



Home of the Tualatin River National Wildlife Refuge

CITY COUNCIL MEETING PACKET

FOR

Tuesday, February 25, 2014

**Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon**

Special Meeting

**6:30 pm Work Session - Joint Session with
Charter Review Committee**

7:00 pm City Council Meeting



Home of the Tualatin River National Wildlife Refuge

6:30 PM WORK SESSION

1. Joint session with Charter Review Committee

REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC HEARINGS

A. Resolution 2014-013 Approving Ballot Titles and Explanatory Statements and submitting proposed Charter amendments to City voters

4. ADJOURN

How to Find Out What's on the Council Schedule:

City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, by the Friday prior to a Council meeting. Council agendas are also posted at the Sherwood Library/City Hall, the YMCA, the Senior Center, and the City's bulletin board at Albertson's. Council meeting materials are available to the public at the Library.

To Schedule a Presentation before Council:

If you would like to appear before Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder Sylvia Murphy by calling 503-625-4246 or by e-mail to: murphys@sherwoodoregon.gov

AGENDA

**SHERWOOD CITY COUNCIL
February 25, 2014**

**6:30 PM Work Session
Joint Session with
Charter Review Committee**

7:00 pm City Council Regular Meeting

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

TO: Sherwood City Council

FROM: Joseph Gall, ICMA-CM, City Manager and Sylvia Murphy, MMC, City Recorder
through: Edward Sullivan, Special Counsel to Charter Review Committee

SUBJECT: Resolution 2014-013, a Resolution Approving Ballot Titles and Explanatory Statements and Submitting Proposed Charter Amendments to City Voters

Issue: Shall the City Council approve a resolution approving ballot titles and explanatory statements and submitting proposed charter amendments to City voters for the May 20, 2014 election?

Background:

Since December 2013, the Sherwood Charter Review Committee has been focusing their work on Chapter III, Council and Chapter VII, Elections of the Sherwood City Charter. As a result of their efforts, the Charter Review Committee is recommending a work session with the Council to discuss the proposed ballot titles and explanatory statements. The Committee is recommending that the City Council take the appropriate action to place the charter amendments on the ballot for the May 20, 2014 election.

The Charter Review Committee held 7 meetings and allowed public input to be received at their meetings. In addition, an open house and traditional public hearing was held on February 13, 2014 to solicit input on the proposed charter amendments. Before the City Council acts on these proposed charter amendments, a public hearing is scheduled for Tuesday, February 25, 2014 to obtain additional public comment on the proposed amendments.

In order to achieve the goal of allowing Sherwood voters the opportunity to vote on these amendments on May 20, 2014, action on this resolution needs to occur on or before February 28, 2014 due to state election laws.

As part of this resolution, five draft ballot titles have been developed and approved by the City Attorney per our Municipal Code. The explanatory statements are preliminary and have yet to be finalized at this time and are available in the meeting materials for council consideration.

Financial Impacts:

If this resolution is approved and the charter amendments are placed on the May 20, 2014 ballot, the City of Sherwood will be assessed a charge by Washington County Elections Division for a portion of the election costs. There may be other measures from surrounding jurisdictions or other organizations on the May ballot resulting in shared election costs.

Recommendation:

Staff respectfully requests City Council adoption of Resolution 2014-013 approving ballot titles and explanatory statements and submitting proposed charter amendments to City voters for the May 20, 2014 election.



RESOLUTION 2014-013

APPROVING BALLOT TITLES AND EXPLANATORY STATEMENTS AND SUBMITTING PROPOSED CHARTER AMENDMENTS TO CITY VOTERS

WHEREAS, The Sherwood City Council appointed a Charter Review committee in December 2013 comprised of members of the community; and

WHEREAS, The Committee met several time to discuss potential charter amendments, receive public comment and held an open house and public hearing; and

WHEREAS, The City Council and Committee met in a work session on February 25, 2014, the Council held a public hearing and has determined to submit to the voters of Sherwood ballot measures proposing amendments to the charter.

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

Section 1. An election is called for the City of Sherwood, Washington County, Oregon for the purpose of submitting to City voters the five proposed amendments to the City's home rule charter as set forth in Exhibit K.

Section 2. Tuesday, May 20, 2014 is designated as the date for holding the election for voting on the measures.

