



Home of the Tualatin River National Wildlife Refuge

1. CALL TO ORDER

2. ROLL CALL

3. SELECTION OF CHAIR

4. SELECTION OF VICE CHAIR

5. APPROVAL OF AGENDA

6. CITIZEN COMMENTS

7. NEW BUSINESS

- A. Overview of Process and Review of Expectations (Exhibit A)**
- B. Review of Charter and Suggested Discussion Items (Exhibit B)**
- C. Next Steps & Review Calendar**
- D. Schedule for Future Meetings**
- E. Other Items**

8. ADJOURN

How to Provide Citizen Comments and Public Hearing Testimony (remove if not applicable):

Citizen comments and public hearing testimony may be provided in person, in writing, or by telephone. Sign-up forms will be available at the meeting for anyone who wishes to provide comments in person. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by email to cityrecorder@sherwoodoregon.gov. To provide comment by phone during the live meeting, email or call cityrecorder@sherwoodoregon.gov or 503-625-4246 at least 24 hours in advance of the meeting start time in order to receive dial-in instructions. In-person and telephone comments are limited to 4 minutes per person. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their name and by their city of residence." Anonymous comments will not be accepted into the meeting record.

ADA Accommodations:

If you require ADA accommodations for this public meeting, please contact the City Recorder at 503-625-4246 at least 48 hours in advance of the scheduled meeting time. Assisted listening devices available on site and upon request.

MEETING AGENDA

Charter Review Committee

March 21, 2024, 6:00 pm

**22560 SW Pine Street
Sherwood, OR 97140
City Hall Conference Room A
(Adjacent to Community Room)**

**This meeting will be live streamed at
<https://www.youtube.com/user/CityofSherwood>**

Expectations of the City Charter Review Committee

"Membership on a charter review committee is accepting responsibility for leadership in the most important single civic effort that any community can undertake. The duty of leadership is to find the highest attainable level of improvement, not just a token advance. Statesmanlike compromise is simply a means to this end."

- Guide for Charter Commission, National League of Cities

Purpose

The primary function of the City Charter Review Committee is to review the existing City Charter approximately every six years to determine if it will adequately serve the Sherwood community into the future. If necessary, the committee will recommend draft amendments to the City Charter for the City of Sherwood. Any proposed charter amendments will ultimately be reviewed by the City Council and considered for placement on the ballot for the voters of Sherwood.

The committee must be impartial, unbiased, and free of any perceived political gain. It may approach its task in whatever manner it determines will result in a document that best serves the citizens of Sherwood, subject to the terms and requirements set forth in this document. In addition to adhering to the Oregon Public Meetings law, the committee will strive to include the community beyond the requirements of the law. The City Council encourages the committee to seek opportunities to educate the community about the process and purpose of a charter review and the importance of a city charter, and to solicit community input.

The City Council has directed the committee to develop a review timeline such that any proposed amendments can be placed on the ballot no later than 2024.

Council Expectations

The Council expects the committee to follow proper decorum and be civil at all times the committee is operating. Committee members serve at the discretion of the Council and may be removed by vote of a majority of the Council.

Council may decide to focus the committee on certain items which Council feels are of community importance. Communication with Council will be through the committee liaison or through joint work sessions if Council feels they are necessary.

Operating Policies and Procedures

Regular Meetings

1. The committee will meet in accordance with a schedule established by the committee based on the direction from Council set forth above regarding the overall review timeline.
2. Regular meetings of the committee will occur in the Council chambers (Community Room) in order to be televised and taped.
3. The committee will consider written and oral testimony offered during the charter review process. Public testimony will only occur during the Community Comments agenda item and be limited to four minutes per speaker. Public testimony may, on occasion, be taken on specific agenda items when specifically noted on the agenda. The Committee will determine when public testimony is appropriate.

Attendance, Quorum

1. Attendance by committee members is important to the success of this effort. Members unable

Exhibit A

to attend shall notify the City Attorney by phone or email in advance of the regular meeting.

2. A quorum of at least six committee members must be present to conduct business at any meeting.

Rules of Procedure

1. The Committee shall be guided by Robert's Rules of Order.
2. The Committee Chair will strive to reach consensus of the committee whenever possible.
3. The Committee Chair will rule on any disputed matters of procedure after consultation with the City Attorney.

Final Report

1. The committee chair or select committee member will prepare a final report with recommendations to City Council and present it at a meeting to be determined.
2. The final report will be balanced and represent the majority opinions of the committee.
3. The final report will be reviewed by the entire committee and approved by motion prior to being submitted to City Council.
4. The motion approving the final report must be approved by at least six committee members.

