City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

AGENDA

Charter Review Committee
December 19, 2013

6:30 pm Meeting

Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140

REGULAR MEETING

1. **Call to order (Chair)**

2. **Roll call (Chair)**

3. **Approval of December 5, 2013 Meeting Minutes**

4. **Public Comments**

5. **Staff Report (materials requested by the Committee)**

6. **Review of the Chapter III – Council**
   A. **Section 7. (Mayor and six councilors)**
   B. **Section 8. (Mayor)**
   C. **Section 9. (Council President)**
   D. **Section 10. Rules**
   E. **Section 11. Meetings**
   F. **Section 12. Quorum**
   G. **Section 13. Vote Required**
   H. **Section 14. Record**

7. **Review of Chapter VII – Elections**
   1. **Section 24. Councilors**
   2. **Section 25. Mayor**
   3. **Section 26. State Law**
   4. **Section 27. Qualifications**
   5. **Section 28. Nominations**
   6. **Section 29. Terms**
   7. **Section 30. Oath**
   8. **Section 31. Vacancies**
   9. **Section 32. Filling Vacancies**

8. **Open Discussion**

9. **Requests to Staff**

10. **Adjourn**

Chapter III. Council

Insert Section XX. Compensation. The council and mayor serve at the pleasure of the citizens of Sherwood without compensation for their time and effort. However, they may be reimbursed for reasonable expenses incurred while performing council and mayoral duties.

Insert Section XX. Public Comment. All council meetings shall be open to the public and provide time for public comment.

Insert Section XX. Work Sessions. The council may have work sessions as they diem necessary. Work sessions shall be open to the public. The council/mayor may or may not allow public comment at work sessions. No ordinances, resolutions or orders may be approved at work sessions. All meetings and work sessions agenda will be announced to the public at least 24 hours in advance.

Chapter VII. Elections

Insert Section XX. Elections. All elections shall be administered by Washington County in accordance with Oregon State election laws.

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

Change Section 27 Qualifications. (c) to read. Neither the mayor, nor a councilor, nor a direct relative of the mayor or councilor may be employed by the city.

Change Section 27 Qualifications. (d) to read. The council will make the final determination of the election and qualifications of its members.

Change Section 31 Vacancies. (b)(2) to read. Absence from the city for thirty (30) days without council consent, or from three consecutive regularly scheduled council meetings.

Change Section 31 Vacancies. (b)(3) to read. Thirty (30) days after ceasing to reside in the city,

Dec 19, 2013
Date

Charter Review COMM.
Gov. Body

5. Staff Report
Agenda Item

A
Exhibit #

Sherwood City Charter Review
Comments/Questions
Jennifer Kuiper, Member-at-Large
December 19, 2013

Chapter	Section	Subsection (if applicable)	As Written	Comment or Question	Suggestions
IV	15		"The council will exercise its legislative authority by adopting ordinances."	Provide example (verbal is fine)	
IV	16	a)	"Adoption of an ordinance requires approval by a majority of the council at one meeting, provided the proposed ordinance is available in writing to the publi at least one week before the meeting."	what does "in writing" mean...online, at the city offices, online, posted in public spaces...all of these?	Clarify and clean up language
IV	16	b)	"Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting."	Two issues: 1. I assume "read aloud" means read aloud at the council meeting. 2. How will "in writing" be made public (same question as above)...if ordinance is provided in writing, is there a reason there is no timing for a substantive amendment (such as in subsection a). This subsection needs to be revised to deal with the two different time-related issues discussed in the same sentence.	Clarify and clean up language
IV	16	e)	"If the mayor vetoes the ordinance, the mayor must return it to the city recorder with written reasons for his veto within 10 days of receipt of the ordiance. If the ordinance is not so returned, it takes effect as if approved."		replace "his" with "his/her"
IV	16	f)	..."If four councilors vote to adopt the ordinance, it will take effect."		replace "four of the councilors" with "four of the six" councilors
V	18		"The council will normally exercise its administrative authority by approving resolutions."	Provide example (verbal is fine)	
V	19	a)	"Approval of a resolution or any other council administrative decision requires approval by the council at one meeting."	Is there a reason that resolutions are not subject to the one-week public notification requirement as in Chapter IV, Section 16 Subsectiona?	
V	19	b)	"Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting."	Two issues: 1. I assume "read aloud" means read aloud at the council meeting. 2. How will "in writing" be made public (same question as above) and if in writing, is there a reason there is no timing for a substantive amendment (such as in Chapter IV, Section 6, Subsection a?). This subsection needs to be revised to deal with the two different time-related issues discussed in the same sentence.	
VI	21		"The council will normally exercise its quasi -judicial authority by approving orders."	Please provide an example	
VI	22	a)	"Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting	Any public notification needed here?	
		b)	"Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order."	Any pre-notification needed here?	
VI	22	d)	"After approval of an order, the city recorder must endorse it with the stae of approval and the recorder's name and title."	Can the Mayor veto orders? If so, there is no procedure in the chater for mayoral vetos.	
VII	24		"At each general election after adoption, three councilors will be elected for four year terms by position."	What does"after adoption" mean? Some thoughts on elections by position: Requiring citizens to run for a particular position may shrink the pool of potential qualified candidates, the reason being that one or more incumbants could be perceived as "too big to fail", thereby discouraging potential candidates from running for office. By running elections collectively rather than by position, there is greater potential for qualified candidates and less potential for negative campaigning.	
VII	25		"At every other general election after adoption, a mayor will be elected for a two-year term."	This is not clear, I thought general elections occur every four years. This section could be read that a mayor would get elected every 8 years, which contradicts the second part of the sentence".	
VII	27	d)	"The council is the final judge of the election and qualifications of its members"	What does this mean, if the qualifications are quite clear in a) b) and c)?	
VII	28		"Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position."	Hasn't this been done? If so, can't this be removed? Also, couldn't have this been covered by the council's legislative authority as described in Chapter IV?	
VII	29		"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 office."	What does this mean?	
VIII	33	b)	"A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management."	This is an unbalanced paragraph. The first sentence implies that the following sentences will describe both appointment and removal considerations; however only appointment considerations are made, leaving removal out and, presumably, left up to the council without any guidance....	
VIII	33	d)	The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as so as practicable after the vacancy occurs.	We have grounds for hiring, but what about grounds for removal?	
VIII	33	e)		That's a lot of responsibility...	
VIII	33	l)	"No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business."	Is this subsection really needed or is this more of a quasi-judicial authority issue for council....	Dec 19, 2013 Date / Charter Review Comm. Gov. Body / 5. Staff Reports Agenda Item / B Exhibit #
VIII	34	b)	"A majority of council must appoint and may remove the recorder. The appointment must be made without regard to political considerations and solely on the basis of education and experience."	Similar issue with the manager discussion of subsection b) of Section 33.	
IX	38		"The council by resolution, will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff and dismissal of city employees based on merit and fitness."	The "merit and fitness" at the end of this sentence makes not sense, since there is no refernece to what consititues "mmerit and fitness".	
XI	42		Solid Waste Incinerators	Issues such this do not belong in a charter. They belong as an ordinance, resolution, or order.	
XI	43		Willamette River Drinking Water	Same as above.	

Are we going to move to 3 at large? Or maybe Districts?

authority by order. The council may not delegate its authority to adopt ordinances. ~~The council appoints members of commissions, board and committees established by ordinance or resolution.~~

Suggestion in the 2011 failed charter change.

Chapter III – COUNCIL

Section 7. Council.

The council consists of a mayor and six councilors nominated and elected from the city **by position**.

Section 8. Mayor.

The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council. The mayor must sign all records of council decisions. The mayor, with the consent of the Council, appoints members of commissions, board and committees established by ordinance or resolution, who shall serve at the pleasure of the Council. The mayor serves as the political head of the city government.

Section 9. Council President.

At its first meeting each odd numbered year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.

Section 10. Rules.

The council must by resolution adopt rules to govern its meetings.

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.

Section 12. Quorum.

A majority of the council members is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by council rules.

Section 13. Vote Required.

The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council.

Section 14. Record.

A record of council meetings must be kept in a manner prescribed by the council rules.

Chapter IV - LEGISLATIVE AUTHORITY

Are we getting rid of Councilor positions?

Chapter VII – ELECTIONS

Do we want to consider term limits?

Section 24. Councilors.

At each general election after the adoption, three councilors will be elected for four-year terms ~~by position~~. An individual Councilor shall be eligible for reelection for one consecutive term for a total service of eight consecutive years (not including time spent filling the vacancy of an earlier term). 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. A mayor shall be eligible for reelection for three consecutive terms for a total service of eight consecutive years (not including time spent filling the vacancy of an earlier term). The mayor in office when this charter is adopted is the term for which the mayor was elected.

Section 26. State Law.

City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.

Suggested review by City Council, 18 months?

Section 27. Qualifications.

Text edit suggested by the last charter revision, is it required?

(a) The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.

(b) ~~No~~ A person may not be a candidate at a single election for more than one city office.

Text edit suggested by the last charter revision, Good Idea!

(c) Neither the mayor, nor a councilor may be employed by the city.

(d) Neither the mayor, nor a councilor may hold another state or local government elected office.

Is this needed? Nothing in current rules for nominations.

(e) The council is the final judge of the election and qualifications of its members.

Section 28. Nominations.

The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.

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.

Text edit suggested by the last charter revision

ion 30. Oath.

The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and the State of Oregon.

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.

(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,
  (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), or
  (8) Assumption of another State or local government state office.

Text edit suggested by the last charter revision, Good Idea!

If we are not changing terms off office do we need to change?

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. 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 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.

Chapter VIII - APPOINTIVE OFFICERS

Section 33. City Manager.

(a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.

(b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and

LEAGUE OF OREGON CITIES

MODEL CHARTER FOR OREGON CITIES

JANUARY 2004

Dec 19, 2013 Date | Charter Review Comm. Gov. Body

5. Staff Report Agenda Item | D Exhibit #

PREPARED BY:
Thomas Sponsler, Beery & Elsner, LLP

FOR AND IN COOPERATION WITH:
League of Oregon Cities

LEAGUE of Oregon CITIES

FOREWARD

This is the 6th edition of the Model Charter for Oregon Cities. It is the first published by the League of Oregon Cities. Previous versions were published by the Bureau of Governmental Research and Service at the University of Oregon.[a]

The purpose of the Model Charter is to serve as guide for charter drafting by city officials and citizens by providing a foundation for meeting different needs and policy choices about city government structure. It is not intended for submission to community voters without discussion. Each city that undertakes charter revision or the preparation of a new charter must consider provisions and procedures that best serve its unique community.

This 2004 version contains several changes from the 5th edition of 1988. The format continues as one document. All models prior to 1988 had two separate versions: one for the mayor-council form of government and one for the council-manager form of government. Language for the council-manager form is now presented in the text. Except for the city manger section 33, this model is useful for cities without a city manager. Alternative mayor-council language is included in the endnotes. Substantive changes include:

- ? Specific identification of council legislative, administrative and quasi-judicial authority, and ordinances, resolutions and orders as the forms for exercising that authority.
- ? Separate chapters with procedural requirements for council legislative, administrative and quasi-judicial decisions.
- ? Reorganization of certain chapters into separate topics (i.e., council and elections).
- ? Updating mayor and city manager duties.
- ? Deletion of some provisions better left to city ordinances, such as election nomination procedures, public improvements, and special assessments.

This edition also makes numerous clarifications, simplifications and style changes from previous versions. This includes the consistent use of "councilor" in reference to the holder of that office, and "council" and "member of council" as including the councilors and the mayor. Gender-neutral language has also been introduced.

Thanks to Sandy Arp, Don Ashmanskas, Pam Beery, Jeff Condit, Dan Cooper, Candace Haines, Ken Jones, Glenn Klein, Terry Mahr, Jim Mattis, Gussie McRobert, Rich Rodeman and Pete Wells for taking time to review and comment on earlier drafts. This final draft was presented on November 14, 2003 at the Legal Issues Workshop session of the LOC 78th Annual Conference in Eugene. Questions and comments from attendees contributed to this document.

Thomas Sponsler
Beery & Elsner, LLP
January, 2004

[a] The first Oregon Model Charter was published in 1947; revisions were published in 1951, 1959, 1967 and 1988. A Model Charter for Oregon Counties was published in 1977.

