunities throughout the region;
- (6) Contribution to the purposes of Centers and Corridors;
- (7) Protection of farmland that is most important for the continuation of commercial agriculture in the region;
- (8) Avoidance of conflict with regionally significant fish and wildlife habitat; and
- (9) Clear transition between urban and rural lands, using natural and built features to mark the transition.

Metro Legislative Amendment to the UGB - Criteria

If the Council determines there is a need to amend the UGB for housing the Council shall also consider the following factors in determining which urban reserve areas better meet the housing need:

- (1) Whether the area is adjacent to a city with an acknowledged housing needs analysis that is coordinated with the Metro regional growth forecast and population distribution in effect at the time the city's housing needs analysis or planning process began;
- (2) Whether the area has been concept planned consistent with section 3.07.1110 of this chapter;
- (3) Whether the city responsible for preparing the concept plan has demonstrated progress toward the actions described in section 3.07.620 of this chapter in its existing urban areas;
- (4) Whether the city responsible for preparing the concept plan has implemented best practices for preserving and increasing the supply and diversity of affordable housing in its existing urban areas; and
- (5) Whether the city responsible for preparing the concept plan has taken actions to advance Metro's six desired outcomes set forth in Chapter One of the Regional Framework Plan.

Metro Urban Growth report and Urban Growth Boundary Expansion – Expedited process for 2018



- Future processes may or may not be similar
 - Dependent on Metro Council and staff

Approved Minutes



SHERWOOD CITY CHARTER REVIEW COMMITTEE MEETING January 24, 2019 Minutes

1. **CALL TO ORDER:** City Attorney Josh Soper called the meeting to order at 6:30 p.m.

2. **ROLL CALL:** Legal and Financial Assistant Jennifer Matzinger

Committee Members and Liaisons Present: Brian Amer, Mark Cottle, Dave Grant, Laurie Holm, Randy Mifflin, Bernie Sims, Bob Silverforb, Nancy Taylor, Councilor Renee Brouse. Linda Henderson was absent. City Councilors Tim Rosener and Kim Young were also in attendance.

Staff Present: City Manager Joe Gall, City Attorney, Josh Soper, IT Systems Administrator Mark Swanson, Legal and Financial Assistant Jennifer Matzinger, Community Development Director Julia Hajduk

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. December 6, 2018 Committee Meeting Minutes

MOTION: FROM DAVE GRANT TO APPROVE THE MINUTES, SECONDED BY RANDY MIFFLIN. MOTION PASSED 6:0. ALL MEMBERS PRESENT AT THE TIME OF THE VOTE VOTED IN FAVOR.

5. **CITIZEN COMMENTS:** None.

Chair Cottle addressed the next agenda item.

6. NEW BUSINESS

A. Review Public Input Received

Chair Cottle asked City Attorney Josh Soper if he had received any public input. Mr. Soper replied that the public input site remains open and active, however we still have not received any comments. We will continue to leave that open in the event someone wants to provide comment.

B. Presentation and Q&A on UGB Expansions: Community Development Director Julia Hajduk presented a PowerPoint presentation to the Charter Review Committee on Urban Growth Boundary Expansion (see record Exhibit D).

Councilor Tim Rosener asked Ms. Hajduk if Metro had ever expanded the city limits without the City asking for it. Ms. Hajduk responded that they have. She said this has happened every time, except for the most current expansion.

City Manager Joe Gall noted that there is a transition currently occurring through Metro, with a new Metro Chair and Chief Operating Officer. He explained because of this the current process could be revamped in three years when the time comes to review it again.

Ms. Hadjuk noted that there have been times when there is way more need than there was capacity within the boundary. She stated that if a jurisdiction does not ask they may end up not having a choice in expansion.

Chair Cottle provided additional historical information about Metro. He said that the Council asked them to review whether or not they wanted to approve a Charter Amendment about annexation. Chair Cottle noted the current process and explained that for their purposes they needed to answer the question if they should require the City to ask the citizens first or continue with the current process. Ms. Hajduk responded that the City can control annexation of property if they have the criteria that requires more than just because a citizen asked.

