



Home of the Tualatin River National Wildlife Refuge

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. CITIZEN COMMENTS
5. NEW BUSINESS
 - A. Approval of March 21, 2024 Committee meeting minutes
 - B. Discussion of Charter and Potential Revisions
6. OTHER
7. ADJOURN

MEETING AGENDA

Charter Review Committee

April 23, 2024, 6:00 pm

Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140

In the Community Room

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

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.



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

Sylvia Murphy

From: Ryan Adams
Sent: Tuesday, April 16, 2024 11:32 AM
To: Charter Review - 2024
Cc: Keith Mays; Kristen Switzer; Sylvia Murphy; Craig Sheldon
Subject: Charter Review Materials - 4/23
Attachments: Mayoral.Councilor Stipend Comparison.pdf; All City Comparison.pdf; CRC section 47 discussion.pdf

Members,
Please see the attached materials for discussion next Tuesday. Look forward to seeing you all again, in the interim, please reach out to Kristen or me with any questions.

Ryan

Ryan Adams
City Attorney
City of Sherwood

503.625.4235

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www.sherwoodoregon.gov



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Council Compensation					
Sherwood	King City	Newberg	Tualatin	Wilsonville	Tigard
<p>Chapter IX Section 37. - Compensation. The council must authorize the compensation of City appointive officers and employees as part of its approval of the annual city budget. The mayor and councilors shall not be compensated but may be reimbursed for actual and reasonable expenses.</p>	<p>ARTICLE 4 Section 4.07 Compensation for Councilors. A. Elected officers shall receive no compensation for service in an official capacity of the City. Actual and necessary expenses incurred in the performance of their duties of office shall be paid.</p>	<p>Chapter IX Section 37. – Compensation. The council must authorize the compensation of city employees and city officers, including council members, as part of its adoption of the annual city budget. The council shall establish a procedure for implementing the compensation of its members.</p>	<p>Chapter III Section 11. – Salaries. The compensation for the services of each City officer and employee shall be the amount fixed by the Council.</p>	N/A	<p>Chapter III Section 11. Salaries. The compensation for the services of each City Officer and employees shall be the amount fixed by the Council.</p>

MISCELLANEOUS PROVISIONS COMPARISONS

Debt					
Sherwood	King City	Newberg	Tualatin	Wilsonville	Tigard
<p>Chapter XI Section 41. - Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness</p>	<p>ARTICLE 10 Section 10.01. Debt. The City's indebtedness may not exceed debt limits imposed by state law. A city officer or employee who creates or officially approves indebtedness in excess of this limitation is jointly and severally liable for the excess. A charter</p>	<p>Chapter XI Section 42. - Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.</p>	<p>Chapter X Section 41. – Debt Limit. Except as authorized by State law, the City shall not issue and sell general obligation bonds unless authorized by consent of a majority of the voters at an election. All City officials and employees who create or officially approve any indebtedness</p>	<p>Chapter X Section 39. DEBT LIMIT. Except by consent of the voters, the city's voluntary floated indebtedness shall not exceed ten percent of the current budget, nor its bonded indebtedness exceed that as may be set by Oregon law. For purposes of calculating the</p>	<p>Chapter X Section 41. – Debt Limit. Except by consent of the voters, the City's voluntary floating indebtedness for general city purposes shall not exceed the limits of state law. All City Officials and employees who create or officially approve any indebtedness in</p>

	amendment is not required to authorize city indebtedness.		contrary to this provision shall be jointly and severally liable for the excess.	limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.	excess of this limitation shall be jointly and severally liable for the excess.
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Ordinance Continuation

Sherwood	King City	Newberg	Tualatin	Wilsonville	Tigard
Chapter XI Section 44. - Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.	ARTICLE 10 Section 10.02. Continuation of Ordinances. Insofar as consistent with this charter, all ordinances in force when this Charter takes effect shall remain in effect until amended or repealed.	Chapter XI Section 43. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.	Chapter X Section 43. – Existing Ordinances Continued. All ordinances of the City consistent with this Charter and in force when it takes effect shall remain in effect until amended or repealed.	Chapter X Section 41. EXISTING ORDINANCES CONTINUED. All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.	Chapter X Section 43. Existing Ordinances Continued. All ordinances of the City consistent with this Charter and in force when it takes effect shall remain in effect until amended or repealed.

Time of Effect

Sherwood	King City	Newberg	Tualatin	Wilsonville	Tigard
Chapter I Section 1. – Title, Effective Date and Review	ARTICLE 10 Section 10.04. Time of Effect of the Charter. This Charter shall take	Chapter XI Section 46. Time of Effect. This charter takes effect January 1,	Chapter X Section 44. – Time of Effect of Charter. This	Chapter X Section 43. TIME OF EFFECT OF CHARTER. This charter shall take	Chapter X Section 44. – Time of Effect of Charter. This

<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.</p>	<p>effect upon certification of an affirmative vote of the people of King City.</p>	<p>2007. This charter was amended November 7, 2017 and May 16, 2023.</p>	<p>Charter shall take effect July 1, 1967.</p>	<p>effect January 1, 1987.</p>	<p>Charter shall take effect July 1, 1963.</p>
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<p align="center">Willamette River Water</p>					
<p align="center">Sherwood</p>	<p align="center">King City</p>	<p align="center">Newberg</p>	<p align="center">Tualatin</p>	<p align="center">Wilsonville</p>	<p align="center">Tigard</p>
<p>Chapter XI Section 43. - Repealed. 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>N/A</p>	<p>N/A</p>	<p>Chapter X Section 46. – Willamette Water – Vote Required. The City of Tualatin shall not use Willamette River water as a drinking water source for its citizens unless the following question is submitted to the voters and is approved by the affirmative majority (greater than 50%) of the total number of legal votes cast on such measure and entitled to be counted thereon. The question shall read: "Shall treated Willamette River water be used</p>	<p>Chapter X Section 44. USE OF WILLAMETTE RIVER. The City of Wilsonville shall not use Willamette River water as a drinking water source for its citizens unless the question of so using the Willamette River water as a drinking water source has received the affirmative majority of the total number of legal votes cast on such measure and entitled to be counted thereon.</p>	<p>Chapter XI Section 51. The City of Tigard shall not use the Willamette River as a drinking water source for its citizens unless the question of using the Willamette River as a drinking water source has been approved by not less than fifty percent (50%) of voters voting in a City wide election.</p>

			as drinking water by the citizens of Tualatin?" The vote shall take place after the effective date of this amendment.		
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Repealing Previously Enacted Provisions

Sherwood	King City	Newberg	Tualatin	Wilsonville	Tigard
N/A	N/A	Chapter XI Section 44. Repeal. All charter provisions adopted before this charter takes effect are repealed.	Chapter X Section 44. - Repeal of Previously Enacted Provision. All Charter provisions of the City enacted prior to the time that this Charter takes effect are hereby repealed.	Chapter X Section 42. REPEAL OF PREVIOUSLY ENACTED PROVISIONS. All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed except those charter amendments giving authority for the issuance of general obligation bonds which shall remain in full force and effect.	N/A