PREAMBLE*

We, the voters of _____, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.[1]

Chapter I

NAMES AND BOUNDARIES

Section 1. Title. This charter may be referred to as the 20__ _____ Charter.[2]

Section 2. Name. The City of _____, Oregon, continues[3] as a municipal corporation with the name City of _____.[4]

Section 3. Boundaries. The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries.

Chapter II

POWERS

Section 4. Powers. The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant[5] or allow[6] the city, as fully as though this charter specifically enumerated each of those powers.[7]

Section 5. Construction. The charter will be liberally construed[8] so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.

Section 6. Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters.[9] This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative,[10] administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.[11]

Chapter III

COUNCIL

Section 7. Council. The council consists of a mayor[12] and six councilors[13] nominated and elected from the city at large.[14]

Section 8. Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council and has no veto authority.[15] With the consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution.

The mayor must sign all records of council decisions.[16] The mayor serves as the political head of the city government.[17]

Section 9. Council President. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.

Section 10. Rules. The council must by resolution adopt rules to govern its meetings.[18]

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 the rules.

Section 12. Quorum. A majority of the council members is a quorum to conduct business,[19] but a smaller number may meet and compel attendance of absent members as prescribed by council rules.[20]

Section 13. Vote Required. The express[21] approval of a majority of a quorum of the council is necessary for any council decision,[22] except when this charter requires approval by a majority of the council.[23]

Section 14. Record. A record of council meetings must be kept in a manner prescribed by the council rules.[24]

Chapter IV

LEGISLATIVE AUTHORITY[25]

Section 15. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of _____ ordains as follows:".

Section 16. Ordinance Adoption.

(a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings.[26]

(b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council,[27] provided the proposed ordinance is available in writing to the public at least one week before the meeting.

(c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.

(d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.

(e) After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian's name and title.

Section 17. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.[28]

Chapter V

ADMINISTRATIVE AUTHORITY[29]

Section 18. Resolutions. The council will normally exercise its administrative authority by approving resolutions.[30] The approving clause for resolutions may state "The City of _____ resolves as follows:".

Section 19. Resolution Approval.

(a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.[31]

(b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.

(c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.

(d) After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 20. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.[32]

Chapter VI

QUASI-JUDICIAL AUTHORITY[33]

Section 21. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of _____ orders as follows:".

Section 22. Order Approval.

(a) Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.[34]

(b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.

(c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.

(d) After approval of an order, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 23. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

Chapter VII
ELECTIONS

Section 24. Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected.[35] At each general election after the adoption, three councilors will be elected[36] for four-year terms.[37]

Section 25. Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term.[38]

Section 26. State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.[39]

Section 27. Qualifications.

(a) The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.[40]

(b) No person may be a candidate at a single election for more than one city office.

(c) Neither the mayor nor a councilor may be employed by the city.[41]

(d) The council is the final judge of the election and qualifications of its members.

Section 28. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.[42]

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.[43]

Section 30. Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.

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

(a) Upon the incumbent's:
(1) Death,
(2) Adjudicated incompetence,[44] or
(3) Recall from the office.[45]

(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 30 days without council consent, or from all council meetings within a 60-day period,
(3) Ceasing to reside in the city,[46]
(4) Ceasing to be a qualified elector under state law,
(5) Conviction of a public offense punishable by loss of liberty,[47]
(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 appointment by a majority of the remaining council members.[48] The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a council member from attending council meetings or a member is absence from the city, a majority of the council may appoint a councilor pro tem.[49]

Chapter VIII

APPOINTIVE OFFICERS

Section 33. City Manager.

(a) The office of city manager is established as the administrative head of the city government.[50] The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.[51]

(b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.[52]

(c) The manager need not reside in the city.[53]

(d) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.

(e) The manager must:
(1) Attend all council meetings unless excused by the mayor or council;
(2) Make reports and recommendations to the mayor and council about the needs of the city;
(3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;

(4) Appoint, supervise and remove city employees;[54]
(5) Organize city departments and administrative structure;
(6) Prepare and administer the annual city budget;
(7) Administer city utilities and property;
(8) Encourage and support regional and intergovernmental cooperation;
(9) Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community[55];
(10) Perform other duties as directed by the council;
(11) Delegate duties, but remain responsible for acts of all subordinates.

(f) The manager has no authority over the council or over the judicial functions of the municipal judge.[56]

(g) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.

(h) When the manager is temporarily disabled from acting as manager or when the office of manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.

(i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts.[57] Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.[58]

Section 34. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney must appoint and supervise, and may remove any office employees.[59]

Section 35. Municipal Court and Judge.

(a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.

(b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

(c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

(d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.[60]

(e) The municipal judge may:
(1) Render judgments and impose sanctions on persons and property;
(2) Order the arrest of anyone accused of an offense against the city;
(3) Commit to jail or admit to bail anyone accused of a city offense;
(4) Issue and compel obedience to subpoenas;
(5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
(6) Penalize contempt of court;
(7) Issue processes necessary to enforce judgments and orders of the court;
(8) Issue search warrants; and
(9) Perform other judicial and quasi-judicial functions assigned by ordinance.

(f) The council may appoint and may remove municipal judges pro tem.

(g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.[61]

Chapter IX
PERSONNEL

Section 36. Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.[62]

Section 37. Merit Systems. The council[63] by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.[64]

Chapter X
PUBLIC IMPROVEMENTS

Section 38 Procedure. The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement.[65] A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.

Section 39. Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

Chapter XI

MISCELLANEOUS PROVISIONS

Section 40. Debt. City indebtedness may not exceed debt limits imposed by state law.[66] A charter amendment is not required to authorize city indebtedness.

Section 41. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section 42. Repeal. All charter provisions adopted before this charter takes effect are repealed.[67]

Section 43. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

Section 44. Time of Effect. This charter takes effect _____, 20___.

APPENDIX A

GENERAL GRANTS OF POWER

The first version of the Model Charter for Oregon Cities was published in 1947. It was drafted to confer powers on cities in general terms rather than by a detailed enumeration of specific powers. All subsequent revisions have continued this practice.

Since about 1910, a city charter has been viewed as a city constitution. For this reason city powers have generally been stated in general, comprehensive terms. The charter should deal only with the basic, broad fundamentals of city government. The charter should be as concise as possible, and adaptable to changing conditions to avoid the need for frequent amendment.

Most Oregon cities have charters that grant authority for their activities under general grants of powers. In 1934, Huntington adopted a general powers charter quite similar to the 1947 model charter. Since then, almost all Oregon cities have adopted charters that resemble this model.

The Oregon Incorporation Act (now ORS 224.010-221.100) provides that cities without a home rule charter have comprehensive power and need no grants of specific powers.

A general grant of power allows a city to assume extraterritorial powers granted by statute and conditioned upon the existence of charter authority. ORS 225.020 authorizes a city to own and operate utilities outside city limits if its charter allows it such power. *Kassel v. City of Salem*, 34 Or. App. 739, 579 P.2d 875 (1978) construes this section and states that Salem's charter "accepts this offer [of extramural powers] in broad terms." These broad terms were more specific than the general grant of powers in the model. No city with a general grant has been challenged in its exercise of the power offered by ORS 225.020.

Constitutional Grants in General Terms.
The 1906 home rule amendments to the Oregon Constitution empower "the legal voters of every city ... to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State."[b] They also empower "the qualified voters of each municipality" to exercise the powers of initiative and referendum "as to all local, special and municipal legislation of every character in or for their municipality ... ."[c] These grants of power are general in terms.

Specific Power Derived from General Grants.
Courts have often held that a general grant of power confers a particular power not specified in the grant. Such specific powers include the following:

(1) To regulate amusement devices.[d]

(2) To levy special assessments.[e]

(3) To develop a program of free parking using tax revenues.[f]

---

[b] Or. Const. art. XI, sec. 2.
[c] Or. Const. art. IV, sec. 1a (1906), sec. 1(5) (1968).
[d] *Terry v. City of Portland*, 204 Or. 478, 269 P.2d 544 (1955); app. dis., 348 U.S. 979 (1955); 33 Or. Op. Att'y. Gen. 174 (1967).
[e] *Paget v. City of Pendleton*, 219 Or. 253, 346 P.2d 1111 (1959).

(4) To govern labor relations with public employees.[g]

(5) To license certain businesses or occupations.[h]

(6) To levy license taxes for revenue.[i]

(7) To provide police protection.[j]

(8) To control disposal of refuse.[k]

(9) To regulate the storage of gasoline and kerosene.[l]

(10) To control streets.[m]

(11) To levy taxes in the form of licenses.[n]

(12) To adopt taxes on sales and incomes.[o]

(13) To supply water.[p]

(14) To impose registration and license fees.[q]

(15) To impose fees and regulatory requirements on telecommunications providers.[r]

---

[f] *Jarvill v. City of Eugene*, 289 Or. 157, 613 P.2d 1 (1980), U.S. cert. den. at 449 U.S. 1013 (1980). Although the majority opinion in this case relies on a specific grant of power stemming from a 1973 amendment to the Eugene city charter, this charter has been repealed. At the court of appeals level, the majority opinion relied on the general grant of power in the 1976 revised city charter to explain the city's ability to levy taxes. "In those cases, it was held that a general grant of powers in a city charter, like that contained in the Eugene charter, carries with it the power to impose revenue taxes." 40 Or. App. 185, 198-99, 594 P.2d 1261 (1979).

[g] *Beaverton v. International Assoc. of Firefighters*, 20 Or. App. 293, 531 P.2d 730 (1975).

[h] *Davidson Baking Co. v. Jenkins*, 216 Or. 51, 337 P.2d 352 (1959).

[i] *City of Idanha v. Consumers Power, Inc.* 8 Or. App. 551, 495 P.2d 294 (1972), aff'd, 13 Or. App. 431 (1973).

[j] *City of East Portland v. County of Multnomah*, 6 Or. 62, 64 (1876).

[k] *Dunn v. Gray*, 238 Or. 71, 392 P.2d 1018 (1964); City of Tigard v. Werner, 15 Or. App. 335, 515 P.2d 934 (1973).

[l] Cf. *Leathers v. City of Burns*, 251 Or. 206, 444 P.2d 1010 (1968).

[m] See also, *City of East Portland v. County of Multnomah*, 6 Or. 62, 64 (1876).

[n] *City of Idanha v. Consumers Power, Inc.* 8 Or. App. 551, 495 P.2d 294 (1972), aff'd 13 Or. App. 431 (1973).

[o] 33 Or. Op. Att'y Gen. 238 (1967).

[p] *Paget v. City of Pendleton*, 219 Or. 253, 346 P.2d 1111 (1959).

[q] *AT & T Communications v. City of Eugene*, 177 Or App 379 (2001), *rev den*, 334 Or 491 (2002). The court held that a general power charter gave the city power to impose registration and license fees. The court relied on *Multnomah Kennel Club v. Department of Revenue*, 295 Or 279 (1983), a case that involved a general power county home rule charter that provided authority to impose a business income tax.

[r] *Sprint Spectrum v. City of Eugene*, 177 Or App 417 (2001), *rev den*, 334 Or 491 (2002). The court found that home rule authority includes the taxation of businesses that conduct business within city boundaries.

APPENDIX B

PROVISIONS NOT INCLUDED IN THE MODEL CHARTER

The 2004 Model Charter omits many provisions contained in city charters granted by the Oregon legislature prior to 1906, and charters adopted soon after the 1906 home rule amendments took effect. A general grant of powers replaced specific grants of authority. Subjects and procedures covered by state statutes are generally no longer included in charters. The model charter also omits provisions better left to adoption by ordinance.

Annexation Procedure

An Oregon city may not assume extramural power under its home rule charter unless authorized by state statute.[s] City power under the home rule amendments is only intramural in character.[t] A city may only exercise the extramural power delegated by the legislature.[u] A home rule charter may provide a procedure for the intramural aspects of annexation, such as the manner of acceptance of the annexation by the city. The model charter contains no provision relating to annexation of territory to a city because state statutes control annexation procedures in both its extramural and intramural aspects.

Elections

Elections in Oregon are generally under the control of the secretary of state. The conduct of elections is governed by ORS Chapter 254. Many duties relating to the conduct of elections are delegated to county clerks. Time of elections, wording of ballot titles, printing of ballots, and fixing of precinct boundaries are examples of matters governed by state law. City initiative and referendum requirements and process are found in ORS Chapter 250. Therefore, the model charter contains no sections relating to elections in general. Sections 26 and 28 do authorize the council to govern certain election matters by ordinance.