2024 CHARTER REVIEW COMMITTEE

CHARTER	COMMENTS
<u>CHAPTER 1 NAMES AND BOUNDARIES</u>	
<p>Section 1. Title, Effective Date and Review.</p> <p>This charter shall be referred to as the Sherwood City Charter and takes effect January 1, 2020. This charter shall be reviewed at least every six years, with the appointment of a charter review committee by the City council. (Res. No. 2019-087, 12-3-2019; Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))</p>	
<p>Section 2. Name.</p> <p>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.</p> <p>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><u>CHAPTER 2 POWERS</u></p>	
<p>Section 4. Powers.</p> <p>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.</p> <p>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.</p>	
<p>Section 6. Distribution.</p> <p>The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances. The council appoints members of commissions, board and committees established by ordinance or resolution. (Res. 05-008 § 1 (part))</p>	

<p><u>CHAPTER 3 COUNCIL</u></p>	
<p>Section 7. Council.</p> <p>The council consists of a mayor and six councilors appointed or elected from the City. (Res. No. 2019-087, 12-3-2019; Res. No. 2014-077, § 1, 12-16-2014; Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	
<p>Section 8. Mayor.</p> <p>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>Section 9. Council President.</p> <p>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.</p> <p>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. (Res. No. 2019-087, 12-3-2019; Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	
<p>Section 11. Meetings.</p> <p>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</p>	

<p>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. (Res. No. 2019-087, 12-3-2019; Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	
<p>Section 12. Quorum. A quorum to conduct business shall be defined as a majority of the council and mayor positions that are not vacant. A smaller number may meet and compel attendance of absent members as prescribed by council rules. (Res. No. 2019-087, 12-3-2019; Res. 05-008 § 1 (part))</p>	
<p>Section 13. Vote Required.</p> <ul style="list-style-type: none"> (a) The express approval of a majority 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. <p>(Res. No. 2019-087, 12-3-2019; 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 and Oregon public records and meetings law. (Res. No. 2019-087, 12-3-2019; Res. 05-008 § 1 (part))</p>	

<p><u>CHAPTER 4 LEGISLATIVE AUTHORITY</u></p>	
<p>Section 15. Ordinances.</p> <p>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>Section 16. Ordinance Adoption.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(3) An ordinance may be adopted at a single meeting of the council by unanimous approval upon being read by title twice.</p> <p>(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.</p> <p>(c) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.</p> <p>(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.</p> <p>(e) If the mayor vetoes the ordinance, the mayor must return it to the city recorder with written reasons for his</p>	

<p>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 a majority of council votes to adopt the ordinance, it will take effect.</p> <p>(Res. No. 2019-087, 12-3-2019; 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>Section 17. Effective Date of Ordinances.</p> <p>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 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.</p> <p>(Res. No. 2019-087, 12-3-2019; Res. 05-008 § 1 (part))</p>	

<p><u>CHAPTER 5 ADMINISTRATIVE AUTHORITY</u></p>	
<p>Section 18. Resolutions.</p> <p>The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "The City of Sherwood resolves as follows:" (Res. 05-008 § 1 (part))</p>	
<p>Section 19. Resolution Approval.</p> <p>(a) Approval of a resolution or any other council administrative decision requires approval by the council.</p> <p>(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. No. 2019-087, 12-3-2019; Res. 05-008 § 1 (part))</p>	
<p>Section 20. Effective Date of Resolutions.</p> <p>Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolutions. (Res. 05-008 § 1 (part))</p>	

<p><u>CHAPTER 6 QUASI-JUDICIAL AUTHORITY</u></p>	
<p>Section 21. Orders.</p> <p>The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Sherwood orders as follows:" (Res. 05-008 § 1 (part))</p>	
<p>Section 22. Order Approval.</p> <ul style="list-style-type: none">(a) Approval of an order or any other council quasi-judicial decision requires approval by the council.(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. <p>(Res. No. 2019-087, 12-3-2019; Res. 05-008 § 1 (part))</p>	
<p>Section 23. Effective Date of Orders.</p> <p>Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order. (Res. 05-008 § 1 (part))</p>	