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

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

Section 5. The Ballot Titles will read as set forth in the following Exhibits:
Exhibit A – Election of Councilors by Position
Exhibit C – Adoption of Council Rules
Exhibit E – Public Comment at Each Regular Meeting
Exhibit G – Term Limits
Exhibit I - Vacancies

Section 6. The Mayor is authorized to sign, and the City Recorder is authorized to submit for publication in the Washington County voters' pamphlet on behalf of the City the explanatory statements set forth in the following exhibits:
Exhibit B – Election of Councilors by Position
Exhibit D – Adoption of Council Rules
Exhibit F – Public Comment at Each Regular Meeting
Exhibit H – Term Limits
Exhibit J – Vacancies

Section 7. The City Manager and City Recorder shall take all steps on behalf of the City as necessary to carry out the intent and purposes of this resolution in compliance with state and local law including but not limited to filing this measure with Washington County Elections and publishing the Ballot Titles as required by State law.

Section 8. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 25th day of February 2014.

Bill Middleton, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Exhibit A
Resolution 2014-013

Ballot Title

CAPTION: CHARTER REVISIONS REGARDING COUNCILOR POSITIONS

QUESTION: Shall Sherwood Charter be revised to eliminate councilor positions and elect councilors from candidates by highest number of votes cast?

SUMMARY: This measure would amend the current city charter Chapter 3, Section 7-Council by removing the provision of “elected from the city by position” and reverting to the prior system of “elected from the City.”

The Oregon Constitution gives city voters the right to adopt, amend and revise a charter. The charter grants legal authority to the city and sets duties. Sherwood voters adopted the current charter in May 2005.

The proposed revision removes “by position” language adopted in May 2005 and reverts to an election process that existed prior to the May 2005 election. The current process assigns position numbers to councilors, thereby requiring a candidate to file for a particular position, sometimes running against an incumbent for a particular council position.

The former election process did not indicate position numbers so that candidates would file and the individuals receiving the most votes would be elected to fill city council seats. (152 words)

CITY OF SHERWOOD
MEASURE TO AMEND CITY CHARTER

EXPLANATORY STATEMENT - Positions

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. Sherwood voters adopted the current City Charter in 2005. It has not been amended or revised since then. The proposed Charter amendments are being brought before city voters on the May 20, 2014 Ballot.

This proposed measure would amend the current City Charter Chapter 3, Section 7-Council by removing the provision requiring councilors to be “elected from the city by position” and reverting to the prior system whereby councilors would be “elected from the City.”

The current process has assigned position numbers to councilors and a candidate must file for a particular position, running against the incumbent and vying for that seat.

The measure would return city elections to the former election process in which candidates did not indicate position numbers but, instead, candidates would file for to run for the city council and the candidates with the most votes from the electorate would be elected as City Councilors to fill the vacant seats.

The City Council formed a Charter Review Committee in 2013 comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback, held an open house and a public hearing on the proposed amendments. The Committee and City Council met to review the amendments, and the City Council held a public hearing to received citizen input.

If approved by the voters, the revisions will take effect upon the City Council adoption of the May 20, 2014 election results. (262 words, 500 max)

Exhibit C
Resolution 2014-013

Ballot Title

CAPTION: CHARTER REVISIONS – COUNCIL RULES

QUESTION: Shall Charter provisions pertaining to Council Rules be revised?

SUMMARY: This measure would amend the current City Charter Chapter 3, Section 10-Rules, by removing the following: “The council must by resolution adopt rules to govern its meetings.” and substituting: “In January after each general election, the council shall adopt council rules by resolution”.

The Oregon Constitution gives city voters the right to adopt, amend and revise a charter. The charter grants legal authority to the city and sets duties. Sherwood voters adopted the current charter in May 2005.

The proposed revisions require review of adopted council rules by the newly elected body after a general election. (96 words)

Exhibit D
Resolution 2014-013

CITY OF SHERWOOD
MEASURE TO AMEND CITY CHARTER

EXPLANATORY STATEMENT - Rules

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. Sherwood voters adopted the current City Charter in 2005. It has not been amended or revised since then. The proposed Charter amendments are being brought before city voters on the May 20, 2014 Ballot.

This measure would amend the current City Charter Chapter 3, Section 10-Rules by removing the following provision: "The council must by resolution adopt rules to govern its meetings" and replacing it with the following language: "In January after each general election, the council must by resolution adopt council rules."

The proposed revision requires review of adopted council rules by the newly elected governing body after a general election.

The City Council formed a Charter Review Committee in 2013 comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback, held an open house and a public hearing on the proposed amendments. The Committee and City Council met to review the amendments, and the City Council held a public hearing to received citizen input.

If approved by the voters, the revisions will take effect upon the City Council adoption of the May 20, 2014 election results. (210 words, 500 max)

Exhibit E
Resolution 2014-013

Ballot Title

CAPTION: CHARTER REVISIONS – PUBLIC COMMENTS

QUESTION: Shall Charter provisions pertaining to Public Comments be revised?

SUMMARY: The measure would amend City Charter Chapter 3, Section 11-Meetings to add the following provision to the existing language: “The council shall afford an opportunity for general public comment at each regular meeting.”