Severability

Sherwood	King City	Newberg	Tualatin	Wilsonville	Tigard
Chapter XI Section 46. – Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not	ARTICLE 10 Section 10.03. Severability. The terms of this Charter are severable. If a part of this charter is held invalid, that invalidity does not	Chapter XI Section 45. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not	N/A	N/A	N/A

affect any other part of the charter.	affect another part of the charter, except as the logical relation between the two parts requires.	affect any other part of the charter.			
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Public Transit					
Sherwood	King City	Newberg	Tualatin	Wilsonville	Tigard
N/A	<p>ARTICLE 10 Section 10.05.</p> <p>A. The King City City Council may not authorize the use of city resources for the financing, design, construction or operation of any public rail transit system, including, but not limited to, the extension of an existing public rail transit system operating outside the city limits, without first obtaining the approval of city voters at an election on an authorization ordinance. "City Resources" shall include any public funds, staff time, lobbying agreements, property interests or other tangible or intangible city assets,</p>	N/A	<p>Chapter X Section 47. – Voter Approval to Use City Resources for Public Rail Transit System.</p> <p>(a) The Tualatin City Council may not authorize the use of city resources for the financing, design, construction or operation of any public rail transit system, including, but not limited to, the extension of an existing public rail transit system operating outside of the city limits, without first obtaining the approval of city voters at an election on an authorization ordinance. "City resources" shall include any public funds, staff time, lobbying agreements,</p>	N/A	<p>Chapter XI Section 52. The City of Tigard shall not increase a current tax or fee or impose a new local tax or fee for construction costs to build or expand light rail transit line infrastructure without voter authorization. If the City desires to increase or impose a new local tax or fee for construction costs to build or expand light rail transit line infrastructure, it will first call an election and state the amount of new or additional taxes or fees that would be used for construction costs to build or expand light rail transit line infrastructure. The voters of the City of Tigard would</p>

	<p>and the right to direct or permit the use of such resources. This subsection does not apply to the use of city resources to respond to or prevent a public safety concern caused by the operation of a public rail transit system.</p> <p>B. Any authority extended to the King City City Council by an election held under section (A), shall be strictly limited to the parameters of the authorization ordinance. An authorization ordinance submitted to voters under section (A) must provide sufficient public notice of the authority conveyed and shall not be effective unless the following parameters are specified:</p> <ol style="list-style-type: none"> 1. The types of city resources to be authorized; 2. The permissible uses of such resources 		<p>property interests or other tangible or intangible city assets, and the right to direct or permit the use of such resources. This subsection does not apply to the use of city resources to respond to or prevent a public safety concern caused by the operation of a public rail transit system.</p> <p>(b) Any authority extended to the Tualatin City Council by an election held under subsection (a), shall be strictly limited to the parameters of the authorization ordinance. An authorization ordinance submitted to voters under subsection (a) must provide sufficient public notice of the authority conveyed and shall not be effective unless the following parameters are specified:</p> <ol style="list-style-type: none"> (1) the types of city resources to be authorized; 		<p>authorize or decline to authorize the spending of the new or additional taxes or fees. This Charter Section will automatically expire ten years after its effective date. This Charter Section became effective on December 3, 2012 (date determined as specified in Resolution No. 12-33, Section 6; Measure 34-203, November 6, 2012 election).</p>
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	<p>3. The estimated cash value of any authorized resources and any associated personnel costs; and, 4. The duration of the authority extended</p> <p>Sufficient public notice for an authorization ordinance under this subsection is provided to city voters if the certified ballot title accurately summarizes the authorized parameters and provides a link to a detailed description hosted on a city website. If sufficient public notice cannot be accomplished in the manner above, the city shall provide such information to voters by mail at least 21 days in advance of the election.</p>		<p>(2) the permissible uses of such resources; (3) the estimated cash value of any authorized resources and any associated personnel costs; and (4) the duration of the authority extended.</p> <p>Sufficient public notice for an authorization ordinance under this subsection is provided to city voters if the certified ballot title accurately summarizes the authorized parameters and provides a link to a detailed description hosted on a city website. If sufficient public notice cannot be accomplished in the manner above, the city shall provide such information to voters by mail at least 21 days in advance of the election.</p>		
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Torts

Sherwood	King City	Newberg	Tualatin	Wilsonville	Tigard
N/A	N/A	N/A	Chapter X Section 42. – Torts. In no event shall the City be liable in damages for any injury to person, damage to property, or a death for an amount greater than that authorized by applicable State law. The claimant shall provide the City with notice as required by State law.	Chapter X Section 39. TORTS. Except by consent of the voters, the city's voluntary floated indebtedness shall not exceed ten percent of the current budget, nor its bonded indebtedness exceed that as may be set by Oregon law. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.	N/A

Public Parks

Sherwood	King City	Newberg	Tualatin	Wilsonville	Tigard
N/A	N/A	Chapter XI Section 41. Use of Public Parks. Notwithstanding any	CHAPTER XI - Protection of City Owned Parks and Open Spaces	N/A	N/A

		<p>other provisions of this charter, all areas now or hereafter dedicated to the city for public park purposes are reserved forever to the use of the public; and no such area shall be sold or otherwise disposed of, or used for other than public park and recreation purposes, unless approved by a prior vote of the electorate, except that the council, after a public hearing, may permit a portion of a city park to be used for public improvements as long as such use does not significantly impact the park's viability.</p>	<p>Section 48. - Purpose. The purpose of this Chapter XI of the Charter is to prevent the transfer, sale, vacation or major change in use of city parks without first obtaining an approving vote of the legal voters of this city; to preserve the natural beauty, ecological integrity and recreational value of the city's parks from incompatible and non-park development; to protect the public park uses and purposes for which city parks are established, acquired or dedicated, and to prevent conversion or development of parks or parts thereof to non-park or incompatible uses.</p> <p>Section 49. - Definitions. The following definitions apply to this Chapter XI. (a) The "city" means the City of Tualatin, its city council, city</p>		
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			<p>departments and city employees acting within their official capacities.</p> <p>(b) A "major change" is a change in use of a park, or part thereof, from a recreation or preservation use to non-park use unrelated to public recreation or preservation. "Major change" includes the development of roads, bridges, utility facilities, parking lots and buildings in a city park that are unrelated to the park uses for which the park was established, acquired or dedicated.</p> <p>(c) "Parks" are parcels of real property owned by or dedicated to the City of Tualatin for purposes of public recreation, preservation of open space, riparian greenway, natural wildlife or other habitat values, or the preservation of historic or cultural resources. The term "park"</p>		
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			<p>encompasses all such properties owned by or dedicated to the city whether held in fee or as an easement.</p> <p>(d) To "vacate" park property, or a portion thereof, means to dispose of land owned by or dedicated to the city through the procedures of ORS chapter 271 or comparable procedures in city code or ordinance. (Charter Amendment adopted at a special election held March 8, 2011).</p> <p>Section 50. - Approval by Voters. The city shall not do, or allow to be done by others, any of the following listed acts with regard to any city park or part thereof without first obtaining approval of the legal voters of the city:</p> <p>(a) To sell, lease or otherwise transfer city park property,</p> <p>(b) To vacate or otherwise change the ownership or legal</p>		
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			<p>status of any city park, or part thereof, except that the city may grant easements for underground utilities and uses that do not cause or constitute a major change in use of the park or some part thereof.</p> <p>(c) To cause, undertake or allow any development or construction in a city park that causes a major change in the use of the park or some part thereof.</p> <p>(d) To construct or allow to be constructed or expanded in a city park any street, road, parking lot or permanent above ground structure, including buildings, power lines, motor vehicle or utility bridges and power lines, other than streets, roads, parking lots or structures needed to serve primarily the purposes for which the park was established, including park maintenance and</p>		
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			<p>operations. In no event shall below ground structures or buried utilities be allowed in a city park without an approving vote of the legal voters if the below ground structure or buried utility affects or limits above-ground park uses. Any street, road, parking lot or above ground structures existing in a city park on the date of adoption of this Chapter that do not comply with its provisions, are excepted from its requirements, but any subsequent additions or alterations thereto must comply with this Section.</p> <p>This section is not intended to prevent or require an approving vote to allow temporary structures, tents, shelters and the like to be erected in a city park for commercial or non-recreational or preservation uses so</p>		
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			<p>long as these temporary structures are erected and used in conjunction with a community based event or park use of the park. Furthermore, this section is not intended to control or override adopted park management and operations that do not otherwise constitute or cause a major change in the use of the park or part thereof. (Charter Amendment adopted at a special election held March 8, 2011).</p> <p>Section 51. - Parks Designated. The following city parks, natural areas and greenways, in their current configuration and size and as may be enlarged subsequently, are city parks as defined herein and are subject to the provisions of this Chapter XI. Parks: - Atfalati Park, 660 SW Sagert Street</p>		
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			<ul style="list-style-type: none"> - Brown's Ferry Park, 5855 SW Nyberg Lane - Ibach Park, 10455 SW Ibach Street - Jurgens Park 17255 SW Jurgens Avenue - Lafky Park, 9655 SW Siletz Drive - Little Woodrose Nature Park, 21045 SW 90th Avenue - Saarinen Wayside Park, 20535 SW 86th Avenue - Stoneridge Park, 19489 SW 68th Avenue - Sweek Pond Natural Area Park, 8700 SW Sweek Drive - Tualatin Commons, 8325 SW Nyberg Street - Tualatin Commons Park, 7880 SW Nyberg Street - Tualatin Community Park, 8515 SW Tualatin Road <p>Natural Areas:</p> <ul style="list-style-type: none"> - Johnnie and William Koller Wetland - Victoria Woods Natural Area - Sweek Woods Natural Area 		
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			<ul style="list-style-type: none"> - Sequoia Ridge Natural Area - Hedges Creek Natural Area <p>Greenways:</p> <ul style="list-style-type: none"> - Chieftain/Dakota Greenway - Hedges Creek Greenway - Hi-West Estates Greenway - Indian Meadows Greenway - Nyberg Creek Greenway - Nyberg Creek (South) Greenway - Saum Creek Greenway - Shaniko Greenway - Tualatin River Greenway <p>Section 52. - Later Acquired and Expanded Parks. Existing parks may be expanded and additional parks may be created, acquired, dedicated or designated by the city for park purposes. Whenever any real property is designated as a city park, it shall be subject to all of the</p>		
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			provisions of this chapter XI, except that the city's initial acquisition of a parcel of real estate may include portions of property and improvements that are not appropriate or intended for city park purposes. Nothing in this Chapter shall prevent or require an approving vote to dispose of non-park portions of such a property that is acquired for park purposes, so long as the city disposes of the non-park portion(s) within two years of acquisition or dedication of the larger property.		
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Property Tax Limitation					
Sherwood	King City	Newberg	Tualatin	Wilsonville	Tigard
N/A	N/A	Chapter XI Section 47. Property Tax Limitation. The purpose of this Section is to reduce the ad valorem property tax rate authorized to be levied by the City to	N/A	N/A	Chapter XI Section 48. Any urban renewal plan or amendment thereof hereafter proposed or adopted shall require that the plan, including the method of financing same,

