



**SHERWOOD CHARTER REVIEW COMMITTEE**  
**22560 SW Pine St., Sherwood, Or**  
**December 5, 2013**

## **MEETING PREPARATION**

### **1. Introductions**

City Manager Joseph Gall welcomed the Committee members and thanked them for their service. He gave an overview of the meeting agenda. He said the work done by the Committee may end up before the City Council and eventually the voters and he reminded the members that the City Charter is the equivalent of the Constitution and can only be changed by the citizens. He asked all the members to introduce themselves.

### **2. Review Resolution and process to form Committee**

City Manager Gall referred to the packet of material provided to the Committee (see record, Exhibits A-K). He said at the City Council 2013 Goal Setting session the Council identified a need for a comprehensive review of the City Charter. He noted that the City Council took a unique approach by taking a representative from each of the 6 City Boards and Commissions. The City Council also felt the need for 3 citizen at large members. He stated the Committee will decide how they are going to operate. He stated the committee will have a Council Liaison, Councilor Linda Henderson. He referred to the expectations document in the materials provided, (see Resolution 2013-055).

### **3. Review of meeting packet materials**

City Manager Gall, City Recorder Sylvia Murphy and Council Liaison Henderson reviewed the following meeting materials provided to the committee.

- Exhibit A - Current City of Sherwood City Charter
- Exhibit B - Public Records & Meetings
- Exhibit C - 2014 State of Oregon Elections Calendar
- Exhibit D - Resolution 2013-055
- Exhibit E - Resolution 2013-061
- Exhibit F - City of Tualatin City Charter
- Exhibit G - City of West Linn City Charter
- Exhibit H - City of Newberg City Charter
- Exhibit I - City of Wilsonville City Charter
- Exhibit J - City of Happy Valley City Charter
- Exhibit K - City of Forest Grove City Charter

City Manager Gall was asked to summarize previous attempts to amend the City Charter. He stated that he is working with City Recorder Sylvia Murphy to compile this information for the Committee. He said there was a Charter amendment on the ballot in 2011 that failed. Brief discussion followed.

Council Liaison Henderson said the City Charter was changed in the spring of 2005 to a Home Rule Charter and in November 2005 to allow the City to go to the Willamette River for its water. She also mentioned there was an attempt to change the City Charter in 2011 and said there was not a Charter Review Committee established at that time. She commented on the examples of Charters provided and said she appreciates when they include information noting the legislative history that formed the language and would like the Committee to consider this when reviewing the Charter.

City Manager Gall commented that Renee Brouse from the YMCA will serve as the Citizen at Large Alternate.

#### **4. Review meeting calendar and referral process and timelines**

City Recorder Sylvia Murphy explained Exhibit B and Exhibit C and said she will bring back a more detailed timeline based on the dates the Committee decides to meet including a calendar for the meeting room. She gave an overview of the process, including the Committee submitting proposed amendments to the Council, Council adoption of proposed amendments, drafting legislation and adoption of ballot titles, public noticing requirements and election processes leading to a referral to the voters. She explained she would bring back to the Committee a more detailed timeline of the processes. She explained the Council spoke of election target dates for earlier in 2014 and gave the example of potential amendments that affected the Mayoral term limit and having the Charter language in place in time for a November 2014 election as Council positions will be on this ballot. She informed the Committee members the City needed to allow 6-8 weeks upon the work of the Committee concluding for processes and procedures to occur for a particular election date.

City Manager Gall stated the Council had targeted the May 2014 election, which means most of the work would have to be done by the end of January to the middle of February and said there are four options to consider.

#### **5. Review of City Council priorities**

Council Liaison Henderson provided the Committee with a handout (Exhibit L) summarizing the concerns or items in the Charter that the Council members she spoke with would like the Committee to consider. Ms. Henderson explained and gave an example. She stated the items listed are for the consideration of pros, cons, usefulness, modifications and amendments.

#### **6. Selection of Chair**

City Manager Gall asked for nominations for the Committee Chair. Beth Cooke nominated Patrick Allen. Neil Shannon seconded the nomination and also nominated Brian Stecher. Brian Stecher declined the nomination. With no other nominations heard, Ms. Cooke stated she spoke with Mr. Allen and he is willing to serve. The following vote was called.

**Motion and Vote: Motion from Beth Cooke to appoint Pat Allen as Chair, seconded by Neil Shannon. Motion passed with all present Committee members voting in favor, (Pat Allen and Bob Silverforb were absent).**

## **7. Selection of Vice Chair**

Mr. Gall said in the absence of the Chair the Committee should select a Vice Chair. Jennifer Kuiper nominated Neil Shannon and he accepted the nomination. Brian Stecher seconded the nomination. No other nominations were received.

**Motion and Vote: Motion from Jennifer Kuiper to appoint Neil Shannon as Vice Chair, seconded by Brian Stecher. Motion passed with all present Committee members voting in favor, (Pat Allen and Bob Silverforb were absent).**

City Manager Gall turned over the meeting to Vice Chair Neil Shannon.