Mr. Soper explained the current State statute and criteria. He noted that one of the criteria is that it complies with local criteria, which the City does not currently have. He stated that was the mechanism for the City to have more local control over the local annexations. Chair Cottle noted that establishing the criteria was a Council issue and not a Citizen one. Mr. Soper noted that our Charter states that we have to have voter approval, except where required by state law, or something to that effect. He stated that language is also in the City of Corvallis' Charter, which is part of the legal challenge currently with the Court of Appeals. He said that may or may not be the key language. His recollection from the trial court was that language meant a city was deferring to state law anyway and it would not matter if your charter required voter approval because state law does not require voter approval. However, the trial court also said that even if a City did not have that language than the state probably has the authority to do this. Mr. Soper was hopeful that the Court of Appeals would be able shed some light on this issue. Chair Cottle stated that he believed he would be premature for them to decide this issue now until the Court of Appeals made their decision. Mr. Soper agreed that it is best to wait until after a decision has been made, however regardless of what the Court of Appeals decides, he did believe that the City Council should create some local criteria in place. As for the Urban Growth Boundary expansion issue, Mr. Soper's position is that legally they could do what has been proposed, however his only question is what actual effect that would have because Metro does not need the City to request an expansion. Chair Cottle suggested they move past this topic at this time until they receive a legal opinion from the Court of Appeals as there is very little the Charter Review Committee could do at this time and he would rather be more production with what time they do have.

- C. Review Draft Charter Amendments:** Mr. Soper provided some first draft language for the committee to review (See Record, Exhibit C) and briefly reviewed the draft amendments.

Draft Amendment #1: Chair Cottle asked Mr. Soper if a partial term counted as part of the term limit. Dave Grant said that if it did not it would set up a potential of several different situations and potential for manipulation.

Councilor Rosener noted that other cities that have a lot of continuity and more experienced mayors are able to bring more back to their cities based on their cities. Chair Cottle agreed and cited a prior mayor with the City of Tualatin versus other cities who rotated their mayors with the end result being that City of Tualatin was able to receive more revenue and complete more of its projects. He said it could be good for the local community, but not for the regional community. He cited his previous experience as a mayor and noted that he dedicated approximately 20 hours every week and that it took him about 2 years for him to fully grasp the position since the mayors only meet monthly. Mr. Grant stated that he felt it should be encouraged for a private citizen to see something on television and decide to run for council. He believes that process serves the community best and then after they learn the ins and outs of government and know what is going on to run for mayor. Chair Cottle suggested that they keep the draft as is and see if any citizens make comments about any particular items. He would also like this to be on the website for citizens to review.

Draft Amendment #2: Mr. Soper briefly reviewed the changes he made to the language i.e. removing vacant seats from the denominator when calculating a quorum/majority vote and defining some of the terms. He stated that some of the language he inserted is consistent with the current Council rules. Chair Cottle noted that all of this draft amendment contained housekeeping items.

- D. Committee Discussion on Remaining Charter Issues:** Mr. Soper noted that he had four follow up items on his list from the last meeting. Discussion ensued about censuring a member of Council and whether that should be something in the Charter rules. The committee agreed that it did not feel like something that belonged in the Charter and should be left to the Council in their rules.

Discussion ensued on the topic of potential disposition of City assets, which Mr. Eddy brought up at the first meeting. Chair Cottle stated that he would be in favor of language supporting a super majority. He noted it is difficult to appraise certain properties and is not something that is typically done until the City chooses to sell a specific property. He said he would rather put language that the City should not ever underwrite a for-profit organization.

Councilor Brouse noted that the reason behind Mr. Eddy's request was that when the YMCA was built because of a citizen vote and later became a city property. He felt very strongly that because the citizens were the ones who voted in the YMCA property they should be the ones to vote it out and by putting it into the Charter it would accomplish that. Chair Cottle noted that was not an unreasonable request when a City goes out and asks for a special dispensation, however if they were going to do it they should ask for a super majority of council (5 out of 7 votes) and designate specific treasures of the city, such as a park or property in excess of 5 acres. He feels that a super majority gives enough weight to the citizens that a citizen vote would not be necessary. Mr. Soper agreed that a super majority would also slow down the process. The committee agreed that a super majority coupled with targeted limited amount of acreage would be the best approach. Brian Amer, who is on the Parks and Recreation Board, also agreed that they need to give the Council the ability to be able to help the City move forward in improving the City's growing needs and with the right language would be appropriate for a super majority approval. Councilor Brouse stated that since this concept came from a citizen and with respect to the fact that he took the time to present to the committee she would contact him and let him know of the decision.

