



SHERWOOD CHARTER REVIEW COMMITTEE
22560 SW Pine St., Sherwood, Or
December 19, 2013

REGULAR MEETING

- 1. Call to Order:** Chair Pat Allen officially called the meeting to order at 6:34 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, Parks Advisory Board Representative Brian Stecher, and Citizen at Large Bob Silverforb.
- 3. Staff and Council Liaison Present:** City Manager Joseph Gall, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy. City Council Liaison Linda Henderson arrived at 6:37 pm
- 4. Approval of December 5, 2013 Meeting Minutes**

MOTION: FROM NEIL SHANNON TO APPROVE THE DECEMBER 5, 2013 MEETING MINUTES, SECONDED BY ALYSE VORDERMARK, MOTION PASSED 9:0, ALL MEMBERS VOTED IN FAVOR.

Chair Allen confirmed the public comment time limit would be four minutes.

5. Public Comments

Kurt Kristensen came forward and stated he is a resident and participant in City government. He stated he is pleased with the City having a Charter Review Committee and commented regarding previous public comments received from a committee member that the committee is a "stacked deck". He commented regarding membership of the committee being appointed by the former Mayor or current Mayor. He commented regarding Chair Allen's tenure on the planning commission and current position on the School Board. He stated he believes the general impression of the citizens is that this committee is a "stacked deck". He stated the work of the committee will be looked at through that lens and appreciates the good housekeeping work the committee can do. He said the City has failed to open up City government and hearings in a manner that allows people to participate. He referred to documents he submitted at the prior meeting and offered to provide them again if needed. He said he has reviewed the information submitted by some of the committee members and likes the idea of having public comments at the beginning of the meeting. He referred to comments submitted by Brian Stecher and said he believes it needs to be more specific and would like language in the Charter to include an opportunity for the public to address. He said he likes the idea of neither the Mayor nor Council having

relatives employed by the City and said we have had many of those issues in the past. He suggested moving away from appointed and stacking and we need to consider how people at the Council level and various committees are elected, he said to elect them and not stack it by having Mayor's appoint them. He referred to the tenure of some of the members being more than a decade and said this is not representative government. He said he believes there has been enough near corruption in the City to where he would suggest creating an ombudsman for the City where citizens can go if they meet a blank wall. He commented regarding the Willamette River issue and this being a done deal and said in 2005 the Charter called for not only a win by majority but it called for the majority of the voters to be present at that election and that did not happen. He said he does not believe this was a scrivener's error and it was a very hot election with a lot of money involved and said he does not want to see that pass unless he is assured that we have in fact water rights to the Willamette River. He said he is troubled by the fact of the promised benefits at Washington County and said Tualatin Valley Water System has recently said they are not going to use Sherwood's pipelines. He commented regarding political promises made in 2005 that water rates would decrease because of those people wanting to use our pipelines. He suggested the Committee take caution when addressing this issue.

6. Staff Report (materials requested by the Committee)

City Recorder Sylvia Murphy introduced the following documents into the record which were distributed to the Committee and made available to the public. She stated the following committee members submitted feedback based on the discussion at the prior meeting.

Exhibit A – Brian Stecher feedback on Charter review and amendments

Exhibit B – Jennifer Kuiper's feedback on Charter review and amendments

Exhibit C – Neil Shannon's feedback on Charter review and amendments

Ms. Murphy stated the committee at the previous meeting requested the following information.

Exhibit D – League of Oregon Cities Model Charter for Oregon Cities

Exhibit E – 2014 Calendar, indicating election date deadlines and meeting room availability

Exhibit F - City of Sherwood Charter Amendment History, 1984 through 2011

Discussion occurred regarding the committees target date to have a recommendation before the Council in order to make the May 2014 ballot and allowing approximately 8 weeks for the Council process to occur. Discussion occurred regarding using multiple election dates to consider Charter amendments and taking into consideration the specific amendments.

7. Review of the Chapter III – Council

A. Section 7. Mayor and six councilors

The committee discussed the following: at-large verses by position and the language of "nominate".

