



REGULAR MEETING

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA**
- 4. APPROVAL OF MINUTES**
 - A. January 24, 2019 Committee Meeting Minutes**
- 5. CITIZEN COMMENTS**
- 6. NEW BUSINESS**
 - A. Review Public Input Received**
 - B. Review Draft Charter Amendments**
 - C. Committee Discussion and Decisions**
 - D. Next Steps**
- 7. COUNCIL LIAISON REPORT**
- 8. ADJOURN**

AGENDA

**SHERWOOD CITY CHARTER
REVIEW COMMITTEE
April 10, 2019**

REVISED

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

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

Charter Review Committee Meeting

Date: April 10, 2019

List of Meeting Attendees: ✓

Request to Speak Forms: none

Documents submitted at meeting: ✓

• Draft Amendments for 4/4/19 Charter Review Committee Meeting - Ex A

• Citizen Comment - Diann Matthews 03/12/19
Email - Ex. B

• Citizen Comment - Jack Kashdin 02/23/19
Email - Ex. C

• Citizen Comment - Bob Eddy 03/26/19
Email - Ex. D.

• Citizen Comment - Bob Eddy 04/09/19
Email - Ex E

Draft Amendments for 4/4/19 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 majority of the council 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 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. The process for creation of council meeting agendas shall be prescribed by council rules. A number of councilors equal to a majority of a quorum may cause an item to be added to the agenda of a future meeting.

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.

(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.

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.

...

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.

Draft Amendment #3 – Election Dates for Double Majority Vote Requirement

Section 16. - Ordinance Adoption.

...

~~(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 47. – Vote Required on Certain Taxes, Charges, and Fees

~~(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~~ held in May or November of any year.

Draft Amendment #4 – Sale of Certain Real Property

Section 48. – Vote Required for Sale of Certain Real Property

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

Draft Amendment #5 – Housekeeping

Section 1. - Title, Effective Date and Review.

This charter shall be referred to as the Sherwood City Charter and takes effect January 1, 2015~~20~~. This charter shall be reviewed at least every six years, with the appointment of a charter review committee by the City council.

Section 14. - Record.

A record of council meetings must be kept in a manner prescribed by the council rules and Oregon public records and meetings law.

Section 19. - Resolution Approval.

- (a) Approval of a resolution or any other council administrative decision requires approval by the council ~~at one meeting.~~
- (b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at a meeting.
- (c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.
- (d) After approval of a resolution, the city recorder must endorse it with the date of approval and the recorder's name and title.

Section 22. - Order Approval.

- (a) Approval of an order or any other council quasi-judicial decision requires approval by the council ~~at one meeting.~~
- (b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.
- (c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.
- (d) After approval of an order, the city recorder must endorse it with the date of approval and the recorder's name and title.

Section 28. ~~—~~ Nominations and Declarations of Candidacy.

The council must adopt an ordinance prescribing the manner for a person to [declare candidacy or](#) be nominated to run for mayor or a city councilor position.

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, [and the laws of the City of Sherwood.](#)

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~~;~~ [or](#)
 - (4) ~~An~~ [E](#)lection to a different [City-elected](#) 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).

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, ~~and 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, except the municipal judge, municipal judges pro tem, the city attorney, and city attorney office 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 in alignment with council policies, goals, and objectives;

(9) Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community;

(10) Perform other duties as directed by the council;

(11) Delegate duties, but remain responsible for acts of all subordinates.

(f) The manager has no authority over the council or over the judicial functions of the municipal judge.

(g) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.

(h) When the manager is temporarily disabled from acting as manager or when the office becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.

(i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

(j) The manager may not serve as city recorder or city recorder pro tem.