Subjects Covered by State Law

The 2004 Model Charter contains no provision on several other subjects covered by state law:

Budgeting	ORS 294.305 to 294.565
Public contracts	ORS Chapter 279
Assessment bonding and lien enforcement	ORS 223.205 to 223.295 and 223.505 to 223.670
Tort liability	ORS 30.260 to 30.300

---

[s] *Thurber v. Henderson*, 63 Or 410, 415-416, 128 P 43 (1912); State ex rel. Mullins v. Port of Astoria, 79 Or 1, 19-20, 154 P 399 (1916).

[t] *Kiernan v. City of Portland*, 57 Or 454, 464, 111 P 379, 112 P 402 (1910); State ex rel. Mullins v. Port of Astoria, 79 Or 1, 18-19, 154 P 399 (1916); Curtis v. Tillamook City, 88 Or 443, 454-455, 171 P 574, 172 P 122 (1918).

[u] Couch *v. Marvin*, 67 Or 341, 136 P 6 (1913); McBee v. Town of Springfield, 58 Or 459, 114 P 637 (1911); *Landess v. City of Cottage Grove*, 64 Or 155, 129 P 537 (1913).

Debt limitations	ORS 223.295 and 287.004
Ethics	ORS Chapter 244
Public meetings and records	ORS 192.410 to 192.710
Land use panning and regulation	ORS Chapters 92, 197, and 227
Street vacation	ORS 271.080 to 271.230
Condemnation	ORS Chapter 35; 223.005 to 223.105; 226.310 to 226.380; 227.300; 281.010; and 281.510 to 281.550
Collective bargaining	ORS 243.650 to 243.782
Public Employee's Retirement System	ORS Chapter 238

Other Subjects

The model charter contains no provision on a number of other subjects that may be covered as well or better by ordinance. Such subjects include council rules, personnel rules, procedures for local improvements, levying and collecting special assessments, and city commissions and committees.

Municipal Judge as Ex Officio Justice of the Peace

Some Oregon charters enacted as special legislative acts prior to 1906 provide that the municipal judge has the jurisdiction and authority of an ex officio justice of the peace. The 2004 Model Charter contains no such provision. A home rule charter may not grant such authority to a municipal judge; such authority may only be granted by state statute.

The decision in *In re Application of Boalt*[v] suggests that once a municipal judge is given the jurisdiction and authority of an ex officio justice of the peace by a special legislative act, it continues regardless of a subsequent home rule charter. It may be withdrawn by the legislature. A city in this situation may retain its charter provisions conferring jurisdiction and authority of an ex officio justice of the peace on its municipal judge by enacting its new charter as an amendment to its former legislative charter. A municipal judge may continue to exercise this authority under this Supreme Court decision.

[v] 123 Or 1, 260 P 1004 (1927).

NOTES

[*] Thomas Sponsler, Of Counsel, Beery & Elsner LLP, Portland, Oregon; BS, JD Willamette University; LL.M., University of London; former City Attorney, Gresham, Oregon; former County Attorney, Multnomah County.

[1] This uses the "voters" language of Article XI, section 2 of the Oregon Constitution and makes clear the intent to use all the home rule power.

[2] Insert the year the charter is adopted and the city name. For convenience, this may be used as the charter's short title.

[3] The continuity of a city's existence is not broken by the adoption of a new charter.

[4] If this section changes the name of the city, it may read: "The municipal corporation previously known as the City of _____ continues under this charter as a municipal corporation with the name 'City of _____.' "

[5] The city home rule amendments to the Oregon Constitution reserve powers to city voters. Oregon Constitution, Article XI, section 2 (1906, 1910). The Oregon Supreme Court has said that the amendments are a "continuous offer" of "all powers properly belonging to municipal government." *Robertson v. City of Portland*, 77 Or. 121, 127 (1915). The offer is conditional. City voters may accept the offer by adopting charter terms. This general grant of power accepts the offer completely.

[6] The US Constitution does not mention cities, but does not restrict city actions. The Oregon Constitution imposes some restrictions, but also authorizes city actions. Federal and state statutes impose many requirements and restrictions on cities, but still authorize or allow them a wide range of action. "Allow" in this section is intended to provide a basis for city authority to act even though the city cannot identify clear statutory authority for the city action. It assumes the authority is municipal in nature and not prohibited by federal or state law.

[7] Appendix A discusses the legal basis for general grants of authority.

[8] This requirement that the charter be liberally construed is intended to negate the effect of a rule of strict construction of city charters known as Dillon's Rule.

[9] Article IV, section 1, subsection (5) of the Oregon Constitution.

[10] City council members are immune from suit under 42 USC § 1983 for their legislative activities. *Bogan v. Scott-Harris,* 523 US 44 (1998).

[11] While part of federal and state government structures, separation of powers is rarely found in cities. The council has powers analogous to those of the three branches of the federal government and the three departments of the Oregon government. The context, substance and form of council decisions determine the nature of the power exercised. Only the council may adopt ordinances and exercise its legislative authority. Only its legislative authority is subject to voter initiative and referendum. The council may by ordinance delegate its administrative and quasi-judicial authority.

[12] Although some charters provide that the mayor is not a member of the council, this model recommends that the council include the mayor as a member. This means that the mayor participates in and votes on matters before the council as do other council members. Section 8 states that the mayor is a voting member of the council. If the mayor is not to have a council vote, then section 7 should state that the council consists of a specified number of councilors elected from the city at large.

[13] Some Oregon cities have five member councils. If the council is to have five members, "six" needs to be changed to "four." A city may want a larger council of nine members or more. If so, "six" needs to be changed accordingly.

[14] Most Oregon cities nominate and elect councilors at large. Some nominate and elect councilors by district or ward. A third option is to nominate by district and elect at large. If there are districts, then the district boundaries must be specified. The most efficient way of doing this is by ordinance. For that purpose, this section could read: "The council consists of a mayor nominated and elected at large, and six councilors nominated and elected by districts with the boundaries fixed by ordinance." District boundaries must be periodically adjusted to meet equal protection requirements. Most charters that provide for election of councilors by district also require as a qualification that each councilor reside in the district the councilor represents and continue to so reside for the term of office.

[15] Some charters permit the mayor to vote only to break a tie. If the mayor's vote is to be so limited, this section needs to be changed accordingly.

[16] The council may assign by ordinance or council rules additional duties to the mayor for authenticating ordinances, resolutions, orders, and other council documents.

[17] This section adds facilitator and political leader to enhance the role of the mayor. It makes specific the apparent and inherent authority of the office of mayor. It also parallels the administrative authority of city manager in section 33. It follows the example of 8th edition of National League of Cities (NLC) Model Charter (2003).

[18] Council meetings must comply with the requirements of the Oregon Public Meetings Law. ORS 192.610 – 192.710. Council rules should be considered administrative and adopted by resolution. They are easier to keep updated and less formal than if adopted by ordinance. Also, they are not subject to initiative and referendum.

[19] A majority is more than half of the council. For a seven member council, a quorum is four or more. If there is one vacancy, the quorum is still four. If there are two vacancies, the quorum is three, the same as for a five member council. If through resignation or other events, the number of councilors is reduced to two or one, the quorum is also reduced to two or one.

[20] For example, council rules may state that the members present may order a city police officer to find and bring an absent member to the meeting. The rules may also provide a penalty for the absent member.

[21] "Express" is used here to clarify the effect of abstention from voting. At common law abstention from voting was regarded as concurrence with the decision made by the votes cast. Thus, the concurrence could be either affirmative or negative depending on how the majority voted on a decision. "Express" is intended to make clear that an abstention from voting on a question may not contribute to answering the question affirmatively; it amounts to a "no" vote. Use of the word "express" means that no vote less than a majority of a quorum may decide affirmatively a question before the council.

[22] A "decision" is any action taken by council vote. This includes votes on formal documents such as ordinances, resolutions, orders and contracts. It also includes votes to direct city staff, and other questions and motions before the council. Unless the charter provides otherwise, the council may act affirmatively through less than a majority of its positions. A seven member council thus may act through three councilors; its quorum is four. A five member council may so act through two members; its quorum is three. A question may be decided negatively by fewer councilors than required to decide it affirmatively. For example, a 2 to 2 vote or a 2 to 1 vote when the quorum is four councilors, and one councilor is absent.

[23] Some charter sections require a vote of a majority of the council to make certain decisions. In this model, they are sections 16(a), 32, 33(b) and (d), 34 and 35(a). Section 16(b) requires a unanimous vote of at least a council quorum to adopt an ordinance at one meeting.

[24] The Oregon Public Meetings Law, ORS 192.650, requires written minutes. This section provides an independent requirement for council records and authorizes the council to adopt requirements in addition to those of state law.

[25] The most significant power granted to cities is the authority to adopt legislation. Legislation is local law that applies throughout a city. Legislative authority is properly exercised in the form of ordinances. City charters traditionally prescribe specific requirements for adoption of ordinances, and no provisions for approval of resolutions (administrative) or orders (quasi-judicial). Only using ordinances for legislation and using other forms for non-legislative decisions makes clear which council actions are subject to referendum. Oregon Constitution, Article IV, section 1(5) gives voters initiative and referendum powers over "municipal legislation."

[26] Under section 12, the majority of the council membership must be present at the time a decision is made. If there is one or more unfilled council vacancy, the majority is calculated on the temporarily diminished membership. However, action by a majority of a quorum (e.g. three votes when quorum of four is present) is not sufficient to enact an ordinance under this section. See note 19 above.

[27] This section requires the presence of at least four councilors and a unanimous vote to adopt an ordinance at one meeting when there is a seven member council. The presence of three councilors and a unanimous vote is required when the council has five members.

[28] Ordinances containing an emergency clause take effect immediately and are not subject to referendum. Legislation may not take effect when it is subject to referendum. Procedures for city initiative and referendum are found in ORS 250.255 to 250.355, and city ordinances. Emergency clauses are legislative and not subject to judicial review. *Kadderly v. City of Portland,* 44 Or 118 (1903). City use of an emergency clause preventing a referendum on the ordinance is not subject to federal court review as a violation of civil rights. *Stone v. City of Prescott,* 173 F.3d 1172 (9th Cir. 1999).

[29] Councils formally exercise their administrative authority in the form of resolutions. Administrative decisions normally implement requirements of city ordinances and state statutes. Examples include city budgets, budget amendments, financial transfers, public contracts, fees and charges, council rules, and city personnel rules. Administrative decisions often are "internal" and relate to the city government. City charters traditionally prescribe specific requirements for adoption of ordinances (legislative), and include no provisions for approval of resolutions (administrative). This model suggests that charters specifically recognize council resolutions as the proper form for the exercise of its administrative authority. Use of this form for non-legislative decisions makes clear which council actions are subject to referendum. Oregon Constitution, Article IV, section 1(5) gives voters initiative and referendum powers over "municipal legislation", but not municipal administration..

[30] The preferred method for the council to exercise its administrative authority is by resolution. However, "normally" is used in this sentence to allow the council to approve contracts and other documents, give direction to the city manager, city attorney and city employees, and make other administrative decisions by approving a motion without adopting a resolution.

[31] Under section 12, the majority of the council membership must be present at the time a decision is made. If there is one or more unfilled council vacancy, the majority is of the temporarily diminished membership. Action by a majority of a quorum (e.g. three votes when quorum of four is present) is sufficient to approve a resolution under this section. See note 18 above.

[32] ORS 221.310(3) applies to cities of 2,000 or more. It provides that a resolution may take effect any time after passage by the city council. The resolution must state the resolution effective date in a separate section.

[33] Quasi-judicial authority is normally exercised in the form of orders. Under this authority, the council holds hearings and is required to make decisions. The most common examples are land use matters and nuisance proceedings. City charters traditionally prescribe specific requirements for adoption of ordinances (legislative) and include no provisions for adoption of orders (quasi-judicial). This model suggests that charters specifically recognize council orders as the proper form for the exercise of quasi-judicial authority. Use of this form for non-legislative decisions helps make clear which council actions are subject to referendum. Oregon Constitution, Article IV, section 1(5) gives voters initiative and referendum powers over "municipal legislation," but not municipal quasi-judicial decisions.