<p><u>CHAPTER 7 ELECTIONS</u></p>	
<p>Section 24. Councilors.</p> <p>(a) At each general election, three councilors will be elected for four-year terms.</p> <p>(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.</p> <p>(Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	
<p>Section 25. Mayor.</p> <p>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>Section 26. State Law.</p> <p>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.</p> <p>(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.</p> <p>(b) No person may be a candidate at a single election for more than one city office.</p> <p>(c) Neither the mayor, nor a councilor may be employed by the city.</p> <p>(d) The council is the final judge of the election and qualifications of its members.</p> <p>(Res. 05-008 § 1 (part))</p>	

<p>Section 28. Nominations and Declarations of Candidacy.</p> <p>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. (Res. No. 2019-087, 12-3-2019; Res. 05-008 § 1 (part))</p>	
<p>Section 29. Terms.</p> <p>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.</p> <p>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. (Res. No. 2019-087, 12-3-2019; Res. 05-008 § 1 (part))</p>	
<p>Section 31. Vacancies.</p> <p>The mayor or a council office becomes vacant:</p> <ul style="list-style-type: none">(a) Upon the incumbent's:<ul style="list-style-type: none">(1) Death;(2) Adjudicated incompetence;(3) Recall from the office; or(4) Election to a different elected office.(b) Upon declaration by the council after the incumbent's:<ul style="list-style-type: none">(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;	

<p>(5) Conviction of a public offense punishable by loss of liberty; (6) Resignation from the office; or (7) Removal under Section 33(i).</p> <p>(Res. No. 2019-087, 12-3-2019; Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	
<p>Section 32. Filling Vacancies.</p> <p>(a) A mayor or councilor vacancy shall be filled by appointment by a majority of council 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.</p> <p>(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.</p> <p>(Res. No. 2019-087, 12-3-2019; Res. No. 2014-048, § 1, 7-15-2014; Res. 05-008 § 1 (part))</p>	

CHAPTER 8 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, experience, and competency in 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;

<p>(9) Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community;</p> <p>(10) Perform other duties as directed by the council;</p> <p>(11) Delegate duties, but remain responsible for acts of all subordinates.</p> <p>(f) The manager has no authority over the council or over the judicial functions of the municipal judge.</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.</p> <p>(Res. No. 2019-087, 12-3-2019; 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</p>	

<p>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. 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> <ul style="list-style-type: none"> (a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Sherwood Municipal Court. (b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts. (c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court. (d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance. (e) The municipal judge may: <ul 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; 	

<p>(5) Compel witnesses to appear and testify and jurors to serve for trials before the court;</p> <p>(6) Penalize contempt of court;</p> <p>(7) Issue processes necessary to enforce judgments and orders of the court;</p> <p>(8) Issue search warrants; and</p> <p>(9) Perform other judicial and quasi-judicial functions assigned by ordinance.</p> <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>	
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<p><u>CHAPTER 9 PERSONNEL</u></p>	
<p>Section 37. Compensation.</p> <p>The council must authorize the compensation of City appointive officers and employees as part of its approval of the annual city budget. The mayor and councilors shall not be compensated but may be reimbursed for actual and reasonable expenses.</p> <p>(Res. No. 2014-077, § 1, 12-16-2014; Res. 05-008 § 1 (part))</p>	
<p>Section 38. Merit Systems.</p> <p>The council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.</p> <p>(Res. 05-008 § 1 (part))</p>	

<p><u>CHAPTER 10 PUBLIC IMPROVEMENTS</u></p>	
<p>Section 39. Procedure.</p> <p>The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for one year 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.</p> <p>The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.</p>	

<p><u>CHAPTER 11 MISCELLANEOUS MATTERS</u></p>	
<p>Section 41. Debt.</p> <p>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.</p> <p>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>Section 43. Repealed.</p> <p>Editor's note(s)—Res. No. 2019-087, § 1, adopted December 3, 2019, amended the Charter by repealing former § 43, which pertained to Willamette River drinking water, and derived from Res. 05-008, § 1.</p>	
<p>Section 44. Ordinance Continuation.</p> <p>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.</p> <p>All charter provisions adopted before this charter takes effect are repealed.</p> <p>(Res. 05-008 § 1 (part))</p>	
<p>Section 46. Severability.</p> <p>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.</p> <p>(Res. 05-008 § 1 (part))</p>	
<p>Section 47. Vote Required on Certain Taxes, Charges, and Fees.</p> <p>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 held in May of an even numbered year or November of any year.</p> <p>(Res. No. 2019-087, 12-3-2019)</p>	
<p>Section 48. Vote Required for Sale of Certain Real Property.</p> <p>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.</p> <p>(Res. No. 2019-087, 12-3-2019)</p>	

Approved Minutes



Home of the Tualatin River National Wildlife Refuge

MEETING MINUTES

Charter Review Committee

March 21, 2024, 6:00 pm

Sherwood City Hall - Conference Room A

22560 SW Pine Street
Sherwood, OR 97140

1. CALL TO ORDER

City Attorney Ryan Adams, called the meeting to order.