~~Section 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.~~

Jennifer Matzinger

From: City of Sherwood Oregon via City of Sherwood Oregon
<Website@sherwoodoregon.gov>
Sent: Tuesday, March 12, 2019 2:47 PM
To: Josh Soper
Subject: Form submission from: Submit Comments to the Charter Review Committee

Submitted on Tuesday, March 12, 2019 – 2:46pm Submitted by anonymous user: 172.16.64.18 Submitted values are:

Full Name: Diann Matthews E-mail Address: Diann.Matthews@Merz.com Are you a Sherwood resident? Issues you would like the Sherwood Charter Review Committee to address (and any other comments you may have): Residency-I live outside the city limits

We agree and support the boards decision to not require a citizens vote to expand the UGB

The results of this submission may be viewed at:
<https://www.sherwoodoregon.gov/node/28051/submission/23721>

04/10/19
Date

Charter Review
Gov. Body

A
Agenda Item

B
Exhibit #

Jennifer Matzinger

From: City of Sherwood Oregon via City of Sherwood Oregon
<Website@sherwoodoregon.gov>
Sent: Saturday, February 23, 2019 2:52 PM
To: Josh Soper
Subject: Form submission from: Submit Comments to the Charter Review Committee

Follow Up Flag: Follow up
Flag Status: Completed

Submitted on Saturday, February 23, 2019 – 2:52pm Submitted by anonymous user: 172.16.64.19 Submitted values are:

Full Name: Jack Kashdin E-mail Address: jbkashdin@comcast.net Are you a Sherwood resident? Yes Issues you would like the Sherwood Charter Review Committee to address (and any other comments you may have): I want to see the 2% cap on water and other fees kept or even lowered. As a retired senior citizen on a fixed income it is hard enough to make ends meet.

The results of this submission may be viewed at:
<https://www.sherwoodoregon.gov/node/28051/submission/23301>

04/10/19
Date
A
Agenda item

Charter Review
Gov. Body
C
Exhibit #

1

Jennifer Matzinger

From: Bob Eddy <rbeddy41@icloud.com>
Sent: Tuesday, March 26, 2019 8:01 AM
To: Josh Soper
Subject: Re: Draft Charter Amendment

This draft does NOT address the scope of the item I submitted for consideration. In fact, it does NOT address the single example I provided to Chairman Cottle when he asked for one at the committee's initial meeting.

Bob Eddy
503-866-6475

On Mar 25, 2019, at 4:51 PM, Josh Soper <SoperJ@SherwoodOregon.gov> wrote:

Mr. Eddy,

At its last meeting, the Sherwood Charter Review Committee asked me to draft a charter amendment related to the issue you raised in your prior comments, and to provide it to you for your feedback. The language I've drafted based on the committee's direction is below:

Section 48. – Vote Required for Sale of Certain Real Property

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

A "supermajority vote" is defined elsewhere as "approval by not less than five council and/or mayor positions."

Please let me know if you have any questions or comments prior to the committee's next meeting, on 4/4/19. 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

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04/10/19
Date
A
Agenda item

Charter Review
Gov. Body
D
Exhibit #

Jennifer Matzinger

From: Tim Rosener
Sent: Wednesday, April 10, 2019 2:38 PM
To: Josh Soper
Cc: Renee Brouse
Subject: Fwd: Thoughts re: Charter Amendment
Attachments: 2019-04-09 letter to Brouse-Rosener.pdf; ATT00001.htm; Ballot Title 2016.pdf; ATT00002.htm; 2018-10-30 City Charter item for consideration.pdf; ATT00003.htm; 2019 Draft of proposed amendment.pdf; ATT00004.htm

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Josh,

More input from citizen on charter committee.

Thanks

Sent from my iPhone

Begin forwarded message:

From: Bob Eddy <rbeddy41@icloud.com>
Date: April 9, 2019 at 12:42:45 PDT
To: Renee Brouse <BrouseR@SherwoodOregon.gov>, Tim Rosener <RosenerT@SherwoodOregon.gov>
Subject: Thoughts re: Charter Amendment

Dear Renee and Tim,

Without dropping into too much detail, I'd like to give you my overall thoughts on the Charter Review process and proposals. You can share these with anyone you desire, and I hope you do so.

Thanks,

Bob Eddy
503 866-6475

04/10/19
Date

A
Agenda item

Charter Review
Gov. Body

E-1
Exhibit #

April 9, 2019

Dear Renee and Tim,

I am writing this note to the two of you recognizing your appointed Council responsibilities as Liaisons to the current City Charter Review Committee. I understand that you are not voting members of that Committee. However, as Liaisons, I assume you do have a responsibility to act as such between the Committee and the City Council.

As a citizen who answered the open request for input to the City Charter review process, I would like to offer the following personal perspectives and comments related to the Committee process I have observed thus far.