[34] Under section 12, the majority of the council membership must be present at the time a decision is made. If there is one or more unfilled council vacancy, the majority is of the temporarily diminished membership. Action by a majority of a quorum (e.g. three votes when quorum of four is present) is sufficient to approve an order under this section. See note 19 above.

[35] This sentence anticipates the charter vote at a primary or special election. If the charter vote is at a general election, the words "or is elected at the time of adoption" should be added.

[36] Oregon Constitution, Article II, section 14a requires cities to hold their regular elections for officers at the same time as the general biennial elections for state and county officers are held. ORS 254.035 implements this provision. ORS 254.056 states that general elections are held on the first Tuesday after the first Monday in November of even numbered years. It further states that primary elections may be held on the third Tuesday in May of even numbered years.

[37] This language assumes that adoption of the charter will not affect the council size or terms of office. It does provide a transition from the city government before charter adoption to the city government under the charter.

[38] A four-year term for the mayor and four-year staggered terms for an even number of councilors gives the voters an opportunity to vote for a majority of the council positions at every other general election. It may also be necessary to change "first" to "second" in the first sentence. A mayor elected to a four year term when this charter provision is adopted would serve until the beginning of the second odd-numbered year after adoption. If the mayor is to have a two-year term, the second sentence of this section needs to be changed.

The mayor is appointed from the council by the councilors under the Incorporation Act, ORS 221.130. If this is to continue under the charter, then the second sentence of section 25 needs to be replaced by the sentence: "At the first meeting of the council in each odd numbered year, the council must appoint one of its members to serve as mayor for a term of two years." If the mayor is appointed from the council, the council should have an odd number of members, and section 7 should be changed.

[39] The last sentence of this section makes specific the Oregon tradition that local government elections are nonpartisan. This provision is included in the county model home rule charter and county charters. It is also consistent with the 8th edition of the NLC Model Charter (2003).

[40] Courts have consistently invalidated residency qualifications of more than 12 months.

[41] This prohibition is intended to avoid certain conflicts of interest in city service. It bars full-time or part-time employees from serving as mayor or councilor. It does not, however, prevent the mayor or a councilor from receiving reimbursement of expenses for services.

[42] This model charter does not prescribe a nominating procedure. It allows flexibility by requiring that an ordinance govern the nominating process.

[43] These words allow for a successor to be appointed as well as elected, and require that the successor meet the necessary qualifications for the office at the time of election or appointment. Some charters have provisions limiting the number of terms or years that a citizen may serve in an elected office.

[44] "Adjudicated incompetence" means inability or unfitness to manage one's affairs because of mental condition determined in a court proceeding.

[45] Recall of elective officers is governed by Oregon Constitution, Article II, section 18, and ORS 249.865 to 249.877.

[46] Section 27 requires each member to be a qualified voter and resident of the city. Under subsections (3) and (4) of section 31(b), moving outside the city or allowing voter registration to lapse permits the council to declare a council position vacant.

[47] Note the use of "punishable" rather than punished. "Loss of liberty" is used because the legislature often describes public offenses with other than criminal terms.

[48] Normally a single vacancy is filled at one time. This section permits the council to fill multiple vacancies at the same time. Most vacancies are created in positions filled by election. However, this section also applies to appointments to fill vacancies created in positions previously filled by an appointee to the council.

[49] A member's disability under this section is usually temporary. If the disability is permanent, it often results in the resignation of the disabled member. A permanent disability does not create a vacancy unless the member resigns. However, the council may appoint a pro tem councilor, and the appointment may continue until a successor to the disabled member is elected and takes office.

[50] The city manager exercises the administrative authority delegated by the city charter and the city council. The manager and the council both exercise administrative authority. Only the council may exercise legislative authority.

[51] This makes specific the city manager responsibility to mayor and council for city administration. It gives the manager a role in policy development consistent with the 8th edition of the NLC Model Charter. (2003) It makes the manager responsible for carrying out city policy adopted by council resolution or ordinance.

[52] This section adds more specific qualifications for city manager consistent with the 8th edition of the NLC Model Charter (2003).

[53] If the city wants the charter to require the manager to live in the city, the following may be added: "but must become and remain a resident of the city while manager." This requirement can be imposed more flexibly by ordinance or contract.

[54] Note that the manager appoints, supervises and removes city employees. The council appoints, supervises and removes city officers.

[55] Subsection (8) and (9) of this section add provisions that update the charter by recognizing the increasing importance of regional and intergovernmental issues, and the participatory nature of policy development. They are consistent with the 8th edition of the NLC Model Charter (2003).

[56] Municipal judges have administrative duties incidental to their judicial functions such as record keeping and accounting for certain funds. These administrative duties may be supervised by the city manager.

[57] A similar charter restriction was the basis for damages in *Still v. Benton*, 252 Or. 463, 445 P.2d 492 (1968). The court found that the mayor did not act within the scope of his authority in pressuring the manager to discharge the police chief. The chief was awarded punitive as well as general damages.

[58] This does not affect the ability of a council member to obtain information from the manager or other city employees. Council members also have at least as much right to public records as other members of the public under the Oregon Public Records Law, ORS 192.420 to 192.505.

[59] If a city attorney office is established by the charter, it is independent of the wishes of the council or manager. This language places office employees under the supervision of the attorney rather than the manager. The charter could establish the office and provide for appointment by the manager, although that would be unusual. If not created by charter, the city attorney office may be created by ordinance. The ordinance may provide for city attorney appointment by the council or manager. Attorney duties may be assigned by ordinance and contract.

[60] ORS 221.339 gives municipal courts jurisdiction over violations and misdemeanors committed or triable in the city. Municipal courts do not have jurisdiction over felonies. The section provides that jurisdiction over misdemeanors may be limited by city ordinance.

[61] ORS 51.035.

[62] ORS 294.352(5) requires that the budget list the salary for each officer and employee. If councilors are to receive no compensation for their services to the city, the following may be added to this section: "However, no councilor may receive compensation for serving in that capacity." This prohibition does not prevent reimbursement for expenses.

[63] If there is a city manager, the manager may be substituted for the council. Rules adopted by the manager may be made subject to council approval. The council may also delegate authority to the city manager or city administrator to adopt rules.

[64] "Merit and fitness" allows wide discretion in the interpretation and application of personnel rules and practices.

[65] Few procedures applicable to cities appear in state statute. ORS 223.387 to 223.401 apply to assessments for local improvements. ORS 223.805 to 223.845 relate to city motor vehicle parking facilities. ORS 271.080 to 271.230 apply to vacation of certain public property.

[66] ORS 287.004(2) generally limits city bonded debt to "three percent of the true cash value of all taxable property" in the city "computed in accordance with ORS 308.207." This limitation does not "apply to bonds issued for water, sanitary or storm sewers, sewage disposal plants, hospitals, infirmaries, gas, power or lighting purposes, or the acquisition, establishment, construction or reconstruction of any off-street motor vehicle parking facilities, nor to [Bancroft] bonds issued pursuant to applications to pay assessments for improvements in installments under statutory or charter authority." ORS 287.004(4). Bancroft bonds may not "exceed .03 of the latest true cash valuation of the city." ORS 223.295(1).

[67] It may be necessary to continue unusual charter provisions such as bond approvals, special levies or annexations.

~ January 2014 ~

◄ Dec 2013 | Feb 2014 ►

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7 City Council Mtg.	8	9 City deadline for filing SEL802 with Co. for March 11th Election	10	11
12	13	14 Planning Commission	15	16	17	18
19	20	21 City Council Mtg.	22	23	24	25
26	27	28 Planning Commission	29	30	31	Notes:

Notes: March 11, 2014 Election not feasible. Proposed Charter amendments must be adopted by the Council and Legal Counsel must then draft and bring back to the Council for final adoption. City Recorder must then publish and allow 7 days for public to challenge. Upon close of 7 day period, SEL 802 is submitted to County Elections.

Created with WinCalendar Calendar Creator

More Templates: 2012 Calendar 2014 Calendar

Dec 19, 2013
Date

Charter Review Comm.
Gov. Body

5. Staff Reports
Agenda Item

E
Exhibit #

~ February 2014 ~

◄ Jan 2014 | Mar 2014 ►

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 City Council Mtg.	5	6	7	8
9	10	11 Planning Commission	12	13	14	15
16	17	18 City Council Mtg.	19	20	21	22
23	24	25 Planning Commission	26	27	28	**Notes:**

Created with WinCalendar: Calendar Creator

More Templates: 2013 Calendar, 2014 Calendar

~ March 2014 ~

◄ Feb 2014 | Apr 2014 ►

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 City Council Mtg.	5	6	7	8
9	10	11 Planning Commission Election Day (must file SEL802 Notice of Measure with County by 1/9/14)	12	13	14	15
16	17	18 City Council Mtg.	19	20 City deadline to file SEL802 with Co. for May 20 Election	21	22
23	24	25 Planning Commission	26	27	28	29
30	31	**Notes:**				

Notes: for the May 20, 2014 Election, Proposed Charter amendments must be adopted by the Council and Legal Counsel must then draft and bring back to the Council for final adoption. City Recorder must then publish and allow 7 days for public to challenge. Upon close of 7 day period, SEL 802 is submitted to County Elections.

Created with WinCalendar Calendar Creator

More Templates 2013 Calendar 2014 Calendar

~ April 2014 ~

◄ Mar 2014 | May 2014 ►

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 City Council Mtg.	2	3	4	5
6	7	8 Planning Commission	9	10	11	12
13	14	15 City Council Mtg.	16	17	18	19
20	21	22 Planning Commission	23	24	25	26
27	28	29	30	Notes:		

Created with WinCalendar Calendar Creator

More Templates 2013 Calendar 2014 Calendar

~ May 2014 ~

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6 City Council Mtg.	7	8	9	10
11	12	13 Planning Commission	14	15	16	17
18	19	20 City Council Mtg. Election Day-deadline to file SEL802 with Co. is 3/20	21	22	23	24
25	26	27 Planning Commission	28	29	30	31

Created with WinCalendar Calendar Creator

More Templates: 2013 Calendar 2014 Calendar

~ June 2014 ~

◄ May 2014 | Jul 2014 ►

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 City Council Mtg.	4	5	6	7
8	9	10 Planning Commission	11	12	13	14
15	16	17 City Council Mtg.	18	19	20	21
22	23	24 Planning Commission	25	26	27	28
29	30	**Notes:**				

Created with AllCalendar Calendar Creator

More Templates: 2013 Calendar 2014 Calendar

~ July 2014 ~

◄ Jun 2014 | Aug 2014 ►

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 City Council Mtg.	2	3	4	5
6	7	8 Planning Commission	9	10	11	12
13	14	15 City Council Mtg.	16	17 City deadline for filing SEL802 with Co. for 9/16 Election	18	19
20	21	22 Planning Commission	23	24	25	26
27	28	29	30	31	**Notes:**	

Notes: For Sept 16, 2014 Election. Proposed Charter amendments must be adopted by the Council and Legal Counsel must then draft and bring back to the Council for final adoption. City Recorder must then publish and allow 7 days for public to challenge. Upon close of 7 day period, SEL 802 is submitted to County Elections.

Created with WinCalendar Calendar Creator

More Templates: 2013 Calendar, 2014 Calendar

~ August 2014 ~

◄ Jul 2014 | Sep 2014 ►

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5 City Council Mtg.	6	7	8	9
10	11	12 Planning Commission	13	14	15	16
17	18	19 City Council Mtg.	20	21	22	23
24	25	26 Planning Commission	27	28	29	30
31	Notes:					

Created with WinCalendar! Calendar Creator

More Templates: 2013 Calendar, 2014 Calendar

~ September 2014 ~

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2 City Council Mtg.	3	4 City deadline to file SEL802 with Co. for Nov 4 Election	5	6
7	8	9 Planning Commission	10	11	12	13
14	15	16 City Council Mtg. Election Day-Deadline to file SEL802 with Co. is 7/17	17	18	19	20
21	22	23 Planning Commission	24	25	26	27
28	29	30	**Notes:**			

Notes: for Sept. 16 Election. Proposed Charter amendments must be adopted by the Council and Legal Counsel must then draft and bring back to the Council for final adoption. City Recorder must then publish and allow 7 days for public to challenge. Upon close of 7 day period, SEL 802 is submitted to County Elections.