B. Section 8. Mayor

The committee discussed the following: Mayoral veto power in comparison to how it is written in the model charter and discussed Mayoral appointment of committee members with approval of the council.

C. Section 9. Council President

The committee addressed this section, and no issues or concerns were raised.

D. Section 10. Rules

The committee discussed the current Council Rules adopted in 2007.

E. Section 11. Meetings

The committee discussed this section and its reference in the Council Rules.

F. Section 12. Quorum

The committee discussed this section and it was suggested to clarify to allow for better understanding.

G. Section 13. Vote Required

The committee addressed this section, no issues or concerns were raised.

H. Section 14. Record

The committee addressed this section and the City Recorder suggested language indicated requirements of state law and public meeting law.

Chair Allen recapped the items for the committee to continue discussions:

- What "nominated" means
- Section 7-Elections by position.
- Section 8- Veto and committee appointments, where they potentially exist in model charters.
- Section 10-Rules
- Section 12-Clarifying quorum
- Section 14-Clean up records language, consistent with state law.

The committee discussed the following areas of language currently not in the charter:

- Public Comment
- Work Session discussion and ability for public to access
- Executive Sessions

The City Recorder explained the requirements of abiding by state law for public meetings and executive sessions.

8. Review of Chapter VII – Elections

1. Section 24. Councilors

The committee addressed this section and “by position” language verses “at-large”, term limits and the definition of “after adoption”.

2. Section 25. Mayor

The committee addressed length of term and term limits. The committee discussed what is a “general election” and clarifying the language to address inconsistencies or errors.

3. Section 26. State Law

The committee addressed this section and the language of “as the charter provides otherwise”.

4. Section 27. Qualifications

The committee addressed this section and a consideration of the Council to consider an 18 month residency requirement verses a 12 month requirement. Clean up language for item B “no person” to “a person”. Consider adding an item D of, “neither the mayor nor councilor may hold another state or local government elected office”. The committee addressed grammar cleanup and opportunities to address this in the process of amendments, nepotism language, section D and language of “the council being the final judge” and what this means when qualifications are clearly defined. Chair Allen provided an example and the committee discussed language of “final verification” verses “final judge”. Staff offered to provide information on nepotism.

5. Section 28. Nominations

The committee addressed this section and confusion of the language and if it is legally necessary by election law. It was noted this is language in the model charter. The committee discussed ordinances that could pertain to nominations and the City Recorder stated there is a large section of Election Code that staff will need to manage to coincide with charter language.

6. Section 29. Terms

The committee addressed this section and term limit language and considering qualification language when addressing terms.

7. Section 30. Oath

The committee addressed this section, no issues or concerns were raised.

8. Section 31. Vacancies

The committee addressed this section and what causes a vacancy, they addressed what to do about a vacancy and it was suggested the addition of language, “assuming another state or local office”. Discussion occurred regarding “assuming” and “running for office”. They discussed language of “filing for election to another office” as a reason an office would become vacant. The committee addressed section 31 B.2 Absence, and exploring why the language of “three consecutive absences” is there and if this is cause for dismissal. The committee discussed the language of “absence from the City” and

language of “without council consent” and having a mechanism in place for an elected to be removed from office if they are not performing council duties.

The committee addressed section B.4, “ceasing to become a qualified elector under state law”. The City Recorder explained a qualified elector of the City and a qualified elector of the state and suggested the committee consider specifying the clarification. Ms. Murphy shared information regarding what is considered the “City”; within the City limits? Within the 97140 zip code? She stated the definition provided by the City’s Community Development Division is the “City” is considered within the City limits.

9. Section 32. Filling Vacancies

The committee addressed this section and it was suggested that word-smithing was needed to add language of: “less than” 13 months remain. The committee discussed changing the length of a term, and how this section of language should be considered.

Council Liaison Henderson referred to the death of an elected official and filling the seat by appointment and the timing of an election. She asked when is the council required to appoint. Can the position be kept vacant? A reference to section 29 was made as to when a term starts and the process and timeline of certifying an election.