The four-plus years of struggle between the City and the YMCA was the genesis of my thoughts regarding the proposal I submitted to the currently active City Charter Review Committee. I had previously informally discussed this proposal with all of the Councilors (except most recently elected Doug Scott), the Mayor and the City Manager. The proposal basically requests that the **voters** be asked to approve any sale or repurposing of a city asset which is used to **provide services** to the public. I left the bounds (**number** of citizens using the service; **dollar** figures of original costs and current values) as variables to be determined by the Committee and ultimately the Council.

Discussion on this proposal began with the Committee Chairman proposing an initial scope ("base") and wording that (1) did not address the elements of the document that I had presented, and (2) preempted open discussion by Committee members. Subsequent meeting discussions of the proposal then centered around the "base" scope. If this "base" wording (now in formal terms from the City Attorney), had already been in the Charter in 2017, it would **not** have applied to the disastrous City turmoil that we all endured. The issue was not the sale of 5 acres of City property. And, as far as the

E-2

Exhibit #

proposed Council super majority (vs. citizens vote) on the issue... we all know that in this historical instance the voters ultimately decided the issue. What if now, or in the future, another Council decides that the Senior Center should be sold or repurposed? How about closing the Field House operations; or replacing the soccer field at Snyder Park with an expanded dog park?

“Some” say that we need “flexibility” in order to have an efficient and effective operating City. Flexibility seems to be backed up by a number of references to specific instances where “time is of the essence”. Flexibility also seems to be tied to **not** asking the voters for their view on a topic. I find only a couple of “voter approval” items in the current Charter, and see that a revision to one of them (the 2% cap on fees) is being smoothed out in this current round of proposed changes.

I would like to ask that once the Council has received the draft of proposed changes from the Review Committee that the members of Council take some time to discuss this “sharing of power” with the citizens of the City. And I would not consider a proposal to look at the topic again under some future Charter Review Committee. Attached for background information please find:

1. The ballot title wording for the YMCA voters initiative from 2016.
2. The scope document presented to the 2019 Charter Review Committee.
3. The current draft of the the Committees’ proposed amendment on the topic.

Sincerely,

Bob Eddy

rbeddy41@icloud.com
503 866-6475

E-3

Exhibit #

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

17512 SW Fitch Drive
503 866-6475
rbeddy41@icloud.com

E-4
Exhibit #

BALLOT TITLE FOR INITIATIVE ISHE2016-1

Caption:

Charter amendment requiring voter approval before replacing recreational facility operator

Question:

Shall charter require voter approval of any future selection of a new operator for a particular city-owned recreational facility?

Summary:

This proposed charter amendment would require voter approval of any future selection by the City of a new organization to operate, and provide recreational programs to the public at, a city-owned facility located on property bounded by Sunset Boulevard and Woodhaven Drive in Sherwood and built with the bond funding that was approved by the voters through measure 34-51 in 1996. "New organization" means an organization other than the organization performing the described functions at the time of such future selection, and would include a third party organization or government agency, including City staff.

This measure leaves certain terms undefined, which City Council may define in an implementing ordinance.

March 2019 draft - Charter title

Section 48. – Vote Required for Sale of Certain Real Property

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

Approved Minutes



AGENDA

SHERWOOD CITY CHARTER REVIEW COMMITTEE April 10, 2019

REVISED

6:30 pm City Charter Review Committee Meeting

Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140

REGULAR MEETING

1. **CALL TO ORDER:** Chair Mark Cottle called the meeting to order at 6:32 pm.
2. **ROLL CALL:** Finance and Legal 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, Councilor Kim Young, and Councilor President Tim Rosener.

Committee Members Absent: Linda Henderson

Staff Present: City Attorney, Josh Soper, Legal and Financial Assistant Jennifer Matzinger, IT Systems Administrator Mark Swanson

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. January 24, 2019 Committee Meeting Minutes

MOTION: FROM DAVE GRANT TO APPROVE THE MINUTES, SECONDED BY RANDY MIFFLIN. MOTION PASSED 8:0. 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

Mr. Soper noted a public comment from Diann Matthews regarding not requiring the citizens to vote on expanding the UGB. He explained that was not something the Charter Review Committee had chosen to review so they were unable to act on her request, however he did want to note that her comment was received for the record (See Record, Exhibit B). He also noted there were additional public comments received, however he would prefer to address them when the appropriate amendment item arises.