Created with WinCalendar Calendar Creator

More Templates: 2013 Calendar 2014 Calendar

~ October 2014 ~

◄ Sep 2014 | Nov 2014 ►

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7 City Council Mtg.	8	9	10	11
12	13	14 Planning Commission	15	16	17	18
19	20	21 City Council Mtg.	22	23	24	25
26	27	28 Planning Commission	29	30	31	Notes:

Created with WinCalendar Calendar Creator

More Templates: 2013 Calendar, 2014 Calendar

~ November 2014 ~

◄ Oct 2014 | Dec 2014 ►

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 City Council Mtg. Election Day-Deadline for filing SEL802 with Co. is 9/4	5	6	7	8
9	10	11 Planning Commission	12	13	14	15
16	17	18 City Council Mtg.	19	20	21	22
23	24	25 Planning Commission	26	27	28	29
30	**Notes:**					

Created with WinCalendar Calendar Creator

More Templates: 2013 Calendar 2014 Calendar

~ December 2014 ~

◄ Nov 2014 | Jan 2015 ►

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2 City Council Mtg.	3	4	5	6
7	8	9 Planning Commission	10	11	12	13
14	15	16 City Council Mtg.	17	18	19	20
21	22	23 Planning Commission	24	25	26	27
28	29	30	31	Notes:		

Created with WinCalendar Calendar Creator

More Templates: 2013 Calendar 2014 Calendar

Sherwood City Charter History, 1984 through 2011

Legislation	Date of Adoption	Election Date	Measure Pass/Fail	Purpose
ORD 800	3/14/1984	5/15/1984	Passed	Adoption of a Revised City Charter
ORD 90-918	9/5/1990	11/6/1990	Passed	Prohibiting Operation of Solid Waste Incinerators
ORD 2000-1083	2/22/2000	5/16/2000	Passed	Increase the Number of City Council from 5 to 7
ORD 2000-1093	8/22/2000	11/7/2000	Passed	Provide for Drawing of Lots Upon a Tie Vote for Elective Office
ORD 2000-1094	8/22/2000	11/7/2000	Passed	Filling City Council Vacancies by elections in Certain Circumstances
ORD 2000-1095	8/22/2000	11/7/2000	Passed	City Manager Shall Not Serve as City Recorder
ORD 2000-1096	8/22/2000	11/7/2000	Passed	City Council, not Mayor, Shall Appoint City Recorder Pro Tem
ORD 2000-1097	8/22/2000	11/7/2000	Passed	City Attorney Shall be Appointed and Removed by the City Council
ORD 2001-1121	8/28/2001	11/6/2001	Passed	Prohibit the Use of the Willamette River as a Water Source Without Prior City Elector Approval
RES 2005-008	3/1/2005	5/17/2005	Passed	Adoption of a New Home Rule City Charter
RES 2005-058	9/6/2005	11/8/2005	Passed	Request Voter Approval to use Willamette River as a Water Source
RES 2011-063	8/2/2011	11/6/2011	Failed	Mayor Term limit, veto authority, (multiple amendments)

Date: Dec 19, 2013
Gov. Body: Charter Review Comm.
Agenda Item: 5. Staff Reports
Exhibit #: F

Sherwood City Charter History

1984

Ordinance 800 – Providing for an election to be held on May 15, 1984 for adopting a revised City Charter. (See Record, Page 5)

- Purpose: to repeal the provisions of the existing City Charter, which was enacted in 1924 and amended repeatedly over the years, replace it with a revised, simplified, more readable Charter providing for the City Council-City Manager form of City government and other revisions.

Resolution 294 – Approving May 15, 1984 Election Results. **APPROVED** (See Record, Page 25)

1990

Ordinance 90-918 – Providing for a special election to be held on November 6, 1990 for adopting a new Charter section, prohibiting the operation of solid waste incinerators in the City of Sherwood. (See Record, Page 26)

- Purpose: add a new section to the City Charter (Section 11.8) to protect the public health and safety of prohibiting the operation of solid waste incinerators within City limits. Defines solid waste as provided by state law. Exempts the burning of certain fuels and yard debris, and allows the use of certain small scale specialized incinerators for energy recovery.

Resolution 90-480 – Approving November 6, 1990 Election Results. **APPROVED** (See Record, Page 31)

**An ad hoc Charter Review Committee was formed approximately November 1999 that recommended Charter revisions to the City Council February 2000 (limited records on file).*

2000

Ordinance 2000-1083 – Providing for an election to be held on May 16, 2000 for amending the Charter to increase the number of City Council members from 5 to 7 councilors. (See Record, Page 33)

- Purpose: to amend Chapter III, Section 3.1 of the City Charter to improve the City government and add two additional councilors to be elected at the next general election, one for a four year term and one for a two years term. The two year positions shall at each subsequent general election to be a for a four year term so that three councilor positions shall be thereafter up for election at each general election. Council Membership: six councilors and the mayor shall be member of the City Council.

Resolution 2000-882 - Approving May 16, 2000 Election Results. **APPROVED** (See Record, Page 37)

Ordinance 2000-1093 – Providing for an election to be held on November 7, 2000 for amending the Charter to provide for drawing of lots upon a tie vote for elective office. (See Record, Page 42)

- Purpose: to add a new section (Section 8.5) to the City Charter that in the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by Council.

Ordinance 2000-1094 – Providing for an election to be held on November 7, 2000 for amending the Charter to provide for filling Council vacancies by elections in certain circumstances. (See Record, Page 45)

- Purpose: to amend Chapter VII, Section 7.5, subsection (3) of the City Charter that in the event the office of Mayor or Councilor becomes vacant before the normal expiration of its term, an election shall be held to fill the vacancy for the unexpired term, provided that the unexpired term remaining is not less than 13 months from the election date described herein. Such election shall be held on the next special, primary or general election date that is not less than 90 days from the date the position is declared vacant. The Council may appoint a person to fill a vacancy until the vacancy is filled by the election described herein or for the unexpired term if no election is required to validate the appointment. The appointee's term of office shall begin immediately upon that person's appointment and shall continue until the term expires or the vacancy is filled by the election description herein, whichever occurs first.

Ordinance 2000-1095 - Providing for an election to be held on November 7, 2000 for amending the Charter to provide that the City Manager shall not also be the City Recorder. (See Record, Page 49)

- Purpose: to add a new section (Section 4.8) to the City Charter that while serving as City Manager, the City Manager shall not serve as City Recorder or City Recorder Pro Tem.

Ordinance 2000-1096 - Providing for an election to be held on November 7, 2000 for amending the Charter to provide that the City Council, not the Mayor, shall appoint the City Recorder pro tem. (See Record, Page 52)

- Purpose: to amend Section 5.3 of the City Charter to state in the Recorder's absence, the City Council shall appoint a Recorder Pro Tem who, while acting in that capacity, shall have all the authority and duties of the Recorder, including serving as Clerk of the Council.

Ordinance 2000-1097 - Providing for an election to be held on November 7, 2000 for amending the Charter to provide that the City Attorney shall be appointed and removed by the City Council. (See Record, Page 55)

- Purpose: amend Chapter XI, Section 11.9 of the City Charter to state the City Attorney is an officer of the City. The City Attorney shall be appointed and may be removed by majority vote of all members of the Council. The City Attorney shall perform all professional services incidental to the office and shall when required, furnish opinions upon any subject pertaining to the affairs of the City. He or she shall also advise with and counsel all City officers in respect to their official duties and attend the regular meetings of the Council and of such committees and boards as shall request his or her assistance.

Resolution 2000-912 – Approving the November 7, 2000 Election Results. **APPROVED** (See Record, Page 58)

2001

Ordinance 2001-1121 – Providing for an election on November 6, 2001 for amending the Charter to prohibit the use of the Willamette River as a residential drinking water source within the City without prior City elector approval. (See Record, Page 79)

- Purpose: to amend Chapter XI, Section 11.10 of the City Charter. The Charter does not limit drinking water sources. Since the Charter is silent, drinking water sources are now chosen by the City Council. This amendment will require prior approval by the city electors at a duly called election before the City Council can use the Willamette River as a drinking water source within the City.

Resolution 2001-997 – Approving the November 6, 2001 Election Results. **APPROVED** (See Record, Page 82)

2005

Resolution 2005-008 – Providing for an election on May 17, 2005 to submit a new Home Rule Charter to City voters. (See Record, Page 86)

- Purpose: to replace the current City Charter, adopted in 1984, with a new one to improve city government. In 2004 the League of Oregon Cities adopted a new model charter. The model more clearly defines the legal authority of the City Council. It sets the duties of a City Manager. The model is shorter and easier to read and better meets the present and future needs of the City. The Council has retained the amendment added by city voters in 2000 and 2001.

Election results approved via Mayoral signature, no record of resolution on file. **APPROVED**

Resolution 2005-058 – Providing for an election on November 8, 2005 to request voter approval of Willamette River water as a source for City water. (See Record, Page 97)

- Purpose: according to Section 43 of the City Charter, the use of the Willamette River water as a source of drinking water is prohibited without voter approval.

Election results approved via Mayoral signature, no record of resolution on file. **APPROVED**

2011

Resolution 2011-063 – Providing for an election on November 8, 2011 to approve revisions to the City Charter. (See Record, Page 99)

- Purpose: to update the Charter to remove obsolete provisions, clarify others provisions and reflect standard municipal organization and practices. Revisions authorize the mayor to appoint members of certain boards and commissions with council approval, deletes the requirement that the council be elected by position, deletes the mayor's authority to veto city legislation; requires the mayor's signature on City Council decisions, establishes a four-year term for the mayor, prohibits mayor and councilors from holding another elected office, clarifies process for filling council vacancy, requires municipal court judge to be a member of Oregon State bar, deletes obsolete provision regarding personnel rules and compensation; and deletes obsolete provision regarding use of Willamette River water.

Resolution 2011-091 – Approving November 8, 2011 Election results. **FAILED.** (See Record, Page 110)

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 800

AN ORDINANCE PROVIDING FOR A SPECIAL CITY ELECTION TO BE HELD IN THE CITY OF SHERWOOD, OREGON, May 15, 1984, IN CONJUNCTION WITH THE STATE PRIMARY ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF SHERWOOD, OREGON THE QUESTION OF ADOPTION OF A REVISED CITY CHARTER

WHEREAS, the Sherwood Charter Review Committee has reviewed the existing city charter enacted in 1924 and amended repeatedly over the years, and that committee has recommended to the City Council for adoption a substantially revised draft charter; and

WHEREAS, the City Council has studied and further revised said recommended draft charter and finds that this simplified, more readable revised charter should be adopted and that it is necessary to submit said revised charter to the legal voters of the City of Sherwood; now, therefore,

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1. It is necessary and in the best interests of the people of the City of Sherwood that there be submitted to the legal voters of the city, at the regular statewide primary election to be held throughout the state, including all voting precincts within the city, on Tuesday, May 15, 1984, the proposition hereinafter stated with respect to adoption of a revised city charter.

Section 2. The proposed revised city charter, a copy of which is attached hereto as Exhibit A and by this reference incorporated herein, is hereby adopted, approved, and authorized for submission to the legal voters of the city.

Section 3. The question of approving or rejecting the adoption of the charter as set forth in Exhibit A shall be submitted to the legal voters of the City of Sherwood at the primary election of May 15, 1984 in accordance with the applicable election laws of the State of Oregon, for which purpose the following ballot title, number, and form in which the question shall be printed upon the official ballot is prescribed:

Submitted to the qualified voters by the Sherwood City Council

CAPTION

ADOPTION OF A REVISED SHERWOOD CITY CHARTER

QUESTION

Shall the proposed revised Sherwood City Charter be adopted?

PURPOSE

The purpose of this proposal is to repeal the provisions of the existing city charter, replace it with a revised, simplified, more readable charter providing for a city council-city manager form of city government, and other revisions, to become effective July 1, 1984 if approved by the voters. Copies of the proposed new charter, as referred to the voters by city ordinance No. 800 are available upon request at Sherwood City Hall.

Section 4: In all respects the conduct of the election on the foregoing proposition shall conform to the procedures established pursuant to the laws for the conduct of elections, and the polls shall be opened at the same hour and closed at the same hour and all other applicable provisions in accordance with the election laws of the State of Oregon.

