



## RESOLUTION 2019-063

### APPROVING BALLOT TITLE AND EXPLANATORY STATEMENT AND SUBMITTING TO THE VOTERS A PROPOSED CHARTER AMENDMENT REGARDING COUNCIL VOTES AND VACANCIES

**WHEREAS**, in 2018, the Sherwood City Council formed a Charter Review Committee for the purpose of reviewing and proposing amendments to the City Charter; and

**WHEREAS**, said Committee met several times in open public meetings to develop recommended changes to the Charter and receive public feedback, then met with the City Council on June 4, 2019 to review its recommended amendments; and

**WHEREAS**, Council subsequently met in a work session on June 18, 2019 to discuss the Committee's proposals in further detail; and

**WHEREAS**, as a result of the above, Council has determined to submit to the voters of Sherwood a ballot measure proposing to amend the Charter with regard to City Council votes and vacancies.

#### **NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:**

**Section 1.** An election is called for the City of Sherwood, Washington County, Oregon for the purpose of submitting to City voters amendments to the City's home rule Charter regarding City Council votes and vacancies.

**Section 2.** Tuesday, November 5, 2019 is designated as the date for holding the election for voting on the measure.

**Section 3.** The election will be conducted by the Washington County Elections Department.

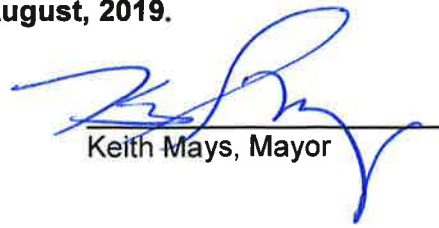
**Section 4.** The precincts for this election will include all of the territory within the corporate limits of the City of Sherwood.

**Section 5.** The Ballot Title and Explanatory Statement attached as Exhibits 1 and 2, respectively, are hereby approved and certified.

**Section 6.** The City Recorder will publish the Ballot Title as required by state law. The City of Sherwood authorizes the City Recorder or her designee to act on behalf of the City and to take such further action as are necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

**Section 7.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 6th day of August, 2019.**



Keith Mays, Mayor

Attest:



Sylvia Murphy, MMC, City Recorder

**Exhibit 1**  
**Ballot Title – Votes and Vacancies**

**CAPTION:** Revisions to Sherwood City Charter Regarding Council Votes and Vacancies

**QUESTION:** Should the Sherwood City Charter be amended regarding requirements relating to Council votes and filling Council vacancies?

**SUMMARY:** This measure affects sections 7, 10, 11, 12, 13, 16, 17, and 32 of the City Charter and adds a new section 48.

If approved, this measure would clarify the procedure and requirements for filling vacancies on City Council. It would also clarify the number of affirmative votes required for City Council to approve of certain actions by establishing four categories (unanimous, supermajority, majority of council, and simple majority vote) and assigning vote type requirements to specific actions.

Additionally, this measure would add a new section 48 to the charter, which would require supermajority approval by City Council before the city could sell or subdivide any parcel of real property owned by the city which is greater than five acres in size and which is being used primarily for park or recreation purposes.

Finally, this measure would make housekeeping changes to consolidate and clarify the sections of the Charter related to voting and vacancies listed above.

This measure was referred to the voters by the City Council based on recommendations of the Charter Review Committee.

## Exhibit 2 Explanatory Statement – Votes and Vacancies

This is one of three separate ballot measures based on the recommendations of a citizen Charter Review Committee and referred by the Sherwood City Council to city voters at the November 2019 election. This measure relates to requirements for City Council votes and for filling City Council vacancies; it affects sections 7, 10, 11, 12, 13, 16, 17, and 32 of the current City Charter and adds a new section 48.

If approved, this measure would clarify the procedure and requirements for filling vacancies on City Council by amending Section 32 as follows (proposed deletions in ~~striketrough~~ and proposed additions underlined):

~~*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.*

This measure would also clarify the number of affirmative votes required for City Council to approve of certain actions by amending section 13 as follows (proposed deletions in ~~striketrough~~ and proposed additions underlined) and assigning vote types to specific actions:

*(a) 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, supermajority approval, or approval by a majority of the council.*

*(b) Unanimous approval shall mean approval by all of the council and mayor positions that are not vacant.*

*(c) Supermajority approval shall mean approval by not less than five council and/or mayor positions.*

*(d) Approval by a majority of the council shall mean approval by a majority of the council and mayor positions that are not vacant.*

Additionally, this measure would add a new section 48 to the charter, which would read as follows:

*Before the city may sell or subdivide any parcel of real property owned by the city which is greater than five acres in size and which is being used primarily for park or recreation purposes, the city council must authorize such sale or subdivision by supermajority vote.*

Finally, this measure would make housekeeping changes to consolidate and clarify the sections of the charter related to voting and vacancies, as listed above. The full text of the proposed changes are on file at Sherwood City Hall.