B. Review Draft Charter Amendments

Chair Cottle suggested the most efficient way to review the items was to just start with Draft Amendment #1 and then work their way through the document. Chair Cottle also proposed that they take a formal vote on each individual amendment and then a formal vote on the entirety of the document. The rest of the committee members agreed to follow that process.

Draft Amendment #1:

Term Limits, Section 24: Chair Cottle briefly reviewed the changes in this section. **Section passed 8:0**

Mayor, Section 25: Chair Cottle stated that he does not think there should be term limits for the reasons discussed last time as well as the lack of candidates that have been willing to run for mayor over the last several years.

Council President Tim Rosener added that he filled in for Mayor Mays at the last Washington County mayor's meeting. He explained that it was not just a matter of going to the meeting and holding your hand up, but rather it was a matter of having relationships with all of the players and working the politics to ensure the money is coming to Sherwood. He feared if we were cycling that talent too quickly it would be very difficult for us in the future.

Laurie Holm wondered why the mayor could not be the same four-year term as current council members. She explained that at the end of the day for the benefit of our town it would behoove us to have a mayor in that position longer than two years to be able to do the legislative relationship building and money obtaining that we need.

Chair Cottle stated that he agreed for the most part, but was not sure if this was the right cycle to change the length of the term.

Ms. Holm stated that if they were not going to change the number of years in the term then she did not agree with this amendment.

Chair Cottle then asked the committee who was in favor of crossing out Section 25(b). **Committee voted 8:0 in favor of crossing out (b).**

Chair Cottle then asked if the committee wanted to put a note forward to Council saying discussed extending the two year term to a four year term and if that was something they were willing to do than they would want to put term limits of three terms on the mayor. The committee agreed that would be helpful information for the council to know.

Chair Cottle then instructed the council liaisons to tell the council the committee discussed term limits and if they were in favor of term limits, the committee strongly recommended the council increase the term to four years with a limit of three terms.

Bernie Sims wanted to point out for the record that one of the reasons he does not like two-year term limits for the mayor is because they have to be constantly running.

Draft Amendment #2:

Section 7. – Council: Chair Cottle suggested the wording in this section be changed to “The council consists of a mayor and six councilors from the City, or elected or appointed from the City.” **Section passed 8:0 as amended by Chair Cottle.**

Section 10. – Rules: Chair Cottle briefly reviewed the changes in this section. **Section passed 8:0**

Section 11. – Meetings: Chair Cottle noted that this section is allowing a minority of the council to place something on the agenda, which is new to Sherwood. He stated that the Supreme Court follows this method. **Section passed 8:0**

Section 12. – Quorum: City Attorney Josh Soper noted that the yellow highlighted sections are the changes from the last time the committee saw this item. He clarified that a supermajority consisted of five people total. Ms. Holm asked if this section was to alleviate concerns about someone not showing up for a meeting. Mr. Soper replied that it would be five votes no matter what, but also if there were vacancies on council it would still require a majority vote. Ms. Holm stated that if you have five people on council and they all voted yes you would have a unanimous decision, but if you had several vacancies you would still have unanimous approval. She just wanted to ensure that by saying unanimous approval and supermajority approval they were simply restating the same thing. Mr. Soper clarified if there were seven people on council and five voted in favor of an item that would be a majority vote. Mr. Cottle also explained it was possible to have both a unanimous vote and a supermajority vote if there were only five council members and vacancies open. **Section passed 8:0**

Section 13. – Vote Required: Chair Cottle briefly reviewed the changes in this section. **Section passed 8:0**

Section 16. - Ordinance Adoption: Mr. Soper noted they defined unanimous approval in an earlier section so now they were just using that terminology instead of including the definition in this section. Chair Cottle asked if they wanted it unanimous or supermajority. Mr. Soper responded that this was to be able to do an ordinance in one meeting. Chair

Cottle's concern was if someone needed to call in from China in order to have an ordinance pass. Mr. Soper replied that the idea was generally that the majority or even the supermajority could approve something in the usual course; it should be an extraordinary circumstance where you are approving something in a single hearing where you are eliminating public input. **Section passed 8:0**