The Oregon Constitution gives city voters the right to adopt, amend and revise a charter. The charter grants legal authority to the city and sets duties. Sherwood voters adopted the current charter in May 2005.

The proposed revisions require an opportunity for public comment at each regular council meeting. (82 words)

CITY OF SHERWOOD
MEASURE TO AMEND CITY CHARTER

EXPLANATORY STATEMENT – Public Comments

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. Sherwood voters adopted the current City Charter in 2005. It has not been amended or revised since then. The proposed Charter amendments are being brought before city voters on the May 20, 2014 Ballot.

The measure would amend Chapter 3, Section 11-Meetings by adding the following provision to the existing language: “The council shall afford an opportunity for general public comment at each regular meeting.”

The proposed revisions require public comments to be received at each regular meeting.

The City Council formed a Charter Review Committee in 2013 comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback, held an open house and a public hearing on the proposed amendments. The Committee and City Council met to review the amendments, and the City Council held a public hearing to received citizen input.

If approved by the voters, the revisions will take effect upon the City Council adoption of the May 20, 2014 election results. (186 words, 500 max)

Exhibit G
Resolution 2014-013

Ballot Title

CAPTION: CHARTER REVISIONS - TERM LIMITS

QUESTION: Shall the Charter be amended to clarify term limits provisions and prohibit councilors from serving more than three consecutive terms?

SUMMARY: This measure would:

Amend the current city charter Chapter 7, Section 24-Councilors by removing unnecessary language and adding the provision of, “No councilor shall serve on the council more than three consecutive terms.”

Amend Section 25-Mayor, by removing incorrect language of, “at every other” general election and removing transition language no longer necessary. The mayor’s term shall remain, with no limits specified, as at present.

Amend Section 29-Terms, by adding language of, “irrespective of any applicable term limit.”

The Oregon Constitution gives city voters the right to adopt, amend and revise a charter. The charter grants legal authority to the city and sets duties. Sherwood voters adopted the current charter in May 2005.

The proposed revision establishes councilor term limits to three consecutive terms, cleans up language pertaining to the mayor, retains mayoral term as is, and adds clarification language to terms for elected officials. (145 words)

CITY OF SHERWOOD
MEASURE TO AMEND CITY CHARTER

EXPLANATORY STATEMENT – Term Limits

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. Sherwood voters adopted the current City Charter in 2005. It has not been amended or revised since then. The proposed Charter amendments are being brought before city voters on the May 20, 2014 Ballot.

This measure would amend Chapter 7, Sections 24-Councilors and 25-Mayor by removing unnecessary language pertaining to positions, setting term limits for councilors and removing unnecessary transitional language. It would also amend Section 29-Terms as noted below.

The current language in Section 24 states: “At each general election after the adoption, three councilors will be elected for four-year terms by position. The terms of councilors in office when this charter is adopted are the terms for which they are elected.”

The measure would amend Section 24 to read in its entirety: “At each general election three councilors will be elected for four-year terms. No councilor shall serve on the council more than three consecutive terms.”

This measure would amend Section 25-Mayor. The current language states: “At every other general election after the adoption, a mayor will be elected for a two-year term. The mayor in office when this charter is adopted is the term for which the mayor was elected”.

The measure would amend Section 25 to read in its entirety: “At every general election a mayor will be elected for a two-year term”.

This measure would amend Section 29-Terms, by adding language of, “irrespective of any applicable term limit” to the end of the existing language. The section would read in its entirety: “The term of any officer elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office irrespective of any applicable term limit.”

The City Council formed a Charter Review Committee in 2013 comprised of Sherwood residents to review and proposed amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback, held an open house and a public hearing on the proposed amendments. The Committee and City Council met to review the amendments, and the City Council held a public hearing to received citizen input.

If approved by the voters, the revisions will take effect upon the City Council adoption of the May 20, 2014 election results. (394 words, 500 max)

Exhibit I
Resolution 2014-013

Ballot Title

CAPTION: CHARTER REVISIONS -VACANCIES AND FILLING VACANCIES

QUESTION: Shall Charter provisions pertaining to vacancies and filling vacancies be revised?

SUMMARY: This measure would amend Chapter 7, Section 31-Vacancies and Section 32-Filling Vacancies by:

Adding a new provision to Section 31, a.4, regarding when an office becomes vacant, by “*election to a different City office.*”

Amending Section 31, b.2 regarding absences from the City by removing language of, “from three consecutive regular council meetings” and replacing with, “*all meetings in a 60 day period.*”

Amending Section 32 by adding the italicized text to existing language, “a mayor or councilor vacancy will be filled by an election if 13 months or more remain in the office term, “*or by appointment of the majority of the council within 45 days if less than 13 months remain.*”

Amending by replacing italicized language of “*may be*” to “*shall be*”, “A mayor or council vacancy *may be* filled by appointment by a majority of the remaining council members.”