		<p>reflect the amount the City will no longer spend on fire, emergency medical and ambulance services if the City is within the Tualatin Valley Fire and Rescue District (District).</p> <p>(a) Except as provided in subsection (b) the City Council is prohibited from levying more than \$2.50 of the City's permanent ad valorem property tax rate against any property within the District.</p> <p>(b) Commencing with fiscal year 2019/2020, and each year thereafter, the City Council may increase the tax rate limit established under subsection (a) by 3% of the prior year's limit. Council also may levy in excess of the limit specified in subsection (a), as increased under this subsection, if</p>			<p>shall be approved by the voters at a regular or special City election in May or November, if such plan or amendment permits the City or the Agency to impose additional property taxes on properties outside the urban renewal area to pay the debts or obligations to be incurred in carrying out the plan. Notwithstanding the foregoing, separate approval at an election is not required for:</p> <p>(1) Expenditures by the City, as distinguished from the urban renewal agency, which have been duly identified and included in a duly adopted City budget; or</p> <p>(2) Issuance of Bancroft bonds (ORS 223.205 to 223.295) in connection with assessments for local improvement districts, if such</p>
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		<p>authorized by a measure approved by the voters.</p> <p>(c) This Section shall apply commencing with the City's 2018/19 fiscal year and continue in effect as long as the City remains within the boundaries of the District.</p> <p>(d) A local option or bond levy approved by the voters will neither be affected by, nor affect, this Section.</p>			issuance is otherwise authorized by law.
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City Hall Building Construction					
Sherwood	King City	Newberg	Tualatin	Wilsonville	Tigard
N/A	N/A	N/A	N/A	<p>Chapter X Section 45. REQUIRES VOTER APPROVAL BEFORE CITY EXPENDS RESOURCES TO CONSTRUCT ANY NEW CITY HALL BUILDING. "The city shall not expend resources on the construction of a new City Hall Building without first obtaining approval of a majority of voters casting</p>	N/A

				<p>ballots during a regularly scheduled City election. A regularly scheduled city election shall be defined as the general election held on the first Tuesday after the first Monday of November in even numbered years or such special election called by the City council for a statutorily scheduled county election date in March, May, September or November. Any ballot proposal seeking such approval must include the total cost of completing the construction project in its title caption. The total cost of construction must be detailed in a proposal summary and shall include principal construction costs, infrastructure costs, the commercially zoned market value of any land acquired or appropriated for the project, the maximum cost of paying interest on any bonded</p>	
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				indebtedness attached to the project, and an estimate of any other costs necessary to complete the project. The term 'City Hall Building' includes any significant structure housing one or more chief administrative functions of the city." Spending necessary to determine costs is not restricted.	
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City Resources for Homeless Encampments

Sherwood	King City	Newberg	Tualatin	Wilsonville	Tigard
N/A	N/A	<p>Chapter XI Section 48. Use of City Resources for Homeless Encampments.</p> <p>(a) City resources may not be used to subsidize the construction or operation of a homeless encampment located within 1500 feet of a Newberg school.</p> <p>(b) City resources may not be used to subsidize the construction or</p>	N/A	N/A	N/A

		<p>operation of a homeless encampment unless approved by a Voter Authorization Measure subject to the following conditions:</p> <p>(1) The Voter Authorization Measure allowing the use of city resources for a specific homeless encampment must be in the form of a City ballot measure approved by a majority of votes at a primary or general election.</p> <p>(2) The ballot title of the Voter Authorization Measure must identify the location or proposed location of the homeless encampment using the physical address(es) of associated property and list the distance between the encampment and the three closest Newberg schools.</p>			
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		<p>(3) The ballot title of a Voter Authorization Measure must identify the maximum total value of the city resources that may be authorized to support a specific homeless encampment. Duration of an encampment's authorization may not exceed the time period proposed under the measure and may not exceed ten years.</p> <p>(c) Definitions. As used in this Section: (1) "City resources" means the specific allocation of monies or property, over which the City exercises discretion, that could be allocated for uses other than homeless encampments, or, any significant allocations of city staff time, equipment and/or supplies with an aggregate value of \$25,000 or more during a single</p>			
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		<p>budget year. The limitations on the use of “city resources” within this section do not apply to the use or delivery of any emergency or public safety services, the delivery of other services to any person camping at least 1500 feet from a school, the conduct of routine city operations that impose obligations upon or provide incidental benefits to an existing homeless encampment or to a proposed homeless encampment, or to any costs arising from an election for a Voter Authorization Measure.</p> <p>(2) “Homeless encampment” means any property approved for use as an outdoor living space where tents, yurts, automobiles, recreational vehicles, or any housing structures lacking a foundation or modern indoor plumbing</p>			
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		<p>facilities used for transitional housing more than 90 days, or any section of public right of way where camping is allowed for purposes of temporary housing. This definition shall not apply to any properties or structures used to house persons physically displaced by fire, flood, natural disaster, or any other temporary, non-recurring emergency.</p> <p>(3) "Newberg school" means the grounds and buildings regularly and primarily used by any educational institution that offers at least six months of onsite curricula for the advancement of thirty or more K-12 students toward an Oregon diploma operating within Newberg city limits. If a Newberg school commences operations after an election for a Voter</p>			
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		<p>Authorization Measure is called, or after such measure is enacted by voters, that school's proximity shall not preempt the election called nor prohibit the use of city resources so approved for a homeless encampment.</p> <p>(d) Any ballot measure submitted for authorization under this section must comply with state law. If information required by this measure cannot be lawfully included within the ballot title of a measure, it shall be included in the explanatory statement for the measure or by written notice mailed to every voter no more than one week prior to mailing of ballots.</p> <p>(e) The district attorney or any city taxpayer may file suit to enforce these</p>			
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		<p>provisions against any public official who expends, or authorizes the expense of, moneys in excess of the amounts authorized by voters or for purposes not so authorized. A prevailing claimant may recoup, on behalf of the City, misspent moneys from any public official found to be personally responsible for unauthorized expenditures. Consistent with ORS 30.285, the City shall defend all public officers from any such suit, however, no city resources may be used to indemnify a public official from liability for any expenditure constituting malfeasance in office, or willful or wanton neglect of duty.</p> <p>If any portion of this section is held to be unenforceable as a</p>			
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		matter of law by a court of competent jurisdiction, it shall be severed only to the degree necessary to correct the deficiency and shall not alter the remaining provisions.			
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Amendments					
Sherwood	King City	Newberg	Tualatin	Wilsonville	Tigard
N/A	N/A	N/A	<p>Chapter X Section 41a. – Amendments.</p> <p>(a) The City Council of the City of Tualatin, Washington County, Oregon, is hereby authorized, empowered and directed to issue and sell general obligation bonds in the sum or sums not to exceed \$200,000. Said bonds are to be issued for the purpose of providing funds with which to acquire, construct, reconstruct, alter, enlarge, renew, replace, operate and maintain the City water distribution and the City sewage collection system. Said bonds shall bear interest at the rate not</p>	N/A	N/A