Section 17. - Effective Date of Ordinances: Chair Cottle briefly reviewed the changes in this section. **Section passed 8:0**

Section 32. - Filling Vacancies: Chair Cottle briefly reviewed the changes in this section. Mr. Soper clarified that under the new language this section would require filling of a vacancy within 45 days of the date of the vacancy by appointment, which would run until the end of the term if there are less than 13 months remaining in the term or until the election if there are more than 13 months remaining in the term. Discussion occurred whether 45 days would be sufficient amount of time. For historical context, under the current language it is unambiguous if less than 13 months remained in the term and it took much longer than 45 days to fill a prior councilor's term. **Section passed 8:0**

Draft Amendment #3:

Section 16. - Ordinance Adoption/ Section 47. – Vote Required on Certain Taxes, Charges, & Fees: Mr. Soper said the reason for this change was due to a citizen initiative putting this language in the Ordinance Adoption section. He does not believe that Section 16 was the correct section as it applies to both ordinances and resolutions and suggested it be put into its own section (Section 47) where it makes more sense in the structure of the charter. Mr. Soper noted the only substantive change was to modify the number of elections where just a majority vote is required from general elections in even numbered years to May or November of any year to be more in line with the State Constitutional provisions

Ms. Taylor asked if making these changes was watering down the initial intent of the original citizen initiative. In response, Mr. Soper provided an example of a citizen state initiative that contained similar election timing restrictions. He explained while that initiative was voted in by the citizens, the Oregon Legislature ultimately deemed it as being too restrictive and offered a revised initiative to the voters, which passed. The changes he is providing to this section are based upon that scenario. Mr. Soper said that even with the proposed changes to this section, it would still require voter approval, and these changes are only allowing more opportunity to vote on any potential modification to a tax, charge, or fee. Mr. Cottle agreed that the part being "watered down" was in changing the opportunity to have a potential modification to a tax, charge, or fee voted on at every election every year as opposed to only being available for an election every two years.

Mr. Soper also read a citizen comment received from Jack Kashdin requesting that the 2% cap on water and other fees be kept or even lowered (See Record, Exhibit C). Mr. Soper clarified that this initiative only increases the number of opportunities to have something up

for an election and it does not affect the tax rate, but wanted to note Mr. Kashdin's comment for the record.

Ms. Taylor wanted to note an objection on the record to these changes because in her opinion, it is a citizen ordinance, crafted by citizens, and the citizens did like it and voted it in. She said she just wanted to be sure the committee was cognizant of the fact this was a citizen's initiative and not something handed down by council or other government. Ms. Taylor noted the city does not typically see much of this type of citizen involvement.

Chair Cottle wanted to ensure the record reflected that on Sections 16 and 47 there is a nay vote on these issues so it does not get lost when they do an overall vote.

All members in favor of Draft Amendment #3: 7

All members opposed to Draft Amendment #3: 1 (Nay vote by Nancy Taylor)

Amendment passed 7:1

Draft Amendment #4:

Section 48. – Vote Required for Sale of Certain Real Property: Chair Cottle noted that this section is one in which Mr. Eddy expressed concern where he wanted there to be a public vote on the sale of any recreational facility.

Mr. Soper noted that he had received feedback from Mr. Eddy after the last meeting, to which he responded that the proposed language did not address what he was trying to convey (See Record, Exhibit D). Mr. Soper also received additional feedback from Mr. Eddy prior to today's meeting with additional information on what it was he wanted to see and his concerns (See Record, Exhibit E).

Chair Cottle stated that his comment on this issue is that you get what you voted into office. He said there were several people who warned this was likely to happen and then it happened. He believes citizens needs to bear the consequences and responsibility of their votes.

Councilor Rosener expressed concern that a future nefarious council could subdivide the YMCA and then sell it without needing to take it to a vote of the people. Chair Cottle proposed adding the word "subdivide" to the proposed language. Mr. Soper stated that he believed Mr. Eddy's concern was about more than just the sale or division of a property as opposed to the repurposing of a property. Councilor Rosener agreed that Mr. Eddy's position was that if there were any significant service the city was currently providing that there should be a vote of the people before it goes away. Ms. Holm, Mr. Grant, and Chair Cottle agreed that they did not believe this was the type of circumstance where requiring a supermajority vote of the city council was sufficient. Ms. Holm stated further that if the citizens had an issue they should attend a city council meeting and voice their issue. She agreed with Chair Cottle that elections have consequences.