Mr. Soper briefly reviewed the draft changes he made to Section 16 regarding Ordinance adoption. He noted that on the 6 day rule it is already a challenge for staff to meet that requirement and to require a longer period of notice would slow down the ordinance development process. He clarified that the City

is currently required to publish the language of an ordinance at least 6 days in advance of a Council meeting where that ordinance will be considered. He said the suggestion from Council was to increase that timeframe beyond 6 days and he felt that would be a challenge. Councilor Rosener stated that this idea came from working on the vendor side with several other jurisdictions. He felt that 6 days was a very small window of time for Joe Public when they want to have input on something. Chair Cottle explained that they really get 20 days, with 13 days being the shortest time period. City Manager Joe Gall also noted that having two readings can be tedious, but you are creating local law by providing the public an opportunity to respond and felt that issue is met by providing a second reading.

Mr. Soper reviewed the suggestion to remove the word "substantive" in Section 16 3(b). He stated that if there was a minor typographical issue and they failed to read the ordinance out loud he would hate to see that derail the adoption of that ordinance. He said that the reasoning behind that was to help create a clearer record ensure that the public understood what was being voted on. Mr. Soper said that from his perspective the language works fine the way that it is.

Mr. Soper next issue identified was concerning the Mayor's veto power. He said he cannot recall a time or ever heard of a mayor actually using this power. Chair Cottle noted that it can be overridden by a majority of Council.

Mr. Soper discussed language in Section 16 (3)(g) concerning new city tax, charge, or fee increases by more than 2%. He noted that this is the section that requires a vote by the citizens. It also says it has to either be approved by a double majority or at November of an even numbered year, however the only time you can get a double majority is during a November of an even numbered year. He also noted that the only opportunity the Council has to review fee increases is once every two years in November of an even numbered year. Chair Cottle noted that when the City is being charged increases in water rates, the extra money has to come out of the general fund and then people start to lose their jobs because the City cannot increase the rate to recoup its cost. Mr. Soper said the other important context is that there was a similar statewide ballot initiative in Measure 47 that had the same language of double majority and November of an even numbered year that was approved by the voters. He noted the State legislature decided that was unworkable and referred Measure 56, which essentially said they would keep everything the same except they would expand the ability to review fees to May and November of any year that was also approved by the voters. Chair Cottle said that they could amend the Charter to comply with Oregon law. Mr. Soper noted this shows that there was recognition from citizens that they wanted the control, but they also realized there needed to be some flexibility.

Discussion ensued about different possible scenarios to make this section more flexible. Chair Cottle asked the committee if any of them had a problem with increasing the frequency of putting out a vote. The committee all agreed that was a reasonable request. Chair Cottle then asked if anybody had an issue with changing the rate from 2% to match the current Portland Consumer Price Index (CPI). Mr. Grant stated that he was concerned that change would bring the entire measure down. Chair Cottle agreed, but also noted that if inflation started to run at 6% or 7% it would force the City to either dip into its rainy day fund or lay off workers to pay for it. Mr. Sims wondered if every voter understood the CPI and believed there needed to be a little bit of education. Mr. Cottle suggested that they start with an amendment to change the frequency and then another time consider changing the rate to the CPI or leaving it at 2% and presenting both options to Council for their consideration. Mr. Gall noted that while he likes the idea of the CPI, changing it from 2% to the CPI would be a hard sell and those who feel

strongly would come out in opposition to it. He also felt that until citizens are affected by it they are not going to see a reason to change it.

Mr. Soper stated that in terms of next steps he would post this information to the website and bring back the term limits item, quorum and voting item, a new item regarding the discussion on expanding the number of elections, and the disposition of park and rec assets, as well as a housekeeping item.

Chair Cottle noted that the next meeting in April would be a two hour meeting and most likely would be the committee's last meeting.

7. **COUNCIL LIAISON REPORT:** None.

8. **ADJOURN:** Chair Cottle adjourned the meeting at 8:03pm. Next meeting is April 4, 2019 at 6:30pm.



Minutes Approved on: 04/10/19