			<p>to exceed six percent per annum and shall be issued in amounts and on such dates as the City Council may determine; provided, that no bonds issued hereunder shall bear a maturity date exceeding 25 years from the date of issuance.</p> <p>(b) The debt limitations as contained in the Charter of the City of Tualatin shall not apply to the bonds hereby authorized, nor shall any other provisions and limitations in said Charter apply.</p> <p>(c) The City Council of the City of Tualatin, Oregon, is hereby authorized, empowered and directed to issue and sell general obligation bonds in the sum or sums not to exceed \$300,000 and to levy and ad valorem property tax to retire said bonded indebtedness. Said bonds are to be</p>		
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			<p>issued for the purpose of providing funds to acquire and construct a City water reservoir system. Said bonds shall bear interest not to exceed a net effective rate of seven percent per annum and shall be issued in amounts and on such dates as the City Council may determine; provided, that no bonds issued hereunder shall bear a maturity date exceeding 25 years from the date of issuance.</p> <p>(d) The debt limitations as contained in the Chart of the City of Tualatin shall not apply to the bonds hereby authorized, nor shall any other provisions and limitations in said Charter apply.</p> <p>(e) The authority of the City Council to issue and sell general obligation bonds under Subsection (c) above is subject to the City entering into a grant agreement with</p>		
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			<p>the United States Department of Housing and Urban Development for the receipt of a sum not less than \$300,000 from said Department of Housing and Urban Development.</p> <p>(f) The City Council is hereby authorized, empowered and directed to purchase real estate by land sale contract to be used for park purposes and in connection with the City Community Center and incur indebtedness therefore in an amount not to exceed \$47,500 in addition to interest thereon. The real property shall be paid for out of government and private matching funds and shall not be paid for by local property taxation.</p> <p>(g) The City Council is hereby authorized and empowered by ordinance to impose and levy a tax not exceeding five percent on gross amounts of</p>		
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			<p>money, credit or other things of value paid to or received for lodging by the owner or operator of any hotel, motel, apartment or lodging house, mobile home or trailer park or court, or any other place in the City where space designed or intended for lodging occupancy is rented by any person or persons for any period less than monthly. This tax shall not apply to hospitals, convalescent or nursing homes or public institutions, or permanent occupancy as defined by ordinance. The tax imposed shall be collected by the owner or operator of the rental space, in addition to the rental charge at the time of payment of rent. City revenues from such taxes shall be credited to the general fund of the City and used for general City purposes, as the Council may find appropriate.</p>		
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2024 Charter Review Committee City Charter Comparison Chart

Stipend/Reimbursement Comparison

City	Population	Stipend or Reimbursement	Stipend Amount Mayor	Stipend Amount Council President	Stipend Amount Council	Stipend issued	Notes
Central Point	19,702	Stipend	\$250.00	\$150.00	\$150.00	Monthly	Paid monthly, with limited taxes taken out. Also reimbursed for expenses incurred while on official City business, including lodging. City issues tablet of choice and city email address.
Forest Grove	26,225	Stipend	\$300.00		\$200.00	monthly	\$800 for electronic device, plus \$20 per month; medical, vision and dental benefits (paid at 95%) and cost-of-living increase on July 1. Reimbursed for travel/training when expenses incurred.
Happy Valley	22,553	None	N/A	N/A	N/A	N/A	Reimbursed for travel/training when expenses incurred.
Junction City	22,616	None	N/A	N/A	N/A	N/A	City issues laptop/tablet and city email address if requested.
Keizer	38,495	None	N/A	N/A	N/A	N/A	Reimbursed for travel/training when expenses incurred.
Lake Oswego	39,500	Stipend	\$447.74	N/A	\$198.95	Monthly	Stipend increases annually on July 1 based on the CPI.
McMinnville	35,159	None	N/A	N/A	N/A	N/A	Reimbursed for travel/training when expenses incurred.
Milwaukie	21,009	Stipend	\$369.00	N/A	\$307.00	Monthly	Stipend is based on the CPI
Milwaukie		Stipend	\$310.00	N/A	\$260.00	Monthly	Stipend is based on the CPI. Council receives Visa card for budgeted education/training (\$3,000 annually for council and \$5,000 annually for mayor). City issues laptop/tablet.
Newberg	25,529	Stipend	\$300.00	N/A	\$200.00	Monthly	Reimbursed for travel/training when expenses incurred.
Redmond	36,000	Stipend	\$300.00	\$200.00	\$200.00	Monthly	
Roseburg	23,701	None	N/A	N/A	N/A	N/A	
Sherwood	19,500	None	N/A	N/A	N/A	N/A	Reimbursed for travel/training when expenses incurred.
Troutdale	16,433	Reimbursement	\$500.00	N/A	\$50.00	Monthly	City pays for all LOC conference expenses and any other expenses IF approved by Council. Plus MS Surface Pro for packets/city business
West Linn	26,583	Stipend	\$756.00	N/A	\$473.00	Quarterly	I divided their current number by 3 to get to a monthly number.

CHARTER REVIEW COMMITTEE



Ryan Adams, City Attorney; Kristen Switzer, Assistant City Manager

23 APRIL 2024

Section 47.- Vote Required on Certain Taxes, Charges, and Fees.

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.

Issue:

- The sewer fund is limited by section 47 of the charter
- Cannot afford to save for sewer replacement
- Inflation outpaces fees.
- Expenses outweigh ability to increase services to public
 - Water
 - Sewer
 - Streets
 - Storm

OPTIONS FOR DISCUSSION

- Remove “Sewer and Storm” from Section 47
- Tie increase to each utility’s financial plan
- Tie any increase to CPI or ENR
- Raise from 2% to 4%
- Repeal Section 47

Section 47.- Vote Required on Certain Taxes, Charges, and Fees.

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.

CHARTER REVIEW COMMITTEE



Ryan Adams, City Attorney; Kristen Switzer, Assistant City Manager

23 APRIL 2024

Sylvia Murphy

From: Sylvia Murphy
Sent: Monday, April 1, 2024 9:47 AM
To: Charter Review - 2024
Cc: Ryan Adams; Kristen Switzer
Subject: FW: CRC topic?