2. ROLL CALL

Committee Members Present: Zana Mays (Senior Adv Board Rep), Paul Mayer (Budget Committee Rep), Deb Diers (Library Adv Board Rep), Chris West (Police Adv Board Rep), Rick Woidyla (Planning Commission Rep), Lisa Patterson (Safety Committee Rep), Joy Kuczer (Parks & Recreation Adv Board Rep), Neil Shannon (Citizen at large), Dave Grant (Citizen at large), and Council Liaison Keith Mays. Michelle Nedwek (Cultural Arts Commission Rep) arrived at 6:15 pm. Mark Cottle (Citizen at large) was absent.

Staff Present: City Attorney Ryan Adams, Assistant City Manager Kristen Switzer, Duputy City Attorney Michelle Teed, and City Recorder Sylvia Murphy.

3. SELECTION OF CHAIR

City Attorney Adams addressed this topic and asked for nominations. With no nominations received, Dave Grant offered to chair the committee. All present committee members voted in favor of Dave Grant as committee chair. (Michelle Nedwek was absent at the time of the vote.)

4. SELECTION OF VICE CHAIR

Chair Grant addressed this topic and asked for volunteers or nominations. Neil Shannon volunteered to be vice chair; no other nominations were received. All present committee members voted in favor of Neil Shannon as vice chair. (Michelle Nedwek was absent at the time of the vote.)

5. APPROVAL OF AGENDA

Chair Grant addressed this topic and asked for questions or a motion. Motion was received from Neil Shannon to approve the agenda, seconded by Paul Mayer. Motion carried with all present members voting in favor. (Michelle Nedwek was absent at the time of the vote.)

All meeting attendees introduced themselves.

6. CITIZEN COMMENTS

None.

7. NEW BUSINESS

A. Overview of Process and Review of Expectations (see record, Exhibit A)

A brief discussion regarding the meeting format occurred. Council Liaison Mays explained Council Rules regarding the convening of a Charter Review Committee. He explained that staff had not prepared charter amendment recommendations, as recommendations would be up to the committee. Liaison Mays indicated he was available for questions. He further explained that staff was available to help explain the charter sections and operations of the city. Chair Grant spoke of meeting format and suggested a walk-through of the charter sections. City Attorney Adams spoke regarding the role of staff to include research. Discussion occurred regarding charter amendments and how all amendments, no matter how small, must go before the voters. Discussion occurred regarding prior Charter Review Committee work within the past ten years and the resulting charter amendments and elections. Examples were provided included the reporting structure of the City Recorder, reading of ordinances occurring twice, and the 2% limit on fees and charges. Liaison Mays informed that the 2% limitation was imposed by an initiative petition and not a Charter Review Committee. The committee briefly spoke about the timeline of their work and making recommendations to the Council and targeting certain elections. Liaison Mays referred to the November 2024 election and staff being able to provide timelines for that election. Comments were received regarding the May and November elections, and which election charter amendments needed to occur. Liaison Mays commented regarding the charter provision that referenced fee increases, limitations of fee increases, and which election those needed to occur on based on the charter language. Attorney Adams commented that he needed to confirm amendments to the fee limitations, commented regarding all other charter amendments, and specific elections that amendments needed to occur within. Comments were received regarding charters of neighboring cities, (Tigard and Gresham) and their current proposed changes. Liaison Mays commented that many Oregon city charters modeled the League of Oregon Cities (LOC) model.

Chair Grant commented regarding the committee's approach and meeting format and suggested staff address each section as there were no staff recommendations for amendments. Liaison Mays replied that from a functional standpoint, the citizen-initiated limitation on residential fees was becoming challenging. He recapped the charter provision regarding the 2% limitations on taxes, charges and fees and the effects on residents and said that this became a problem in a high-inflation time. He explained current city fees that appeared on utility bills, i.e. street fees and sidewalk fees, and the city controlling those. He explained that one area that was becoming problematic was the sewer and stormwater rates. He further explained capital investments, such as sewer infrastructure and how those fees were imposed. He spoke of the city's requirements to maintain infrastructure, adhere to Clean Water Services (CWS) requirements, and increasing costs to the city and residents. He explained that today, the city ran the risk of not having reserves to address replacement of aging pipes. He briefly spoke of the city needing to transfer funds and the Community Investment Fund. Chair Grant asked for staff to bring back more information and options to consider this issue and asked that the committee receive the information in advance of the next meeting so that they are prepared to discuss. Liaison Mays commented that the 2% limitation applied to residential only and commercial and industrial rates were increasing due to the shortfalls. He stated the city was pursuing federal grants to help fund sewer projects.