## **REGULAR MEETING**

- 1. Call to Order:** Vice Chair Neil Shannon officially called the meeting to order at 7:11 pm.
- 2. Committee Members Present:** Budget Committee Representative Vice Chair Neil Shannon, Planning Commission Representative Beth Cooke, SURPAC Representative Charlie Harbick, Citizen at Large Jennifer Kuiper, Library Advisory Board Representative Jack Hoffbuhr, Cultural Arts Commission Representative Alyse Vordermark and Parks Advisory Board Representative Brian Stecher, Citizen at Large Patrick Allen and Citizen at Large Bob Silverforb were absent.
- 3. Staff and Council Liaison Present:** City Manager Joseph Gall, City Council Liaison Councilor Linda Henderson, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.
- 4. Ratify selection of Chair and Vice Chair:**

Vice Chair Neil Shannon called for a vote to ratify the selection of Chair and Vice Chair.

**Vote: Ratify Chair Patrick Allen and Vice Chair Neil Shannon. All present Committee members voted in favor, (Pat Allen and Bob Silverforb were absent).**

- 5. Discussion on process that Committee wants to consider utilizing in reviewing Charter:**

Vice Chair Neil Shannon asked for feedback from the Committee members on meeting proceedings, conducting weekly or bimonthly meetings, and goals of the members.

Brian Stecher asked what the expectations are, if the committee would be putting forward multiple amendments or a single amendment and depending on the expectation, this would determine his recommendation of the approach. He commented regarding the previous attempt to amend the City Charter and lack of public involvement and believes this is a good step to involve the public.

Council Liaison Henderson stated she does not speak on behalf of the City Council and stated based on previous attempts to amend and previous amendments, she would like it if amendments were not

lumped together as it is difficult for the voters to try to decipher what the amendments mean. She stated she recommends listing each amendment separately, with a separate ballot title and separate explanatory statement.

City Manager Gall stated this is the most common approach and gave examples of other jurisdictions and his experience participating on a charter review committee.

Brian stated he believes this is a good approach and the committee can go through the Charter section by section and provide suggestions, and by the next meeting bring in their recommended changes and discuss them in order by section as they appear in the Charter. He stated this will allow the Committee to see what changes have momentum for a ballot and which ones do not.

Alyse Vordermark suggested in addition to Brian's recommendations, during the first meeting we try to address the meeting topics by Charter chapter so we know what the goal is for each particular meeting and if there is a particular chapter that needs more time for discussion we can allow more time. She said this allows us to keep going and have our homework for each meeting.

Vice Chair Shannon replied we could identify that as part of the agenda. Ms. Vordermark added this allows for citizens that feel strongly about a particular subject to know what the discussion is going to be and not have to come to every meeting.

Jack Hoffbuhr stated he agrees with the suggestions provided and added he believes the election date will be critical in determining how often the committee meets and if we select the May 2014 election we could be meeting weekly. He said we need to think about which election date to target. He commented regarding "cleanup" items such as the Willamette River language and incinerators. He commented regarding not knowing if cleanup needed to go to a vote and if the committee needed an amendment specifically for cleanup. He said he did not want an amendment specifically for cleanup unless we have to do it that way.

City Manager Gall stated the only ones that can change the Charter are the voters and it has to be on a ballot, he said this has always been his understanding. He said staff was looking at the specific language of the Willamette River as the voters approved going to the Willamette and the language is still in the Charter. He said this is a "cleanup" item and said how it is removed is an unanswered question.

Neil Shannon said he had concerns with the previous attempt to amend the Charter because of how it was proposed and had concerns with the term of the Mayor. He explained he agrees with the idea of breaking out the amendments into sections and this being more efficient in the long term. He added he believes the Committee needs to get public input and said he believes it's more effective at the beginning of the meeting which allows people to present ideas before we discuss the objectives versus the Committee making decisions and then receiving comments. He asked the City Recorder if the Committee could limit the amount of time that public comment is involved, and not just limiting individuals but the entire timeframe of public comment.

The City Recorder replied the Committee can limit the time and they can choose to accept or not accept public comments. She recommended the committee follow the current processes used by the Council and the other Boards & Commissions, using the sign in form that indicates a four minute limit. She said a lot of the language on the form was adopted by legislation. She said it is at the

discretion of the Committee to allow the amount of time and gave the example of having a large audience and reducing the amount of time to allow everyone to speak.

Mr. Stecher suggested the Committee could ask the public to submit comments in writing to not take time away from the meeting and still allow public comment.

Ms. Kuiper asked if the time limit could be changed at each meeting or if it had to be set.

The City Recorder stated it can be changed at each meeting and agreed it was a good idea to receive written comments as well as the comments that go into the public record and this allows the committee members to review and reference them and allows the community to see them. She informed the Committee they will have a page on the City website with posted meeting materials as well as the meeting video. She said the Committee will have a City email address established to receive public comments and explained the options for providing those communications to the Committee.

City Manager Gall stated he has experienced receiving public comments at the beginning and at the end of a meeting and this working well.