The amendments thus add provisions of when an office becomes vacant, addresses allowed period of time an elected may be absent from City and adds language for filling vacancies in a timely manner. (175 words)

CITY OF SHERWOOD
MEASURE TO AMEND CITY CHARTER

EXPLANATORY STATEMENT – Vacancies & Filling Vacancies

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. Sherwood voters adopted the current City Charter in 2005. It has not been amended or revised since then. The proposed Charter amendments are being brought before city voters on the May 20, 2014 Ballot.

This proposed measure would amend Chapter 7, Section 31-Vacancies and Section 32-Filling Vacancies. The amendments adds provisions of when an office becomes vacant, addresses the allowed period of time an elected may be absent from the City and adds language for filling vacancies in a timely manner of within 45 days.

The measure would add a new provision to Section 31, creating subsection a.4, thereby adding a new category describing when an office becomes vacant, in particular, by “*an election to a different City office*”.

The measure would amend subsection b.2 of Section 31 regarding absences from the City by removing a provision that allows the council to declare a position vacant if the incumbent is absent “from three consecutive regular council meetings” and replacing that provision with a new provision that would allow the council to declare a position vacant if the incumbent misses “*all meetings in a 60 day period*”.

The measure would also amend Section 32 by adding the italicized text to existing language: “a mayor or councilor vacancy will be filled by an election if 13 months or more remain in the office term, “*or by appointment of the majority of the council within 45 days if less than 13 months remain.*”

Finally, the measure would amend Section 32 by replacing italicized language of “*may be*” to “*shall be*” in the following sentence: “A mayor or council vacancy *may be* filled by appointment by a majority of the remaining council members.”

The City Council formed a Charter Review Committee in 2013 comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback, held an open house and a public hearing on the proposed amendments. The Committee and City Council met to review the amendments, and the City Council held a public hearing to received citizen input.

If approved by the voters, the revisions will take effect upon the City Council adoption of the May 20, 2014 election results. (387 words)

Exhibit K
Resolution 2014-013

This exhibit shows the proposed amendments to the Sherwood City Charter. The deletions are shown in ~~striketrough~~, and additions are **Bolded**.

Ballot Title – Positions:

Section 7. Council. The council consists of a mayor and six councilors nominated and elected from the city ~~by position~~.

Ballot Title – Council Rules:

Section 10. Rules. ~~The council must by resolution adopt rules to govern its meetings~~ **In January after each general election, the council shall adopt council rules by resolution.**

Ballot Title – Public Comments:

Section 11. Meetings. The council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with council rules. **The council shall afford an opportunity for general public comment at each regular meeting.**

Ballot Title – Term Limits:

Section 24. Councilors. At each general election ~~after the adoption~~, three councilors will be elected for four-year terms. **No councilor shall serve on the council more than three consecutive terms.** ~~by position. The terms of councilors in office when this charter is adopted are the terms for which they were elected~~

Section 25. Mayor. At every ~~other~~ general election ~~after the adoption~~, a mayor will be elected for a two-year term. ~~The mayor in office when this charter is adopted is the term for which the mayor was elected.~~

Section 29. Terms. The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election, and

continues until the successor qualifies and assumes the office **irrespective of any applicable term limit.**

Ballot Title – Vacancies:

Section 31. Vacancies. The mayor or a council office becomes vacant:

(a) Upon the incumbent's:

- (1) Death,
- (2) Adjudicated incompetence, ~~or~~
- (3) Recall from the office, **or**
- (4) Election to a different city office.**

(b) Upon declaration by the council after the incumbent's:

- (1) Failure to qualify for the office within 10 days of the time the term of office is to begin,
- (2) Absence from the city for 45 days without council consent, ~~or from three consecutive regular council meetings~~ **all meetings in a 60 day period,**
- (3) Ceasing to reside in the city,
- (4) Ceasing to be a qualified elector under state law,
- (5) Conviction of a public offense punishable by loss of liberty,
- (6) Resignation from the office, or
- (7) Removal under Section 33(i).

Section 32. Filling Vacancies. A mayor or councilor vacancy will be filled by an election if 13 months or more remain in the office term **or by appointment of the majority of the council within 45 days if less than 13 months remain.**

The election will be held at the next available election date to fill the vacancy for the remainder of the term. A mayor or councilor vacancy ~~may be~~ **shall be** filled by appointment by a majority of the remaining council members. The appointee's term of office runs from appointment until the vacancy is filled by election or until expiration of the term of office if no election is required to fill the vacancy.