Section 5: Notice of the foregoing proposals in form substantially as hereinafter set forth shall be given by three consecutive publications in the Tigard Times on May 1, May 3, and May 8, 1984, and by posting notices substantially in the following form at each of the following designated places, such posting to be accomplished not later than May 4, 1984.

a) At the front door of the City Hall conspicuously exposed to the public view, Sherwood, Oregon
b) At the front door of the United States Postoffice in the City of Sherwood, conspicuously exposed to public view
c) At the front door of the Tualatin Rural Fire District Station in the City of Sherwood, conspicuously exposed to the public view
d) At least one other public place to be selected by the City Recorder, conspicuously exposed to public view.

The City Recorder is directed to cause to have published and posted said notice and to file in the records of said election an affidavit of posting in usual form prior to May 12, 1984.

The form of notice shall be substantially as follows:

NOTICE OF CHARTER AMENDMENT ELECTION

Notice is hereby given that, pursuant to Ordinance No. 800 enacted by the City Council of Sherwood on March 14, 1984, at the election date of May 15, 1984, between the hours of 8:00 o'clock a.m. and 8:00 o'clock p.m. there will be submitted to the qualified voters of the City of Sherwood for their approval or rejection the following proposition:

Submitted to the qualified voters by the Sherwood City Council

CAPTION

ADOPTION OF A REVISED SHERWOOD CITY CHARTER

QUESTION

Shall the proposed revised Sherwood City Charter be adopted?

PURPOSE

The purpose of this proposal is to repeal the provisions of the existing city charter, replace it with a revised, simplified, more readable charter providing for a city council-city manager form of city government, and other revisions, to become effective July 1, 1984 if approved by the voters. Copies of the proposed new charter, as referred to the voters by city ordinance No. 800, are available upon request at Sherwood City Hall.

The polling places in the City of Sherwood for purposes of this election will be those designated by the County Clerk or the elections officer.

Witness my hand and the seal of the City of Sherwood, Oregon this_____day of_____, 1984.

Section 6: The City Council of the City of Sherwood, Oregon deems it unnecessary for the city of Sherwood, or any officer thereof, to furnish election pamphlets containing the text of the propositions or arguments in support of or in opposition to the propositions, other than to provide copies of the proposed charter, Exhibit A hereto.

Section 7: The City Recorder shall be, and she is hereby, authorized and directed to cause the county elections officer to have prepared ballots in due and legal form as herein prescribed, to appoint an election board, and to furnish to the election board a proper ballot box and all necessary election materials, and to take any and all other and further actions necessary to conduct this election in accordance with laws regulating and governing elections.

Section 8: It is necessary for the preservation of the public peace, health and safety of the people of the City of Sherwood that this ordinance take effect immediately in order that the charter amendment proposal may be properly submitted to the people of the City of Sherwood at the statutory election date of May 15, 1984, and therefore an emergency is hereby declared to exist. This ordinance shall be effective upon its passage by the council and signature by the Mayor.

PASSED: By the City Council, by vote of all Council members present, after being read three times by caption, this 14 day of March, 1984.

Polly Blankenbaker

Polly Blankenbaker, City Recorder

APPROVED: By the Mayor this 15 day of March, 1984.

Mary L. Tobias

Mary Tobias, Mayor

SHERWOOD CITY CHARTER

CHAPTER I

INTRODUCTORY PROVISIONS

Section 1.1 Title. This enactment shall be referred to as the City of Sherwood Charter of 1984.

Section 1.2 Corporate Name and Capacity. The inhabitants of the City of Sherwood have been and are hereby constiuted a municipal corporation by the name of the City of Sherwood and by that name have perpetual succession.

Section 1.3 Boundaries. The City includes all territory encompassed by its boundaries as they exist when this revision of the Charter is adopted or as they are subsequently modified in accordance with state law. The repository of city records shall include at least two copies of this Charter, each containing an accurate, up-to-date description of the boundaries. The copies and description shall be available for public inspection during regular office hours.

CHAPTER II

POWERS

Section 2.1 Vesting, Granting and Construction of Powers.

(1) Except as this Charter provides to the contrary, all power of the City is vested in the Council, which is the representative legislative body of the City.

(2) The City has all powers that the Constitution or laws of the United States and of this State expressly or impliedly grant or allow cities, as fully as if this Charter specifically stated each of those powers.

(3) In this Charter failure to mention a particular power may not be construed to be exclusive or to restrict the scope of the powers that the City would have if the particular power were mentioned. The Charter shall be liberally construed to the end that the City have all powers necessary or convenient for the conduct of its affairs, including all powers that cities may assume under state laws and the provisions of the state constitution regarding municipal home rule.

CHAPTER III

FORM OF GOVERNMENT

Section 3.0 Where Powers Vested. Except as this Charter provides otherwise, all powers of the City shall be vested in the council.

Section 3.1 Council: Membership. Four Councilors and the Mayor shall be members of the City Council.

Section 3.2 Mayor: Election. A Mayor shall be elected at the first general election after the Charter is adopted. The Mayor will be elected for a two year term and hold office until a successor is elected or appointed.

Section 3.3 Councilors: Election. The term of office of each Councilor in office when this charter is adopted shall continue until the expiration of the current elected term. At the first general election after the Charter is adopted, two Councilors shall be elected to the two open positions. At each subsequent general election, two Councilors shall be elected, each for a term of four years.

Section 3.4 Council: President. At the first regular meeting of the Council in January following the general election, or as soon thereafter as practical, the Council shall choose one of its members to preside over the Council and perform the duties of Mayor in the absence of the Mayor from the City or in case of the Mayor's inability to act as such. In functioning as Mayor while he or she is absent from the City on leave granted by the council or after the Mayor is absent from the City for 30 days or when the Mayor is physically unable to function as Mayor for 30 days, the President of the Council has the legal powers and is subject to the legal limitations of the Mayor. The President of the Council shall function as the Mayor until the Mayor resumes office.

Section 3.5 Council: Meetings. The Council shall prescribe times and places for its meetings. It shall meet regularly at least once each month. At a meeting it may adjourn to the next succeeding regular meeting or to some specified time prior thereto. The Mayor or a majority of the Councilors may call special meetings of the Council.

Section 3.6 Mayor: Functions at Council Meetings. The Mayor shall be chairman of the Council and preside over its deliberations. The Mayor shall have a vote on all questions before the Council. The Mayor shall have authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council.

Section 3.7 Council: Quorum. A majority of the Council constitutes a quorum for the transaction of council business, except that a lesser number may meet and compel the attendance of absent members. A quorum may also compel the attendance of absent

members. The Mayor shall be included in the council for the purpose of a quorum.

Section 3.8 Council: Vote Required. Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the council.

Section 3.9 Council: Record of Proceedings. The Council shall cause a record of its proceedings to be kept. Upon the request of any of its members, the ayes and nays upon any question before it shall be taken and entered in the record. No action by the Council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

Section 3.10 Council: Committees, Commissions, and Boards. Advisory and statutory commissions, committees, and boards that the Council may establish shall be appointed by the City Council.

CHAPTER IV

CITY MANAGER

Section 4.1 City Manager: Appointment and Qualifications. The Council shall hire a City Manager for an indefinite term who shall hold office during the pleasure of the Council and may be removed at any time by a three-fifths vote of the entire council. The City Manager shall be chosen without regard to political considerations and solely on the basis of executive and administrative qualifications. The City Manager need not be a resident of the City or state at the time of appointment, but within one year thereafter shall

become and remain a resident of the City while in office. No Councilor nor Mayor may be hired as City Manager until one year after the expiration of that person's service in the office of Councilor or Mayor.

Section 4.2 City Manager: Vacancy. If the office of the City Manager becomes vacant or if the City Manager is absent from the City or disabled, the Council may designate a City Manager Pro Tem.

Section 4.3 City Manager: Pro Tem. The City Manager Pro Tem shall perform the duties of City Manager, but may appoint or dismiss a department head only with the approval of the Council. The term of office of the City Manager Pro Tem ends when the City Manager returns to the City or takes office.

Section 4.4 City Manager: Powers and Duties. The City Manager shall be the chief executive officer of the City government and shall be responsible to the council for the proper performance of his or her duties. The City Manager shall:

(a) Supervise and control all administrative and business affairs of the City;

(b) Enforce all ordinances;

(c) See that the provisions of all franchises, contracts, leases, permits and privileges granted by the City are fully observed and enforced;

(d) Except for municipal court judges, generally supervise and control all employees of the City including, but not limited to, employing, disciplining and discharging employees, assigning duties and accounting for performances as prescribed by ordinance;

(e) Organize, disband or reorganize departments;

(f) Prepare the annual budget;

(g) Make all purchases;

(h) Execute all contracts with Council approval;

(i) Prepare and furnish reports requested by the Council;

(j) Devote full time to the office of the City Manager; and

(k) Perform other duties as the Council directs.

Section 4.5 City Manager: Council Meetings. The City Manager and such other officers of the city as the Council designates may sit with the Council, but may not vote on questions before the Council. The City Manager may take part in all Council discussions.

Section 4.6 City Manager: Interference in Administration.

No member of the Council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the City Manager in the making of any appointment or in the removal of any officer or employee. No Councilor shall attempt to exact any promise relative to any appointment from any candidate for City Manager. If the Council finds, upon a hearing, that a member of the Council has violated the foregoing provisions of this section, the office of the offending member shall be forfeited. Nothing in this section shall be construed, however, as prohibiting the Council, while in session, from fully and freely discussing with or suggesting to the Manager anything pertaining to city affairs or the interests of the city. Neither the Manager nor any person

in the employ of the city shall take part in securing, or contributing any money toward, the nomination or election of any candidate for a municipal office.

Section 4.7 City Manager: Ineligible Persons. Neither the manager's spouse nor any person related to the manager or the manager's spouse by consanquinuity or affinity within the third degree may hold any appointive office or employment with the city.

CHAPTER V

RECORDER

Section 5.1 Recorder. The Recorder shall be appointed by the City Council. The Recorder shall serve as Clerk of the Council, attend all its meetings unless excused therefrom by the Council, keep an accurate record of its proceedings, and sign all orders on the treasury. The City Recorder need not be a resident of the City of state at the time of appointment, but within one year thereafter shall become and remain a resident of the City while in office.

Section 5.2 Elections. The City Recorder shall act as the city officer in charge of elections.

Section 5.3 Absence. In the Recorder's absence from a Council meeting, the Mayor shall appoint a Clerk of the Council Pro Tem who, while acting in that capacity, shall have all the authority and duties of the Recorder.

CHAPTER VI

MUNICIPAL COURT AND JUDGE

Section 6.1 Municipal Court: Creation and Jurisdiction. The Council may continue the court known as the Municipal

Court. The jurisdiction and proceedings of the Municipal Court are governed by the general laws of the State of Oregon for Justices of the Peace and Justice Courts, except as city ordinance prescribes to the contrary. The Municipal Court has original jurisdiction over all offenses defined and made punishable, and over all actions to recover or enforce forfeitures or penalties defined or authorized, by the ordinances of the city.

Section 6.2 Municipal Court: Powers.

(1) The Municipal Court has the jurisdiction and authority of a Justice of the Peace in and for Washington County, in both civil and criminal matters and, when exercising that jurisdiction and authority is subject to the general laws of the State of Oregon prescribing the duties of a Justice of the Peace and the mode of performing them.

(2) The Municipal Judge may:

(a) Render judgments and impose sanctions for the enforcement thereof on persons and property within its jurisdiction;

(b) Cause the arrest of any person accused of an offense against the city;

(c) Commit to jail, pending trial, any person accused of an offense against the city;

(d) Issue and compel obedience to subpeonas;

(e) Compel witnesses to appear and testify or jurors to serve in the trial of any cause before the Municipal Court;

(f) Punish witnesses and others for contempt

of court;

(g) Issue any process necessary to carry into effect the judgment of the Municipal Court; and

(h) Perform other judicial or quasi-judicial functions as the Council prescribes by general ordinance.

Section 6.3 Municipal Judge: Appointment. The Council may appoint a Municipal Judge and such Pro Tem judges as it deems necessary to serve for indefinite terms to hold office at the pleasure of the Council and may remove any of them at any time, with or without cause, by three-fifths vote of the entire Council.

Section 6.4 Municipal Judge: Vacancy. If the office of Municipal Judge becomes vacant or if the Municipal Judge is absent from the city or disabled, the City Council may appoint an acting Municipal Judge. The acting Municipal Judge shall perform the duties of Municipal Judge. The term of acting Municipal Judge shall end when the Municipal Judge returns to the city or takes office.