Brief discussion occurred regarding CWS's current project on Tualatin-Sherwood Road and the impacts to the city. City Attorney Adams commented regarding Council's prior conversations regarding the 2% limitation and indicated the committee could discuss and consider this topic. Attorney Adams spoke regarding the language that referenced a May or November election in Section 47 of the charter and

explained. Discussion followed. He informed the committee that staff would bring back an election calendar at the committee's next meeting. Chair Grant asked Attorney Adams to address each section of the charter and provide a summary for the committee to review.

B. Review of Charter and Suggested Discussion Items (see record, Exhibit B)

City Attorney Adams addressed Chapter 1 - Names and Boundaries and explained. Brief discussion occurred. Attorney Adams stated it was more than likely the effective date in this section would be updated. It was asked if Sherwood West would affect this section. Attorney Adams replied no, not at this time. He addressed and explained Chapter 2 - Powers and brief discussion occurred. He addressed and explained Chapter 3 - Council and brief discussion occurred. He addressed and explained Chapter 4 - Legislative Authority. Brief discussion occurred regarding a mayor's "veto" authority. Attorney Adams addressed Chapter 5 - Administrative Authority and explained. He addressed Chapter 6 - Quasi-Judicial Authority and explained. He addressed Chapter 7 - Elections and explained. Brief discussion occurred regarding councilor and mayor term limits, prior charter amendments, and elections. Discussion occurred regarding terms of other metro area cities, and the pros and cons of term limits. Attorney Adams addressed Chapter 8 - Appointive Officers and explained. Brief discussion occurred and comments were received regarding precincts and districts. Liaison Mays spoke regarding council liaison positions within city boards & committees. Attorney Adams addressed Chapter 9 - Personnel and explained the three employees that work for the Council and informed of the reporting structure of all employees. Comments were received regarding the current situation of the City Manager Pro Tem and authority of this position as it related to personnel. Mr. Adams recapped the recent appointment of the City Manager Pro Tem and explained the personnel authorities of the position. Attorney Adams recapped Sections 35 - City Attorney and Section 36 - Municipal Judge. He explained the functions of the municipal judge. Attorney Adams addressed Chapter 9 - Personnel and explained. Brief discussion occurred regarding Section 37 - Compensation. Member Chris West commented regarding Council compensation and asked if staff could bring back information from neighboring cities at the next committee meeting. Discussion occurred and staff confirmed information would be brought back to the committee. Liaison Mays commented that if there was a change to the compensation language, that the change should have a future effective date so as to not affect the currently seated elected officials. Attorney Adams addressed Chapter 10 - Public Improvements and explained. He addressed Chapter 11 - Miscellaneous and stated that this section modeled the League of Oregon Cities' (LOC). Liaison Mays explained who the LOC was and what they did. Attorney Adams addressed Section 41 - Debt and explained. Discussion occurred regarding the debt limits and examples of capital bonds. Attorney Adams informed the committee that it does not take a charter amendment to authorize indebtedness. He stated the city adopted the LOC model of their procurement code. Attorney Adams addressed Section 42 - Solid Waste Incinerators and Chair Grant provided brief background and history regarding incinerators in the area. Discussion occurred. Attorney Adams addressed Section 44 - Ordinance Continuation, Section 45 - Repeal and Section 46 - Severability and stated these sections were pretty much boilerplate. Attorney Adams addressed Section 47 - Vote required on Certain Taxes, Charges and Fees. Vice Chair Shannon commented regarding this charter provision being instituted through an initiative petition and asked if it could be changed through the charter review and an election process. Liaison Mays confirmed. Discussion occurred regarding the provisions of a majority vote and 50% of the voters. Attorney Adams provided an example of case law. Discussion occurred regarding special and general elections and the requirements of a 50% vote. Attorney Adams referred to Deputy City Attorney Teed and informed the committee that she was the former Deputy Director of Elections for the State of Oregon. Liaison Mays stated there were lots of challenges with this section. Member West referred to the language regarding a May or November election and discussion occurred. Liaison Mays informed the committee that a question raised in a Council work session was: should that provision be changed in the case of sewer and storm when the

city didn't have any control over those costs. Comments were received that if it was important enough to do a special election off year, you are guaranteeing that it will fail. Chair Grant stated the committee would discuss this further at the next meeting. Liaison Mays provided an example of the committee discussing this for 6 months and not making the November ballot. He stated the committee could ask the Council to put something on an election ballot to change the charter, and he was not aware of any charter provisions on when you could change the charter, so that provision could be changed any time in a special election. Chair Grant commented that he believed that we could get something in November to fix this.