Charter Review Committee Members,

See below written comments.

Sylvia Murphy, MMC, City Recorder
Murphys@Sherwoodoregon.gov
Ph: 503-625-4246

-----Original Message-----

From: Paul Wilcox <pauljwilcox@comcast.net>
Sent: Sunday, March 31, 2024 11:33 AM
To: Sylvia Murphy <MurphyS@SherwoodOregon.gov>
Subject: Re: CRC topic?

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Hi Sylvia,

Having now listened to the entire 3/21 CRC meeting, I have the following observations and comments. Perhaps you could forward them to the newly-elected CRC chair Grant. I've also read the Charter in detail, and since it was last renewed in Nov. 2019 I don't see a lot needing possible revision. I agree with two-year mayoral term, "top three" election of Councilors, and three-term term limits, regardless of term length, for Councilors. Also agree with timeframe for filling vacancies by appointment vs election, although special elections can be expensive. However, I prefer elected over appointed whenever possible.

I question retaining the references to a Mayoral veto in Sections 16 and 17. Allowing for a Mayoral veto is fairly rare regionally. Also, the fact that it can be overridden by a simple majority of Council makes it somewhat meaningless. Section 16 (a) (1) refers to posting ordinances on the City's website. Those should be publicly available in print also. In the situation where a partial term is being filled during an election, and there are more candidates than openings, it should be formalized in the Charter that the partial term will be filled by the candidate(s) receiving the next highest vote counts after the full-term offices are filled.

Side note: In Nov. 2022 a Troutdale City Council candidate who had recently become a "non-resident" was elected to Council. The vacancy was filled by appointment according to the Charter, even though there was an additional candidate. The second two years of that term will be subject to election in Nov. 2024.

At 0:45 in the meeting during the discussion regarding a candidate running for only one City office I thought I heard Councilor Mays state that he could run for a second office outside the City and retain his Council seat. It didn't sound like he was referring to "resign-to-run" as they have in Lake Oswego for Councilors running for Mayor. Under Section 31 - Vacancies. The mayor or a council office becomes vacant: (a) Upon the incumbent's: (4) Election to a different elected office. This seems to me to prohibit holding two offices.

The CRC might want to consider resign-to-run for Mayor. The benefit is that if a mid-term Councilor runs for and is elected Mayor then under the current Charter that Councilor vacancy is filled by appointment until the following low turnout May election, which is also an expensive special election in an odd year. An irrevocable resignation effective

12/31 allows for that pending vacancy to be on the ballot as a two year term. I'll provide an election history to see if there's been a mid-term Councilor running for Mayor. Note: I did find one instance of a mid-term Councilor running for Mayor, Henderson in 2014, but lost to Clark. Tigard's Charter has had resign-to-run, and it applied to the last two Mayors elected. In their latest CRC proposal for a new Charter in May they are deleting that. Because they have a four year Mayoral term it affects term limit allowances based on election cycle. Or, maybe they just want to allow a losing Councilor candidate for Mayor to remain on Council.

In the case of a Mayoral vacancy, because it is a two-year term, you might consider appointing the Council President and electing a new Councilor instead. That's what Fairview did recently. In the past, Troutdale had a two-year term Mayor resign only a few months into his term, so they had a nearly two-year appointed Mayor who came from Council, who was in turn replaced on Council by an applicant.

One of the CRC members raised the issue of compensation for Council members. I'm aware of at least two Sherwood Charter Amendment measures that have addressed that in the past. Measure 34-231 in Nov. 2014 called for voter approval of any consideration of Council compensation. It passed 85-15. Measure 34-260 in Nov. 2016 specifically requested compensation beyond expense reimbursement of \$500/month for the Mayor and \$250/month for Councilors. That was defeated 63-37.

It would have been very helpful if staff had provided a history of Charter amendments that had gone to the ballot in the last several years.

On the question of what satisfies the double majority requirement, I'd have to assume it's based on votes cast for that particular measure. For example, if there are 10,000 registered voters, 5001 total votes would have to be cast both for and against, and in turn 2501 (or 2502?) would have to vote in favor for passage. I wouldn't expect that if someone returned their ballot but didn't weigh-in on that particular question that they would count toward the majority turnout requirement.

In reviewing the election history I also discovered that elect-by-position was only in effect for four elections, 2006-2012, which I found interesting. Measure 34-212 returned top three in May 2014. Thinking about that, it might have been that because the 2005 Charter was an "all or nothing" all new Charter rather than an amended Charter there were unintended inclusions resulting from using the LOC Model Charter. Unfortunately, Troutdale retained elect-by-position from 1976 until 2020! The "correction" was made by Measure 26-212 in Nov. 2020. Troutdale also hasn't had a citizen CRC since 1994. Frustrating!

I also followed Gresham's and Tigard's CRC meetings most recently, so I'm very familiar with the process.

Paul Wilcox
Troutdale

Sent from my iPad

> On Mar 28, 2024, at 11:20 AM, Sylvia Murphy <MurphyS@sherwoodoregon.gov> wrote:

>

> Hi Paul,

>

> Thanks for your interest in the Charter Review Committee. In 2022 there was a vacancy due to a councilor resignation midterm, this was the partial term the city needed to fill. Per the city's charter, Section 32 the vacancy was temporarily filled through an appointment process, followed by the Nov 2022 election. It was determined that of the 4 councilor candidates listed on the ballot, that the candidate with the least number of votes would fill the partial term.

>

> Please let me know if you need anything further.

>

> Sylvia Murphy, MMC, City Recorder

> Murphys@Sherwoodoregon.gov

> Ph: 503-625-4246

>

> -----Original Message-----

> From: Paul Wilcox <pauljwilcox@comcast.net>

> Sent: Wednesday, March 27, 2024 6:12 PM

> To: Sylvia Murphy <MurphyS@SherwoodOregon.gov>

> Subject: CRC topic?

>

> CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

>

>

> Hello Ms. Murphy,

> I see that the CRC has begun their meetings. I've just started to watch the recording.

> I noticed in the 2022 election there were four Council openings. What accounted for the fourth? Was one a partial term, and if so, how was it determined which of the four candidates would serve the shortened term?

> I'm actually seeing very little in the current Charter that might need attention. One change that might be on the table would be a four-year term for Mayor, but personally I prefer the current two-year term, with term limits for Councilors.

> Paul Wilcox

> Sent from my iPad

>

>

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Approved Minutes



Home of the Tualatin River National Wildlife Refuge

MEETING MINUTES

Charter Review Committee

April 23, 2024, 6:00 pm

Sherwood City Hall – Community Room

22560 SW Pine Street
Sherwood, OR 97140

1. CALL TO ORDER

Chair Dave Grant, called the meeting to order at 6:02 pm.

2. ROLL CALL

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

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

3. APPROVAL OF AGENDA

Chair Grant addressed approval of the agenda. Motion was received from Mark Cottle to approve the agenda, seconded by Michelle Nedwek. Motion carried with all present members voting in favor.

4. CITIZEN COMMENTS

Chair Grant reminded the Committee that they received an email from Paul Wilcox that would be included into the meeting record. No other citizen comments were received.

5. NEW BUSINESS

Chair Grant addressed approval of the March 21, 2024, meeting minutes and asked for edits or a motion.

A. Approval of March 21, 2024 committee meeting minutes.

A motion was received from Chris West to approve the minutes, seconded by Mark Cottle. Motion carried with all present members voting in favor.

Chair Grant addressed item B on the agenda.