CHAPTER VII

MUNICIPAL OFFICERS AND EMPLOYEES

Section 7.1 Qualifications. No person may hold an elective city office unless that person is a legal elector under the laws and Constitution of the State of Oregon; a resident of the city for one year immediately before being elected or appointed to the office; a resident of the city when nominated, elected or appointed and when assuming the office and unless that

person received the highest number of votes cast for candidates for the office at the election at which the office is to be filled.

Section 7.2 Certificate of Election. Immediately after the votes at a municipal election for filling an elective office have been canvassed, the City Recorder shall issue a certificate of election to each person declared by the canvassers to have been elected at the election. The certificate shall be prima facie evidence of the facts therein stated, but the Council shall be the judge of the election and qualifications of the Mayor and Councilors, and in case of a contest between two or more persons claiming an elective city office shall determine the contest.

Section 7.3 Terms. The term of city elective offices shall commence upon the swearing in of the officers at the first regular meeting in January following the election.

Section 7.4 Oath of Office. Each elective officer, the City Manager and Municipal Judge, before entering upon the duties of office, shall take an oath or affirmation to support the Constitution and laws of the United States and of the State of Oregon and to faithfully perform the duties of the office. The oath of office will be administered at the first regularly scheduled Council meeting in January following the officer's election.

Section 7.5 Offices: Vacancies.

(1) An office becomes vacant upon its incumbent's death, adjudication of incompetence, conviction of a felony, forfeiture of office by action of the Council, resignation or

ceasing to be a qualified elector of the City. An elective city office may be declared vacant whenever its incumbent is absent from the City for forty-five (45) consecutive days without the consent of the Council or whenever the elected city officer has been absent from three regular meetings of the Council without the Council's consent or whenever a Councilor removes his primary residence from the City.

(2) The Council shall judge when an office becomes vacant.

(3) A vacancy in any elective city office shall be filled by appointment. A majority vote of the entire Council shall be required to validate the appointment. The appointee's term of office shall begin immediately upon that person's appointment and shall continue until the first Council meeting of January following the next general election; and if the term of office does not expire, the remainder thereof shall be filled by election at such general election.

Section 7.6 Compensation. Councilors and the Mayor shall receive no pay for their services, but may be reimbursed for actual expenses they incur when performing their duties. The compensation of other officers shall be prescribed by the Council.

Section 7.7 Liability for Unauthorized Expenditures.

(1) A city officer who participates in, advises, consents to, or allows city money to be diverted to any purpose other than the one for which it is raised is guilty of malfeasance and is removable from office as provided by law.

(2) If any city money is diverted from the purpose for

which it is raised, if any money is unlawfully used or if any void evidence of debt is paid, any qualified elector or taxpayer of the city my bring a civil action in the name of the city against any officer voting for, approving of, or in any way directing the diversion, unlawful use, or void payment, to recover the amount,with interest, for the benefit of the city.

CHAPTER VIII

ELECTIONS

Section 8.1 Elections. City elections, insofar as not governed by this Charter or by city ordinance, shall be conducted as prescribed by Oregon State law governing popular elections.

Section 8.2 Voters' Qualifications. No person may vote at a city election who is not a qualified voter of the state.

Section 8.3 Notice. The City Recorder shall give ten days public notice of each city election. The notice shall state the officers to be elected and the measures to be submitted at the election. The notice shall also state the places for the election.

Section 8.4 Nomination. The Council shall provide by ordinance the mode for nominating elective officers.

CHAPTER IX

ORDINANCES

Section 9.1 Ordaining Clause. The ordaining clause of an ordinance shall read: "The City of Sherwood ordains as follows:"

Section 9.2 Mode of Enactment

(1) Except as paragraph (2) of this section

section provides to the contrary, every ordinance of the Council shall, before being put upon its final passage, be read fully and distinctly once in open Council meeting.

(2) Any reading may be by title only (A) if no Council member present at the meeting requests to have the ordinance read in full, or (B) if a copy of the ordinance is provided for each Council member and three copies are provided for public inspection in the office of the City Recorder not later than one week before the first reading of the ordinance, and notice of their availability is given forthwith upon the filing, by (I) written notice posted at the City Hall and two other public places in the City, or (II) advertisement in a newspaper of general circulation in the City.

(3) An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.

(4) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and recorded in the journal.

Section 9.3 Attestation and Approval. Upon the enactment of an ordinance the Recorder shall sign it with the date of its passage and the Recorder's name and title of office and submit the ordinance to the Mayor for approval. If the Mayor approves the ordinance, the Mayor shall sign and date his or her signature on the

ordinance.

Section 9.4 Veto. If not approving an ordinance so submitted, the Mayor shall, within ten days after receiving it, return it to the City Recorder, with written reasons for not approving it. If not so returned, the ordinance shall have legal effect as if so approved.

Section 9.5 Overriding of Veto. At the first meeting of the Council after the Mayor returns an ordinance not so approved, the City Recorder shall present the ordinance to the Council with the objections of the Mayor. The ordinance shall then be submitted for adoption again and if four-fifths of the entire Council vote in favor of the ordinance, it shall take effect in accordance with Section 9.6 of the Charter.

Section 9.6 Times of Effect. An ordinance takes effect thirty (30) days after its adoption by the Council and approval by the Mayor, or passage over the Mayor's veto, unless it is necessary to have immediate effect for the preservation of the peace, health, and safety of the City, and so states in a separate section the reasons why it is necessary, and is approved by the affirmative vote of three-fifths of the entire Council. In that event, it takes effect immediately upon its adoption by the Council and approval by the Mayor or passage over his or her veto at whatever subsequent time the ordinance specifies.

CHAPTER X

PUBLIC IMPROVEMENTS

Section 10.1 Procedure.

(1) Except as provided in this section, the procedure for making, altering, vacating or abandoning a public

improvement shall be governed by general ordinances or, to the extent not so governed, by the applicable general laws of the State of Oregon.

(2) If, within fifteen (15) days of first publication of notice of intention to make an improvement, the owners of 65% or more in area of the property within the assessment district make and file written objection or remonstrance against the proposed improvement, said remonstrance shall be a bar to further proceedings in making such improvement under the authority granted by this Section, for a period of one (1) year, unless within that period the owners of one-half (1/2) or more of the property affected shall subsequently petition therefore. Further proceedings to make the improvement after expiration of the period of bar shall require republication of notice of intention to make the improvement, and those proceedings shall likewise be subject to bar by remonstrance prusuant to this section.

Section 10.2 Assessments. The procedure for levying, collecting and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

Section 10.3 Liens. The docket of city liens is a public writing, and the original or a certified copy of any matter authorized to be entered in the docket shall have the force and affect of a judgment. From the time of the Council's authorization of an improvement on account of which an assessment is entered in the docket, the sum so entered is a lien against the property. The lien has priority over all other liens and encumbrances upon the property

and may be enforced in the manner authorized by the Council. The Council must notify the property owner by certified mail or process server, thirty (30) days prior to taking action to foreclose a lien.

CHAPTER XI

MISCELLANEOUS PROVISIONS

Section 11.1 Indebtedness: Limits.

(1) Indebtedness of the city may not exceed the limits on city indebtedness under state law.

(2) Approval by the voters of city indebtedness need not be in the form of a charter amendment.

Section 11.2 Terms, Proceeds, and Retirement of Bonds. Bonds issued as evidence of indebtedness shall have such terms and provisions as shall be prescribed by the Council. Bond sale proceeds shall be kept, invested, disbursed and accounted for and the indebtedness retired in the manner prescribed by the Council.

Section 11.3 Presumption of Validity of City Action. In every proceeding in any court concerning the exercise or enforcement by the City of any of its officers or agencies of any power by this act given to the City or any of its officers or agencies, all acts by the City or any of its officers or agencies shall be presumed to be valid and no error or omission in any such act invalidates it, unless the person attacking it alleges and proves that he or she has been misled by the error or omission to his or her damage. The court shall disregard every error or omission which does not affect a sub-

stantial right of the person. Any action by this Charter committed to the discretion of the Council, when taken, shall be final and shall not be reviewed or called into question elsewhere.

Section 11.4 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.

Section 11.5 Repeal of Previously Enacted Provisions.

All Charter provisions of the City enacted prior to the time that this Charter takes effect are hereby repealed. All prior acts of the City pursuant to the Charter provisions hereby repealed, giving rise to vested rights and obligations, are ratified, confirmed, and unaffected by repeal of said prior Charter provisions.

Section 11.6 Initial Elected Officers. The duly elected officers of the City of Sherwood under the Charter provisions repealed hereby shall, upon the effective date of this Charter, become the initial elected officers under this Charter, to serve the remainder of their respective terms of office.

Section 11.7 Time of Effect of Charter

This Charter shall take effect on July 1, 1984.

City of Sherwood

RESOLUTION 294

RESOLUTION CANVASSING RETURNS OF REGULAR MUNICIPAL ELECTION, PROCLAIMING RESULTS AND DIRECTING RECORDER TO ENTER ELECTION RESULTS IN THE RECORD

WHEREAS, there has been duly and regularly certified to the City by the Washington County Clerk, the following returns of the election held in the City of Sherwood on May 15, 1984, whereat there was submitted to the electors the question of establishing a new tax base and adoption of a revised Sherwood City Charter.

WHEREAS, pursuant to Section 14 of the Charter of the City of Sherwood, the Council is required to canvass the said returns and proclaim the results and direct the Recorder to enter the results in the records of the Council proceedings;

NOW THEREFORE BE IT RESOLVED by the Council of the City of Sherwood as follows:

Establishing a new tax base:

Yes	186
No	452

Adoption of a revised Sherwood City Charter:

Yes	396
No	222

IT IS HEREBY FURTHER RESOLVED AND PROCLAIMED that a revised Sherwood City Charter has been adopted, and that a new tax base has failed.

BE IT FURTHER RESOLVED that the Recorder be, and is hereby, directed to enter a copy of this resolution in the record of the journal of the proceedings of this Council.

Dated at Sherwood, Oregon this 13th day of June, 1984.

Mary L. Tobias

Mary L. Tobias, Mayor

Polly Blankenbaker

Polly Blankenbaker, Recorder

CITY OF SHERWOOD

ORDINANCE NO. 90-918

AN ORDINANCE PROVIDING FOR A CITY ELECTION TO BE HELD IN THE CITY OF SHERWOOD, OREGON, NOVEMBER 6, 1990, IN CONJUNCTION WITH THE STATE GENERAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF SHERWOOD, OREGON THE QUESTION OF ADOPTION OF A NEW CHARTER SECTION, PROHIBITING OPERATION OF SOLID WASTE INCINERATORS IN THE CITY OF SHERWOOD

WHEREAS, the Sherwood City Council has found and determined that it is in the public interest that the question of prohibition of operation of solid waste incinerators should be submitted to the electors of the City of Sherwood as an amendment to the City Charter;

NOW, THEREFORE, THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1. It is necessary and in the best interest of the people of the City of Sherwood that there be submitted to the legal voters of the city at the regular statewide general election to be held throughout the state, including all voting precincts within the city, on November 6, 1990, the proposition hereinafter stated with respect to adoption of an amendment to the City Charter.

Section 2. The proposed amendment to the City Charter, a copy of which is attached hereto as Exhibit A and by this reference incorporated herein, is hereby adopted, approved, and authorized for submission to the legal voters of the City.

Section 3. The question of approving or rejecting the proposed Charter amendment set forth in Exhibit A shall be submitted to the legal voters of the City of Sherwood at the general election of November 6, 1990, in accordance with the applicable election laws of the State of Oregon, for which purpose the following ballot title and form in which the question shall be printed upon the official ballot is prescribed:

Submitted to the qualified voters by Sherwood City Council

Caption

AMENDS CHARTER; PROHIBITS CERTAIN SOLID WASTE INCINERATOR OPERATIONS IN SHERWOOD

Question

"SHALL THE CITY CHARTER BE AMENDED TO PROHIBIT OPERATION OF INFECTIOUS AND CERTAIN SOLID WASTE INCINERATORS WITHIN THE CITY"?

Summary

Amends Sherwood's Charter to protect the public health and safety by prohibiting the operation of solid waste incinerators within City limits. Defines solid waste as provided by state law. Exempts the burning of certain fuels and yard debris, and allows the use of certain small scale specialized incinerators for energy recovery. Provides effective date, if enacted by the voters, of September 5, 1990. Copies of the proposed Charter amendment as referred by Ordinance No. 90-918 are available upon request at the Sherwood City Hall.