Ms. Kuiper stated the comments received from Brian and Alyse is what she had in mind and said she would like to have before each meeting identification of what they will be discussing to allow time to prepare. She said she would like a copy of the League of Oregon Cities standard Charter. Staff confirmed the model LOC Charter can be provided.

Mr. Harbick commented regarding the previous Charter amendment attempt and the information being lumped together and asked what the issues on that amendment were. He said he recalled one of the proposed amendments was the Mayoral term. Council Liaison Henderson replied it was a change to the Mayoral term from 2 years to 4 years and going back to voting at large as opposed to by position and some scrivener language cleanup.

Vice Chair Shannon replied it was Resolution 2011-063 adopted July 19, 2011 and said the minutes should indicate the details. City Manager Gall offered to provide the Committee members with this history.

Mr. Harbick stated he recalls people not liking the process of placing the amendment on the ballot. He added the Committee needs to decide a timeline as this has a bearing of how often the Committee will meet.

Ms. Kuiper commented regarding being concerned with reviewing individual amendments and this taking more time and not knowing how much time this would take and doesn't believe the Committee can set now how often they meet.

Ms. Cooke stated she agrees with Brian and Alyse's comments regarding an agenda for each meeting and it being important to receive public input on particular agenda items. She suggested using a public process for receiving comments similar to what was used during the Town Center discussions with having an open meeting with multiple tables with discussions by topic and having Committee members man a table to receive comments. She said this was a successful process in receiving valuable input.

Council Liaison Henderson stated Mayor Middleton who was present in the audience, suggested due to the November 2014 election there are some Charter amendments that are time sensitive and some that are not and the Committee may want to spend more time considering them and could split out the amendments that are time sensitive and propose amendments for the May elections and others in September or November.

Ms. Cooke and Mr. Shannon voiced this was a good idea.

The Committee received a request from an audience member to provide public comment, Chair Shannon agreed to accept.

Kurt Kristensen said the Committee is revising the constitution of the City and believes this is a serious matter and suggested the Committee members find time to dedicate to this. He stated the suggestions of splitting out topics that are time sensitive has some merit but in general, he would not be fearful of erroring on the side of taking the time to reflect. He said people need time to digest this type of information and when the Committee puts this out to the voters they need to ensure they have a bull's-eye and not putting forward something that will not pass a vote. He suggested the members take the time and use their conscious and ethics and not let politics dictate the speed of this process.

#### **6. Discussion on what Committee will need from staff:**

Vice Chair Shannon stated the Committee outlined the need for a calendar, LOC Model Charter and history of City Charter amendments.

#### **7. Decision on upcoming meeting schedule**

Vice Chair Shannon proposed the next meeting occur in two weeks on December 19. Discussion occurred with what the Committee should bring back in two weeks, proposed amendments? Mr. Shannon stated he believes the Committee needs to see the history and the calendar and asked staff when these items would be available. The City Recorder replied by Monday and Mr. Shannon suggested the documents be emailed to the Committee members. He suggested addressing the Charter in segments and asked the Committee members to review the Charter and identify "natural breaks" and the Committee could discuss them on the 19<sup>th</sup>. He also suggested providing ideas for specific items to allow discussion for putting together a timeline.

Ms. Kuiper asked for time to digest the information and make sure she understands the detail of the Charter and said she would like the Committee to be all on the same page and commented regarding verbiage being defined differently by Committee members and this causing confusion. She suggested the members read the Charter, digest it, and return with clarifying questions.

Ms. Cooke suggested reviewing the LOC Model Charter and examine what we currently have, before suggesting amendments and developing ideas from there. The question was asked if the current City Charter was modeled after the LOC Charter. Ms. Henderson confirmed it was and explained many Cities have modeled their Charter from the LOC model. She suggested looking at other cities and other state Charters and stated it is up to the Committee to suggest amendments.

City Manager Gall shared information regarding his prior experience on the Multnomah County Charter Review Committee. Comments were received to not work in a vacuum and contacting other

cities to see how their Charter is working for them. City Manager Gall offered staff to help and do research for the Committee.

Vice Chair Shannon confirmed the next meeting date as December 19, 2013 at 6:30 pm, meeting to be held in the City Hall Community Room.

The City Recorder explained the process of staff providing support in drafting an agenda template and posting the meeting notice. She stated the meeting topics would be at the discretion of the Committee.

The Committee asked to receive public comments.

Anthony Bevel Sherwood resident stated he applied for this committee and feels the process of being nominated or accepted is skewed as everyone on the committee is already on a committee and although this is good as everyone is familiar with processes he feels the members are a step above the regular citizen, which he felt he was. He said he believes everyone here has an interest they will protect whereas a citizen such as himself could come in with an open mind. Ms. Kuiper pointed out she is a citizen member of the committee.

Mr. Kristensen provided documents to the City Recorder and the Committee members.

## **8. Adjourn**

Vice Chair Neil Shannon adjourned the meeting at 7:55 pm.

Submitted by:

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Sylvia Murphy, MMC, City Recorder

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Vice Chair Neil Shannon