B. Discussion of Charter and Potential Revisions

Chair Grant asked City Attorney Adams to address this item. Chair Grant stated that the Committee asked staff to address Charter Section 47 and data gathered from polling other cities regarding council compensation. City Attorney Adams referred to the compensation information provided to the Committee (page 41 of meeting packet). He stated the takeaway from the information collected was that it's rare that council members and mayors were compensated in Oregon. He stated the information provided came from the City of Newberg who had compiled the information they gathered from other cities. He noted Wilsonville was not listed in the data and stated they did compensate their Council, with the mayor receiving \$2,350 per month, the Council President receiving \$1,100 per month, and the general council members receiving about \$800 per month. Chair Grant asked the Committee if there was movement for this topic and asked what brought this forward for discussion. Chris West stated he brought the topic up as the topic was being discussed in many communities. He stated that the premise for his discussion was because it limited people that could participate. He stated he was not sure if it was applicable to Sherwood, but believed it was a hindrance. He added regarding the nuance of the use of credit cards by elected officials and they being fixed or dealt with in a charter. Mark Cottle clarified the issue being that mileage perks were earned from the use of credit cards and this being an ethical issue. City Attorney Adams added that this had been addressed by the Oregon Government Ethics Commission (OGEC) as compensation and said it was okay as long as your local charter or other compensation means allowed for that, otherwise it is not okay. Member Cottle asked and suggested language; Reimbursement for expenses paid including mileage or bonuses on credit cards is the compensation. Attorney Adams replied this could be done and stated he believed this would address the ethics issue. Lisa Patterson commented regarding the reimbursement and Attorney Adams clarified and stated that what the OGEC was saying was that if you used your personal credit card for a city trip, then you are taking advantage of a benefit that was not available to the general public. Discussion followed and Mr. Cottle stated that there had been previous attempts to compensate elected officials and the citizens did not support it and if there were other charter provisions to address then let's not address compensation. Ms. Diers addressed credit cards with benefits and asked if the city was open to scrutiny if there was not a clause in the charter. Attorney Adams informed the Committee that another option was to have staff book the travel on a city credit card and stated he did not see a lot of risk to the city, it was more of a risk to the individual. Mr. Shannon asked how the city was currently dealing with it and Attorney Adams explained. Comments were received regarding per diem and dealing with this and overall problems with perks and reimbursements. Mr. Shannon stated he did not believe it was worth putting it on the ballot. Council Liaison Mays shared his experiences with credit card use while on the City Council and stated he had a city credit card that was previously issued to him for city expenses. He said there were multiple avenues an elected could use and not violate ethics. He stated if there was interest in a compensation provision, then it could go into effect at a future date and to determine a process. Mr. Shannon reiterated that he understood economic factors but was not in favor of compensation other than reimbursement for actual costs and would not look at compensation. Zana Mays stated that she believes mayors should be compensated and commented regarding the amount of time a mayor invested in the community and said it was a considerable number of hours. Rick Woidyla addressed credit cards and ethics and asked if we could solve this with a policy and it not needing to be in the charter. Attorney Adams replied for employees it can be solved with policy, but not with Council members as it's clearly stated in the charter. Paul Mayer asked if this topic had been brought to the voters and Council Liaison Mays replied it had come before the voters twice in the past thirty years and a charter amendment was rejected both times and said the provision was to remove the charter language, not replace it. Chair Grant commented that having a compensation topic on the ballot could draw negativity to other proposed charter revisions.

Chair Grant asked Attorney Adams to address Section 47 of the charter. Attorney Adams read the provision as:

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.

He outlined the issue that the city was dealing with, and provided an example with the city's sewer fund, and said with this charter provision it makes it difficult to replace and address maintenance and operations of the city's sewer infrastructure. He stated inflation has outpaced fees and the amount we are able to raise fees. He said our expenses outweigh our ability to increase services to the public in those areas. He asked for Committee questions and presented options for the Committees' consideration (see page 45 of the meeting packet). Options for discussion were presented and he reiterated these were not the only options available to the Committee.

- Remove "Sewer and Storm" from Section 47
- Tie increase to each utility's financial plan
- Tie any increase to CPI or ENR
- Raise from 2% to 4%
- Repeal Section 47

He stated with the exception of a total repeal of Section 47, any other options would be a repeal and replace due to how the charter language is worded. Council Liaison Mays added from his perspective as an elected, the status of the sewer fund was failing, as the city's General Fund was currently loaning the Sewer Fund \$600,000 to do a significant and critical maintenance project, as we didn't have the reserves in that fund. Mr. Shannon asked Attorney Adams if the city had increased the rates the maximum 2% since this provision was put in place? Attorney Adams replied yes, he believed so and stated a fee schedule was brought before the City Council annually. Council Liaison Mays informed the Committee that the City Council adopted a resolution indicating that there would be an annual increase of 2% so that there's no confusion, even though there was a zero-inflation rate, as we knew the fund was at risk. He stated the Water Fund was in decent shape today. He said the challenge with sewer and storm was inflation, and the fact that the city did not control the obligations that we must meet. He stated Clean Water Services (CWS) was responsible for a big part of the expense and charges to the city. He said the work that the city does requires that the CWS standards are met. He said the city does not have options to defer inspections, maintenance, or projects as we have specific requirements that must be met under contract. Mr. Cottle referred to the Water Fund as a comparison in which the city sets the rates, and Liaison Mays replied it's similar but not as extreme because we own so much of the infrastructure. He said when it came to the treatment plant, it's under contract. Mr. Cottle asked how much deferred maintenance was in storm water, sewer and water, that the city would have to pay back to the General Fund or we are delaying tasks. Liaison Mays replied he wasn't sure, but the Council received a critical project alert and obligated the \$600,000. Assistant City Manager Kristen Switzer added that it was done in 2021, and at that point, within ten years we would be about \$1 million short. Mr. Cottle added that it seemed like whatever we do we have to build in something that allows for us to make-up that money as the money has to go back to the General Fund and it's not an option to not pay it back. Ms. Switzer added that City Manager Pro Tem Sheldon indicated that at this point in time it's probably more than \$1

million from the 2021 projection. She stated in regard to the Water Fund, that the recommendation back then was to go to 3% rather than 2% and stated it's not nearly as bad, but we are still short to where we need to be to keep up. Mr. Cottle asked if the language of "No more than CPI, plus 2%, annually" could be added to the current text of Section 47 and maintain the current text as written, allowing for us to get annually whatever the average CPI is plus the 2% to pay for the deferred maintenance. City Attorney Adams replied he thinks that was an option. Mr. Cottle stated his concern with rewriting the section was the response from the public but believed any changes would prompt a significant public uprising. He stated if we target something to fix it, then he believed the public would be okay with it. Mr. Shannon noted that he ran some numbers and stated that we stayed fairly even until 2001. He further explained his research. He said that 2% worked, but that CPI was probably not the index we want to tie to construction. He asked what ENR was and City Attorney Adams replied it's the index tied to engineering. Mr. Shannon added that PPI was suggested, and it also included construction and that was almost double of what the CPI was over the last couple of years. He said he would certainly think about inflation plus a certain percentage and said that 2% probably worked as it would be recognized by the voters. Ms. Kuczer asked if we have other options for raising money for sewer replacement and said it seems like we can do a bond for major sewer replacement projects. A LID was suggested. Liaison Mays replied we can ask the community to tax themselves a certain amount to be paid out over 5-10 years for projected projects, we can do a local option levy, we can do a fixed amount per year for 5 years. He said the potential challenge with this is people asking the location of the projects and if not in close proximity to people would they care and vote for it. Ms. Patterson commented regarding compounding every year and addressing things separately and stated it seems like there was a reason for this being put into place. She said she would not want to lose the spirit of why this clause was put in place and separating it might be a good thing or doing a one-time jump to 5% for the first year and then back down to 2% to cover immediate needs. She said removing a limitation from the charter that people cared enough about to put in the charter feels a bit like we are changing the spirit of things, especially in a high-inflation time. Ms. Diers asked how the \$600,000 taken from the General Fund to pay for the sewer get repaid? Assistant City Manager Switzer replied it comes from the Investment Fund and it's a loan to be paid back. She added that we keep kicking the can down the road and it compounds the problem. Ms. Diers added that her concern with continually asking the public to vote for a bond is that it would be for one thing, which is fine, but what about the continuing maintenance that we are obligated to do? We don't want to be like cities that have failing water and sewer systems. She added we want to keep on top of things as this is the best for the public. Neil Shannon stated, echoing Zana Mays comments, that if we tie an increase to a cost of living, all we have done is stop digging the hole, we haven't filled the hole. He said as a Charter Committee he is not sure that it's our job to fill the hole but feels it's our job to stop making the hole bigger. Mark Cottle stated he thinks Mr. Shannon's comments were good on big projects. He referred to his 30 years of seeing projects that were considered "an emergency" where the city had to get bank loans or take money from other city funds. He referred to the deferred maintenance of \$600,000 and said his idea isn't that the city wouldn't always be able to get the 2% plus CPI, it would be the Council's discretion to say how much was needed. He said the city used to put away 10% of the city's budget for emergencies like this, for them to come up with a methodology, to say for example, that this year we need CPI, but we don't need the 2%. He said his concern with using something else was that very few in the community were going to know. He added that this is also part of a political issue for the Council to resolve on how to sell change. He suggested using the simplest language possible. Lisa Patterson commented regarding stopping the bleeding and not necessarily filling the hole and keeping it simple. She suggested doing a combination of an inflation rate, or 2% whichever is greater to give us flexibility when if the inflation goes below 2%, then we can still go up to 2%, but then we can at least meet inflation. She stated she believed this would seem reasonable to people when everything (costs) kept increasing, but not inflation plus 2%. She said she liked the idea of a bond or a public works fee, so it's not necessarily just for a specific sewer project. Chris West said he agreed with Neil that we needed