Chair Cottle noted that he was one of the three original people who campaigned to bring the YMCA to the city and said that they never believed that it was intended to remain a YMCA forever. He noted you never know what the future may bring and there may be an opportunity at some point where the city may want to go a different way. Chair Cottle believed that it was not wise to stop good governance for a vote of the people every time for people who are so vested in a particular organization. He said that if felt it would be best if they left it up to council to help us understand the depth of the support.

Chair Cottle asked the committee if they wanted to add the language to subdivide or if they wanted to leave the section with the possibility there may come a time when they may need to subdivide and sell the building. Committee agreed to add language “or subdivide” as it helps address the concerns of some people without a material change to the essence of the section as follows: “Before the city may sell **or subdivide** any parcel of real property...”.

Chair Cottle also asked the council liaisons to address the zoning issues at the YMCA. The committee also agreed to change the wording to “...park **or** recreation...” to protect other assets that may also potentially have a zoning issue.

“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 then used primarily for park or recreation purposes, the city council must authorize such sale or subdivision by supermajority vote.”

Draft Amendment #5 - Housekeeping:

Chair Cottle suggested that rather than going through each of the housekeeping items that any committee member let the committee know of any issues they had with a particular section. The committee briefly reviewed the proposed changes and no additional changes were made.

C. Committee Discussion and Decisions

Chair Cottle asked the committee for additional feedback on the changes made throughout the document or if they were satisfied with the work that was done. He also provided an opportunity to listen to any questions. Ms. Taylor asked Chair Cottle to review the next steps after the amendments are approved. Chair Cottle explained that after the committee approved the draft amendments, they would then go to the city council for their consideration before ultimately being placed before the citizens for their vote in upcoming elections.

Chair Cottle then asked if there were any members who wanted to vote against any particular section. Ms. Taylor replied that she was voting against Draft Amendment #3. Chair Cottle called for a vote for Draft Amendment #3.

All members in favor of Draft Amendment #3: 7

All members opposed to Draft Amendment #3: 1 (Nay vote by Nancy Taylor)

MOTION: FROM DAVE GRANT TO ADOPT THE DRAFT AMENDMENTS AS SPECIFIED ON THE 04/04/19 CHARTER REVIEW COMMITTEE MEETING AS AMENDED ON 04/10/19, SECONDED BY RANDY MIFFLIN. MOTION PASSED 8:0. ALL MEMBERS PRESENT AT THE TIME OF THE VOTE VOTED IN FAVOR.

D. Next Steps: City Attorney Josh Soper

Mr. Soper stated that the Resolution adopted by city council to create this committee instructed that they prepare a final report and have the Chair or other committee member present that to the council. He asked if Chair Cottle wanted to prepare a separate report or if he wanted the draft amendments to serve as the report. Chair Cottle stated that he did not want to prepare a special report, however he would like at least one or two people to attend the meeting with him to answer any potential questions that may arise so that more than one voice was being heard. Both Laurie Holm and Brian Amer volunteered to attend the council meeting with Chair Cottle. Councilor Rosener noted that the city council would probably want to hear from Ms. Taylor regarding her objections to the Draft Amendment #3 and encouraged her to attend. Chair Cottle also noted they did not prioritize the amendments because he felt it was best that council prioritize how they want to have the amendments voted.

Mr. Soper noted that the Charter Review Committee would stay in existence in the event the council had something they wanted to refer back for input or discussion, however once the city council completes their portion and the elections are completed there will be one last meeting to approve these minutes and officially disband. He suggested that the committee members feel free to attend that meeting by telephone.

7. COUNCIL LIAISON REPORT

Councilor Rosener thanked all of the citizen members for their time and commitment. He referenced his work experience with other municipalities across the country and noted the unique bubble we have here in Sherwood in terms of integrity in government. He stated that the corruption in other parts of the country is real and evident and we are both fortunate and very lucky to not have to deal with that in our city.

8. ADJOURN: Mr. Soper adjourned the meeting at 7.22 p.m.

Submitted by: Jennifer Matzinger, Finance and Legal Assistant
Minutes approved on: 8/29/2019