Chair Allen recapped the discussion and the items for the committee to continue discussions on:

- By position issue
- Term limits
- Length of terms
- Clarification on language for ordinances pertaining to State Law requirements
- Nepotism language
- Considering the length of residency, 18 months
- Cleaning up language in Section 27.b, “Final Judge”
- Clarifying nomination language
- Prohibition of serving on other state or local elected office
- Vacancy provisions, cleanup and filling vacancies

9. Open Discussion

Chair Allen suggested the committee think about how they want to or not want to change the charter provisions, he suggested spending time discussing what they want the charter to do for the city and what values we want to express as a community through the charter. He gave the example of, “we want this charter to be more [whatever] or less [whatever] and said to fill in the blanks to give us a lens of how to assess whether we think a particular provision is a good provision or a bad provision or how we might want to try and assess. He asked what the committee thought of this concept.

It was suggested to refer to the adopted City values posted on the wall and reflect upon them and the document we are living by as our constitution and reflecting the values that have already been adopted; Quality Services, Citizen Participation, Community Partnership, Fiscal Responsibility, Community Pride and Community Livability.

It was suggested the charter be accessible to the citizens and clear so they understand how the administrative and legislative powers of the City work and how people are elected, their duties and the relationship between the administrative and legislative sides of the City. To clarify what the Mayor, the City Manager and the Council does.

It was suggested the charter is similar to a Bill of Rights, establishing a minimum level of citizen protections or citizen participation in the activities that allows the citizens to step forward and participate. It was suggested a value that should be encompassed is a value of transparency of City government, where we can make decisions that improve the people's business being conducted in the public's eyes with accountability, and if one is unhappy with something what can be done. What are the mechanisms of accountability that we use to hold people that make decisions on the public's behalf accountable?

Comments were received in regards to Chapter 2, Section 6-Distribution and the language of, "the Council exercises legislative authority by ordinance and administrative authority by resolution and quasi-judicial authority by order", and the importance of keeping this in mind to insure there are no sections in the charter that cannot be covered by one of these three types of processes. It was suggested to make this very clear in the charter and if something can be identified by legislative authority through an ordinance, maybe it should not be in the charter.

Ms. Kuiper clarified and said in her review she thought of items that are in the charter and whether they belong there or if they are more of a rule.

Mr. Stecher said that the charter, by being approved by the electorate, protects the electorate from the Mayor and the Council and the charter gives them leeway to pass ordinances, resolutions and quasi-judicial orders under the scope of the charter. He said there are certain things we don't allow them to do, one of those is compensation. Mr. Stecher suggested talking about compensation for the Mayor and Council, and not necessarily giving it, but protecting ourselves from them taking it.

Ms. Kuiper clarified and gave the example of solid waste incinerators and said this is what she is speaking of and doesn't believe this language belongs in the charter. She said ordinances are brought before the public anyway.

Chair Allen said in general, he gets the notion that they want the document to be constitutional in nature, speaking broadly about structure, and said there are going to be topics where we want to get much lower than constitutional in nature and be very specific. Discussion occurred on some items being "hot buttons" and being careful not to get caught up in these things that aren't going to be an issue in the future.

Mr. Silverforb stated he agrees with the discussion and said he believes the charter needs to be the rules and regulations of running the City, clear and understandable. He said it's a combination of a policy and a procedure manual and a combination of job descriptions. He said we should improve it to make it clear and understandable to the citizens so they know how the City is run. He said he doesn't know if the charter needs to go into great depth with values that we want for the City.

Chair Allen recapped what he has heard from the comments:

- being consistent with City values
- having a clear and understandable document

- to provide a high degree of citizen accessibility to government and it's processes
- to encourage transparency and government decisions, accountability by decision makers
- where possible to recognize staying at a constitutional level, verses a detail level and recognizing certain areas where detail is needed

Chair Allen asked for a consensus of the group on his recap, no comments or objections were received.