to stop the bleeding, and the separate issue was filling the hole. He said he knows the history of this charter amendment and part of the challenge with the electorate is their knowledge of the history. He said the community has newer members and we need to keep that in mind when we think about what we're putting before the electorate as it's different than in 2014-2015. He said he believes they need to address in the charter the means to fix the bleeding but have Council evaluate other ways to fill the hole. Paul Mayer stated that he was on the campaign that put this language into the charter and would be hard-pressed to change it, especially when he sees as a member of the Budget Committee, that 70% of the city's budget was coming from single family homes. He said over 16% of the community were senior citizens who were on fixed incomes, including himself. He said utility and property taxes are 41% of the revenues and referred to Ballot Measure 50 that controlled property tax limits. He said materials and services costs for Broadband, over a three-year period is \$37 million that we have budgeted for including this year's budget. He said \$600,000 is nothing compared to Broadband in the budget. He said he would propose cutting back and taking the money out of Broadband and putting it towards this and not affecting this ballot measure. Mark Cottle added that the problem with the 2% is that it's a hold-harmless fund, meaning that it has to be used for that. He said we have to be responsible enough to say it has to pay for itself, the sewer, water and storm water as they are separate budget items. He said the 2% kicker isn't mandatory and we have to fill the hole as well, and the only way to fill the hole is to authorize.... He asked the Committee if sewer and water should fill their own hole that we have dug for ourselves, or should we take it from some other aspect of the city? He commented that most of the city's budget is not controlled by the city and referred to PERS requirements and said there is not a lot of discretionary funds to raid. He said we have to stop the bleeding and give the ability to fill the hole. He said he doesn't know if 2% or .5% is the right number. Joy Kuczer commenting regarding a transparency clause and a pass-through and gave the example of CWS raising 4% and the city raising it 4% and asked can we have a clause of a straight "pass-through"? She commented about filling the hole and asked if that was a bond or a separate thing. She said at least then that type of stuff isn't baked into our sustaining rates. Mark Cottle added that he didn't think that anyone was suggesting giving them a cart blanche to raise CPI plus some percentage, this would be a discretionary function of the Council and they could be voted out if we didn't like what they were doing. Liaison Mays informed the Committee that the city has dedicated funds, and there's a variety of revenue that is collected for storm and sewer and new development that pays development charges towards new capital projects, not maintenance or replacement. He stated all the SDCs for storm and sewer go into a dedicated fund that cannot be spent on anything but that, and any revenue that is collected on a utility bill for storm or sewer must go to those storm and sewer funds, similar to water and parks. He said the General Fund is supporting these funds and best practice is to not have the General Fund supplement utility funds. He said if the city's General Fund ended up not getting repaid, then we'll need to take general funds from other obligations. He said Broadband is its own fund and the General Fund paid for police, parks, library, and other core services in the city. Paul Mayer recapped a previous Budget Committee meeting and recalled borrowing money from one of the funds to supplement the rest of the money for the bridge project and asked why can't we do that with this? Liaison Mays replied we are currently doing that and explained. Chris West asked Liaison Mays & Mark Cottle in looking back prior to 2015, were fees increased a different percentage if the need in sewer or water was 3 or 4% and something else was 2%, did you actually make those differences in what you did or did you just do an across-the-board. Liaison Mays replied that general best practices for any city is to do updated master plans and do projections on rate increases over time, so we have proper funds to address the needs of capital projects, building, and also maintaining. He said we can only guess what CWS does and shared the example of the current construction project on Tualatin-Sherwood Road that's a \$15 million project and said the city wasn't really consulted. He said we will be paying for it with rate increases. Mr. West clarified his question and Mr. Cottle replied. Mr. West added with the Section 47 limitations, it took away best practices. Liaison Mays confirmed and shared information regarding video filming requirements for sewer lines and using this data for master plans and maintenance plans. Mr.

Cottle commented regarding state mandates for water and sewer, federal mandates, and contractual mandates. Deb Diers asked if we remove the text of "sewer and storm" what does that mean, is it a separate section, a Section 48 indicating how sewer and storm is paid for? Attorney Adams replied if you took it out it doesn't need to become a separate section. She asked how do we account for the sewer and storm charges? Assistant City Manager Switzer replied it's accounted for in the city's fee schedule and explained. Joy Kuczer asked what problem are we trying to solve with the rate increase? To be able to keep up with our vendor rates and other costs that get passed through, are we trying to keep up or trying to keep up and also build a maintenance fund out of this rate? She added that she wants to stay away from trying to solve a temporary problem with a permanent solution. Mark Cottle replied he thinks the answer is both and said you can't do one without the other. He added there is always maintenance to be done and it should come out of this fund. He said this is a dedicated fund. Ms. Kuczer added you can always pass a bond to get this replaced and this is a temporary solution for a temporary problem. Mr. Cottle replied that the \$600,000 is in one area and we know there is deferred maintenance and there will be future maintenance and we can't do a bond every time we need that. He said it has to come from this fund. Liaison Mays added that we are trying to solve both. Mr. Cottle said that he does not know what the percentage should be. He commented regarding CPI and not knowing if this is right, or we can say whatever the vendor charges us, plus some percentage for maintenance. He said when CWS charges the city those charges do not include maintenance, that's for the city to figure out. He stated that he does not know if it's language of a "pass-through, plus costs, and some sort of other percentage to take care of maintenance. Liaison Mays replied he appreciates the conversation and wants to continue it, but if the Committee formulates a recommendation, to keep it simple and transparent. Rick Woidyla asked when we look at the possible solutions with this document, if we are going to be back here in six years, removing water and street fees from this and asked are we solving the core problem by just taking these out? Mark Cottle replied and said we can't do that and referenced the language in Section 47 and explained. City Attorney Adams confirmed that removing the language of "sewer and storm" from Section 47 would not be possible and this is what he meant when he previously spoke about repealing and replacing. Liaison Mays commented that residential rates have stayed at 2% since 2015 and commercial and industrial rates have increased. He said those increases did not prevent the current problem. He said that currently water funds aren't bad but could be a problem if we continue with inflationary times. Brief discussion followed regarding water funds, water projects, cost of power (PGE rates) to operate our pumps, current operating city wells. Liaison Mays added that the nexus from his perspective are best practices, thinking long term, keeping overall rates low for everyone, and programs for those with financial needs. Paul Mayer asked about active wells and Liaison Mays replied. Discussion continued regarding city wells and use.