Member Joy Kuczer asked if Sherwood Broadband fees applied to this section. Liaison Mays replied they did not apply as people had the option to impose the fee. Attorney Adams addressed and explained Section 48 - Vote Required for Sale of Certain Real Property and requiring a super-majority vote. He explained that a vote of 5 was a super-majority vote no matter how many were in attendance. Member Kuczer commented regarding different clauses that other cities had that could be considered by the committee. Liaison Mays replied there were miscellaneous provisions sometimes based on the area, such as coastal areas. Attorney Adams offered to compile information from other city charters. Liaison Mays referred to the City of Sisters and their charter referencing design standards. He referred to state law and some charters having unique features and provided an example of the City of Corvallis having a nine-member council, plus a mayor, all serving two-year terms and the mayor not having a vote. He stated that some cities have precincts. Discussion occurred regarding how charter provisions were usually driven by issues. Liaison Mays commented regarding annexations, a state ruling and home rule charters.

Attorney Adams explained Home Rule and cities having the rights to set their own rules. He stated it was important for the committee to think about what they have the ability to affect. He stated if there were things that were preempted by the state, he would let the committee know. He stated a lot of this was wide-open and the state had cracked-down a bit on design standards and what's considered middle-housing, but for the most part, home rule was still alive and well. Liaison Mays provided examples of preemptions, referred to property taxes, and the Oregon land use system. Discussion occurred regarding annexations and Attorney Adams referred to HB 1517 and provided an example from the City of Corvallis' charter provision being similar to Sherwood's, and the language of, "unless required by state law". He reminded the committee that state law could change at any time. Liaison Mays suggested looking at the LOC and if they had any new base-language and their home rule standing. Attorney Adams replied this would also be good information to bring back to the committee. Liaison Mays replied he was not a fan of special districts and referred to a situation involving Tualatin Valley Water District and the City of North Plains and Hillsboro. He spoke of charter options to block special districts from entering the city, other than the ones that are already here. Attorney Adams replied he would do some research and bring back information. Vice Chair Shannon asked about provisions requiring Council approval and Attorney Adams and Liaison Mays replied anything required approval. Discussion followed regarding special districts and the work of Clean Water Services was provided as an example.

Member West commented regarding the work of the Police Advisory Board on Police Department policies and having a service where when the legislature changed laws, the service updated policies, the proposed amendments were reviewed by the board, and the board's recommendations were submitted to Council for consideration. He referred to the LOC's knowledge of future legislative actions that the committee could consider. Attorney Adams replied he would look into that.

C. Next Steps & Review Calendar

Chair Grant addressed the committee meeting schedule and reminded the committee to forward any amendment recommendations to Attorney Adams. Chair Grant spoke of the committee's future meetings and schedule to be able to provide recommendations to Council. Deputy City Attorney Michelle Teed spoke of election requirements and specific deadlines and the committee working towards a July completion for the November ballot. She explained elections requirements, procedural steps, and how a ballot title encompassed a caption, a question, and a summary. She explained public noticing requirements and the electors challenge period of the ballot title. She referred to filing deadlines with the County. She stated there were hard deadlines at the State level and recommendations from staff in respect to timing. Chair Grant commented regarding the timeline of the committee's work and providing a recommendation to Council by June. Discussion occurred.

D. Schedule for Future Meetings

Chair Grant asked staff to prepare a doodle poll for April and May and send it to the committee members. City Attorney Adams added that staff would also send out meeting calendar invitations for future meetings. Member Kuczer confirmed that the committee should review information and provide comments back to Attorney Adams. Mr. Adams confirmed and reminded of public meetings laws. Liaison Mays thanked the committee members for their volunteered time.

E. Other Items

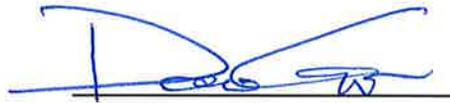
None.

8. ADJOURN

Chair Grant adjourned at 7:32 pm.

Attest:


Sylvia Murphy, MMC, City Recorder


Dave Grant, Chair