Chair Allen called for a break at 7:35 pm and reconvened at 7:42 pm.

The committee discussed their meeting schedule and potential to have proposed amendments before the Council in early March. The committee agreed to schedule the following meeting dates:

January 2, January 16, January 30, February 13 and February 27, meetings to start at 6:30 pm.

The committee discussed Section 3 and electing council members by position and asked the City Recorder to provide a synopsis of the current process. The committee discussed run-off provisions and if the City had these provisions. The committee discussed at-large election processes and the City Recorder explained the previous processes of elections prior to establishment of elections by position. The committee discussed processes of other surrounding jurisdictions and staff offered to bring back information.

The committee asked regarding Sherwood history and the reason for changes from at-large to by position. Council Liaison Henderson replied with her understanding of the change. Discussion followed with pros and cons of each process and the committee members provided opinions and their preference. Discussion occurred regarding the public comments that have been received and representation by districts. Discussion followed.

The committee addressed Section 8 and veto language and appointment and confirmation of committees. Discussion followed with reference to the LOC Model Charter and the Mayor not having veto power and if there was prior Sherwood history of a veto ever being used. Discussion followed regarding adoption of ordinances and noticing of and receiving public comments on ordinances. Committee members provided their opinions of the veto language, its purpose, the need to maintain or remove from the charter. Discussion was held regarding the Mayor's veto authority for ordinances and not having language for resolutions or quasi-judicial orders. The committee determined they would come back to the discussion of veto language and look at language of other jurisdictions.

The committee addressed appointments and confirmation of committee members and discussion followed regarding the Mayoral appointment of committee members with the consensus of the Council and reference was made to the Council Rules. Discussion followed with the current process of appointments to boards & commissions and the differences between the various City boards & commissions. The committee discussed the general public perception of the language that the Council makes the appointments and it was suggested to have language of "Council approves" verses "Council appoints". The City Recorder suggested language of the "Council appoints by resolution or legislation" and explained the various methods currently in place with appointing members and referred to current code language.

Chair Allen spoke of the process of receiving public comments on the Charter Review committee's recommendations and when and how this would occur. He referred to potential changes and seeking

the public's input. Discussion followed on proposed amendments that would clarify language and language that refers to process changes.

Chair Allen recapped the discussion as: the Mayor having special authority and to look at appointment authority in the future and having it be clear, more direct and reflective of how the process works.

Council Liaison Henderson provided comments of past practices for appointments and the level of Mayoral authority and conflicting language in the charter and council rules. The committee discussed the council rules and having language indicating when rules would be reviewed and re-adopted and this occurring in January of every odd numbered year. Discussion followed with potential language regarding the rules and it was suggested to have language of rules to "govern its dealings, business and conduct".

Chair Allen recapped the discussion:

- Recommending reverting the Council election system back to a non-position based system and want positions to be at-large from a geographic standpoint without districts.
- Come back to the Mayoral Veto Power language.
- Do not want to create special committee appointment power for the Mayor that doesn't exist now, but want to revisit the appointment language to provide clarity of process.
- Improve Rules language to require periodic adoption of rules on a set schedule and be more obtuse allow for more than rules of order.

Chair Allen indicated the January 2nd meeting would consists of the balance of existing Chapter 3, quorum issues, state law references, and new issues of compensation, executive sessions, public comments, work sessions and nepotism.

The City Recorder clarified the type of meeting minutes she will produce and sought the committees preference on format.

10. Public Comment

Anthony Bevel came forward and said his feelings are, any council any government as limited as possible, don't want people who volunteer like you all, making a career out of this. He mentioned the 5 year term limit of the House of Commons in England and said this is their limit and hopefully they are not reelected. He said he believes in giving an equal chance to everyone and understands we run the risk of not finding the best qualified people and said we at least have an opportunity to remove them the second time around.

11. Adjourn

Chair Pat Allen adjourned the meeting at 8:40 pm.

Submitted by:


Sylvia Murphy, MMC, City Recorder


Patrick Allen, Chair