Chair Grant recapped and said what he is hearing is support for something of the nature of the third option, increase to some indicator plus an amount to cover past obligations and perhaps a reserve fund of some kind. He said we need to direct staff to come back with something to consolidate what's happening here, with conversations revolving around CPI or CPI plus something. Liaison Mays commented regarding everyone on the Committee having an opportunity to comment, and comments were received from Michelle Nedwek. Michelle stated she believes it's important to ensure that between now and six years from now that it's something that will hold up before we do this review again. She stated that she doesn't want to necessarily take the language out of the charter, and this is her hesitation to remove it with option 3. Chris West commented regarding the pass-through and said that he would like staff to look at another option, that instead of a CPI it has some level associated with, when we are not in charge of it, such as CWS, that there's a language option that deals with addressing a pass-through. Paul Mayer stated if we do change it, that there be a clear explanation as to why it's changing. Chair Grant commented regarding the Committee members talking to their respective committees and getting the word out that there is a legitimate reason for the change. He commented that the Committee

is making a recommendation to the City Council and the Council will also do public outreach if they decide to put this decision to the voters. Rick Woodyla stated to help him understand what the best option will be, is for him to have an understanding of CPI plus, ENR plus, etc. and what that looks like on a 10 year horizon or whatever the timeline is for solving this particular problem, and then comparing it to a rate increase of 2-3% or 2-4% and having all the materials in front of us and then choosing which option is best for the tax payers. Mark Cottle asked if we're aware of other cities having this issues and City Attorney Adams replied he is not aware. It was asked if Mr. Adams looked at the LOC and he replied this is unique to Sherwood. Neil Shannon added that this only addresses city fees and if CWS raises their rates by 10% that's a pass-through on the bill and the city doesn't have any control over it. Comments were received that that is not correct, and discussion followed regarding the city's ability to only raise fees up to 2%. Paul Mayer asked Liaison Mays to explain his comments from the prior Charter Review meeting regarding CWS. Liaison Mays recapped the city's history regarding sewer services, including the city's sewer facility previously located near Stella Olsen Park (currently the parking lot), Unified Sewer Agency, now Clean Water Services, the expansion of CWS infrastructure in Washington County and service agreements CWS has with jurisdictions they provided services to. Brief discussion followed and Liaison Mays provided background on the city's water system, regulatory requirements, CWS regulatory requirements regarding street sweeping and storm water systems, and increases in costs associated with maintaining required standards. Deb Diers addressed option 1 and asked what's the downside of pulling out all those third-party people who we don't seem to have any control over their increases but are impacted by them, pulling these out and making it a separate thing. Attorney Adams clarified the question and said he believes the problem with pulling out the language is the preparatory language, and Ms. Diers reiterated, pulling this language out and making it a pass-through. Attorney Adams replied he believe we could. Comments were received that the downside was the community's response and having to rewrite the entire section. Comments were received regarding project labor costs and those being more than 2%, project bidding and challenges. Paul Mayer asked if the city had a seat on CWS's Board and Liaison Mays replied that, no, that the city's representative was Roy Rogers who sits on the Washington County Board of Commissioners, and the CWS Board is made up of the four area County Commissioners and the County Chair. Discussion followed regarding pulling out the language regarding third parties and having passthrough language and having to rewrite the entire section. Comments were received that the Committee could, but they would have to rewrite the entire section as the city's tax, charges and fees are the qualifier and the water and sewer charges are the examples. Discussion followed regarding what the Committee would be providing to the Council as an advisory committee. City Attorney Adams stated that the city's code specifies that a memo is required from the board chair to the Council, and he would assist with that memo indicating the boards consensus. Discussion followed that the Committee would vote on the memo and a vote of six Committee members was required to pass the memo onto the Council. Chair Grant recapped that the Committee would ask staff to prepare language for the Committee to vote on and said the Committee appears to be leaning towards an indicator plus, whether that is CPI or whatever, and have staff confirm that one indicator was more appropriate than others according to the rate changes and come up with a few options for us to consider. Mark Cottle suggested staff prepare options to amend the language and also a complete rewrite and said he likes the "pass-through" language, a percent for future deferred maintenance, etc. He added that the Committee may like two options and can present both to the Council and have the Council make the final decision. Chair Grant recapped again asking staff to prepare an indicator plus 2%, one that would be a pass-through. Lisa Patterson commented regarding the pass-through language and if it was possible for it to be clean/specific and discussion occurred. City Attorney Adams said he and Assistant City Manager Switzer would speak with City Manager Pro Tem Sheldon to get additional insight and could also invite Mr. Sheldon to the next Committee meeting to weigh in. Chair Grant asked the Committee if they were comfortable with the direction provided to staff and no objections were received. Deb Diers commented regarding the language that refers to "50% of

voters" and said on a special election you're never going to get 50% therefore you're guaranteeing it's going to fail and asked if this can be taken out. Comments were received that the language was intentional, and Paul Mayer stated that it was intentional as 5 years prior fees continued to increase. Neil Shannon added that he also recalls that back then there were a lot of issues with school bonds being presented in off-elections to ensure that bonds passed without a lot of people paying attention. Discussion followed. Joy Kuczer commented regarding compensation and getting rewards with the use of personal credit cards and this being an ethical issue, and asked if the city attorney could draft language that indicates if rewards are obtained that this is okay. Comments were received if other city charters had this type of language. Mr. Adams stated the problem with this in the policy question, is that the charter is very clear that the council shall receive no compensation and said you can't go around the charter with policy that allows compensation. Comments were received with various language options. Mr. Shannon thanked staff for their work on the materials provided to the Committee and asked regarding state allowed debt, specifically, what's the city's current debt. Mr. Adams replied he believes the city currently has zero General Obligation bond debt and confirmed the state limit is \$5,000 and explained state statute. Mr. Shannon added that the City Council could pass an ordinance indicating we could have more debt than that and Mr. Adams said or adopt a budget. Mr. Shannon asked if the Committee wanted to discuss city debt language and commented regarding the charter language regarding parks, particularly the issue if the city wanted to sell a portion of a park. He asked staff to remind him of the current policy. City Attorney Adams replied if it's more than five acres, it required a super majority vote of the Council, which is five. He asked if there was interest from the Committee to discuss. Joy Kuczer added that as a member of the Parks Board she also noticed this language and believes it's a good idea to protect our parks. She referred to charter language of neighboring cities regarding public transit and if the Committee should consider this topic. Mr. Shannon replied that neighboring cities have language prohibiting public transit and feels the city is protected because of that. Mark Cottle added that he recalls wetlands being donated to the city for parks and development and maintenance of these parks (tot-lots, pocket-parks) was very expensive for the city. He added that he doesn't know if he wants to limit the Council's ability to say we don't want these types of parks and we have decided to have more regional size parks and get rid of the pocket-parks because they are very expensive to maintain. He added that he doesn't recall they Council threatening or considering selling any of our major parks. Mr. Adams added that he believes the current charter language regarding the five acres was due to the YMCA property. Paul Mayer referred to the data collected by Mr. Shannon and said he believes it would be a good resource. Mr. Shannon indicated he would provide the information to staff regarding CPI and PPI.

6. ADJOURN

Chair Grant adjourned at 7:35 pm.

Attest:


Sylvia Murphy, MMC, City Recorder


Dave Grant, Chair