Section 4. The foregoing proposition shall be submitted to the legal voters of the City of Sherwood by ballot at each precinct or part thereof within the City of Sherwood at the general election of November 6, 1990.

Section 5. Notice of the city charter election shall be given in the form substantially as hereinafter set forth, by posting notices substantially in the following form at each of the herein designated places, such posting to be accomplished not later than October 26, 1990, pursuant to Chapter VIII of the City Charter.

Places of posting conspicuously exposed to public view in the City of Sherwood:

1. At the front door of the City Hall
2. At the front door of the United States Post Office
3. At the front door of the Tualatin Rural Fire Protection District Station
4. In at least one other public place to be selected by the City Recorder

The form of notice shall be substantially as follows:

NOTICE OF CHARTER AMENDMENT:

Notice is hereby given that pursuant to Ordinance No. 90-918 enacted by the City Council of Sherwood, Oregon, on September 5, 1990, there will be submitted to the qualified voters of the City of Sherwood for their approval or rejection, at the general election to be held on November 6, 1990, between the hours of 7:00 o'clock A.M. and 8:00 o'clock P.M., the following proposition:

Submitted to the qualified voters by Sherwood City Council

Caption

AMENDS CHARTER; PROHIBITS CERTAIN SOLID WASTE INCINERATOR OPERATIONS IN SHERWOOD

Question

SHALL THE CITY CHARTER BE AMENDED TO PROHIBIT OPERATION OF INFECTIOUS AND CERTAIN SOLID WASTE INCINERATORS WITHIN THE CITY?

Summary

Amends Sherwood's Charter to protect the public health and safety by prohibiting the operation of solid waste incinerators within City limits. Defines solid waste as provided by state law. Exempts the burning of certain fuels and yard debris, and allows the use of certain small scale specialized incinerators for energy recovery. Provides effective date, if enacted by the voters, of September 5, 1990. Copies of the proposed Charter amendment as referred by Ordinance No. 90-918 are available upon request at the Sherwood City Hall.

* * * * * * * * * *

The polling places in the City of Sherwood for purposes of this election will be those designated by the County Clerk or election officer.

WITNESS my hand and the seal of the City of Sherwood this _____ day of _____, 1990.

_____
City Recorder

Section 6. The City Recorder be and she is hereby authorized and directed to cause the county elections officer to have prepared ballots in due and legal form as herein prescribed and to take any and all other and further actions necessary to conduct the election in accordance with the laws regulating and governing elections.

Section 7. For the orderly conduct of the election and to comply with the statutory time requirements for submitting election information to the county elections officer prior to the sixty-first day previous to the

election date, and also to protect the health and safety of the community, an emergency is hereby declared to exist. This ordinance shall therefore be effective upon its passage by the Council and approval by the Mayor.

Duly passed by the City Council
this 5th day of September, 1990.

Polly Blankenbaker

Polly Blankenbaker, City Recorder

Approved by the Mayor this 5th day
of Sept, 1990.

Norma Jean Oyler

Norma Oyler, Mayor

	Aye	Nay
Birchill	X	
Boyle	X	
Chavez	X	
Hitchcock	X	
Oyler	X	

EXHIBIT A

ORDINANCE NO. 90-918

Proposed City Charter Amendment Adding Section
Re: Solid Waste Incinerators

Section 11.8. Solid Waste Incinerators.

The operation of solid waste incinerators for any commercial, industrial, or institutional prupose is prohibited in the City. For the purposes of this Section, solid waste is defined as per ORS 459.005(24), and includes infectious wastes as per ORS 459.386(2). Provided said incineration or burning is otherwise properly permitted, this prohibition shall not apply to furnaces, incinerators, or stoves burning wood or wood-based products, petroleum products, natural gas, or to other fuels or materials not defined as solid waste, to yard debris burning, or to small-scale specialized incinerators utilizing solid waste produced as a byproduct on-site and used for energy recovery purposes only. Said small-scale specialized incinerators must be integral to and part of, but clearly ancillary, secondary, and incidental to, a permitted or conditionally permitted use in the City, and cannot utilize infectious wastes or any fuels derived from infectious wastes. This prohibition shall also not apply to solid waste incinerators lawfully permitted to operate prior to September 5, 1990, but shall apply to any expansion, alteration, or modification of such a use or any applicable permits.

CITY OF SHERWOOD

RESOLUTION NO. 90-480

RESOLUTION CANVASSING RETURNS OF THE NOVEMBER 6, 1990, GENERAL ELECTION, PROCLAIMING RESULTS AND DIRECTING THE RECORDER TO ENTER ELECTION RESULTS IN THE RECORD.

WHEREAS, there has been duly and regularly certified to the City by the Washington County Clerk, the following returns of the election held in the City of Sherwood November 6, 1990, whereat there was submitted to the electors the questions of an amendment to the City Charter prohibiting operation of infectious and certain solid waste incinerators within the City, a tax base levy of $650,000 beginning with the 1991-1992 fiscal year, and the election of a Mayor and two Councilors.

WHEREAS, pursuant to ORS 255.295 the Council is required to canvass the said returns and proclaim the results and direct the Recorder to enter the results in the records of the Council proceedings;

NOW THEREFORE BE IT RESOLVED by the Council of the City of Sherwood as follows:

Approving a Charter Amendment

Yes	789
No	340

Approving a $650,000 Tax Base

Yes	435
No	663

Candidates for Mayor

Rick A. Hohnbaum	480
Norma J. Oyler	471

Councilor (4 years) Two to be elected:

William Boyle	546
Barry W. Kennedy	507
Marty Ruehl	489

IT IS HEREBY FURTHER RESOLVED AND PROCLAIMED that a Charter Amendment has passed, that a new tax base has failed, that Rick A. Hohnbaum has been elected Mayor for a two year term, and that William Boyle and Barry W. Kennedy have been elected to four year terms on the Council.

BE IT FURTHER RESOLVE that the Recorder be, and is hereby, directed to enter a copy of this Resolution in the record of the journal of the proceedings of this Council.

Duly passed by the City Council on December 12, 1990.

Norma Jean Oyler

Norma Oyler, Mayor

Polly Blankenbaker

Polly Blankenbaker, Recorder

CITY OF SHERWOOD

ORDINANCE NO. 2000-1083

AN ORDINANCE PROVIDING FOR A CITY ELECTION TO BE HELD IN THE CITY OF SHERWOOD, OREGON MAY 16, 2000, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY THE QUESTION OF APPROVING AN AMENDMENT TO THE CITY CHARTER TO INCREASE THE NUMBER OF CITY COUNCIL MEMBERS FROM 5 TO 7 COUNCILORS, AND DECLARING AN EMERGENCY

WHEREAS, the City Council believes the City government may be improved by amending the City Charter by increasing membership in the City Council;

WHEREAS, it appears this proposed amendment should be submitted to the voters at the May 16, 2000 primary election,

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

Section 1.

The City Council hereby adopts, subject to the approval or rejection by the voters, the following Charter amendment:

Charter amendment Measure 1: Sherwood City Charter Chapter III, Section 3.1 Council Membership, shall read as follows:

> "3.1 Council Membership. Six councilors and the mayor shall be members of the City Council."

If this amendment is approved by the voters, two additional councilors will be elected at the next general election, one for a four year term, and one for a two year term. The two year position shall at each subsequent general election be for a four year term so that three councilor positions shall be thereafter up for election at each general election.

Section 2.

It is necessary and in the best interests of the people of the City of Sherwood that there be submitted to the legal voters of the City of Sherwood at the primary election to be held May 16, 2000, the Charter amendment proposition herein set forth, for which purpose and election is hereby called on said date.

Section 3.

There shall be submitted to the voters of the City of Sherwood for their approval or rejection, the following Charter amendment measure for which the following ballot title to appear on the ballot is prescribed.

Measure No. 1

Caption

AMENDMENT OF CITY CHARTER INCREASING COUNCIL MEMBERS TO 7 PERSONS.

Question

"SHALL CITY CHARTER BE AMENDED TO INCREASE NUMBER OF COUNCIL MEMBERS FROM 5 TO 7 MEMBERS?"

YES ( )
NO ( )

Summary

This measure, if approved, would amend Chapter III Section 3.1 Council Membership, to read as follows:

> "Section 3.1 Council: Membership. Six councilors and the Mayor shall be members of the City Council."

At the next general election following adoption of this amendment, two new council positions shall be filled by election. One position will be for a four year term and the other initially for a two year term, which position shall at each general election thereafter also be for a four year term.

Section 4.

In addition to such notice as the County Elections Officer shall give, the City Recorder shall give notice of the election in the manner required by Section 8.3 of the City Charter. The form of the notice shall be substantially as follows:

Notice of Election On Proposed Amendments
to the Sherwood City Charter

Notice is hereby given that pursuant to Ordinance No. 2000-1083 enacted by the City Council of the City of Sherwood on February 22, 2000, there will be submitted to the qualified voters of the City of Sherwood for their approval or rejection at the primary election to be held on May 16, 2000, the following proposition submitted to the qualified voters by the Sherwood City Council:

Measure No. 1

Caption

AMENDMENT OF CITY CHARTER INCREASING COUNCIL MEMBERS TO 7 PERSONS

Question

"SHALL CITY CHARTER BE AMENDED TO INCREASE NUMBER OF COUNCIL MEMBERS FROM 5 TO 7 MEMBERS?"

YES ( )
NO ( )

Summary

This measure, if approved, would amend Chapter III Section 3.1 Council Membership, to read as follows:

> "Section 3.1 Council: Membership. Six councilors and the mayor shall be members of the City Council."

At the next general election following adoption of this amendment, two new council positions shall be filled by election. One position will be for a four year term and the other initially for a two year term, which position shall at each general election thereafter be for a four year term.

Balloting

This election will be by mail, conducted as determined by the County Elections Officer, in accordance with voting by mail

procedure prescribed by Oregon law, using the mails and ballot drop sites designated by the County Elections Officer.

Witness my hand and seal of the
City of Sherwood this 22nd day of
February, 2000

C Wiley
City Recorder

Section 5.

The Recorder shall be and is hereby authorized and directed to cause the County Elections Officer to have prepared ballots in due and legal form as herein prescribed and to take any and all other actions necessary to conduct the election in accordance with the laws regulating and governing elections.

Section 6.

In order to assure that this measure can be submitted to the County Elections Officer before the deadline for preparation of ballot materials, an emergency is hereby declared to exist, and this ordinance shall become effective upon its passage by the Council and approval by the Mayor.

Duly passed by the City Council this
22nd day of February, 2000

C Wiley
Chris Wiley, City Recorder

Approved by the Mayor this 22nd day
of February, 2000

Walt Hitchcock
Walter Hitchcock, Mayor

	Aye	Nay
Cottle	✓	
Franklin	✓	
Hitchcock	✓	
Krause	✓	
Whiteman	✓	

City of Sherwood Oregon

COPY

Resolution No. 2000-882

A RESOLUTION CANVASSING RETURNS OF THE MAY 16, 2000, ELECTION, PROCLAIMING RESULTS AND DIRECTING THE RECORDER TO ENTER ELECTION RESULTS IN THE RECORD.

WHEREAS, there has been duly and regularly certified to the City, by the Washington County Clerk, the following returns of the election held in the City of Sherwood on May 16, 2000, where at the election the questions, "Shall City Charter be Amended to Increase Number of Council Members from 5 to 7 Members" and,

WHEREAS, pursuant to ORS 255.295 the Council is required to canvass the said returns and proclaim the results and direct the Recorder to enter the results in the records of the Council proceedings;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

The official results of said election are shown as Exhibit A to this document:

Passed - Measure 34-12, Charter Amendment - Increase Council Membership

Yes	1898
No	721

BE IT FURTHER RESOLVED that the Recorder be, and is hereby, directed to enter a copy of this Resolution in the record of the journal of the proceedings of this Council.

Duly passed by the City Council on June 13, 2000.

Walt Hitchcock

Walt Hitchcock, Mayor

Attest:

C.L. Wiley

C.L. Wiley, City Recorder

WASHINGTON COUNTY
OREGON

June 5, 2000

Sherwood City
20 Nw Washington St
Sherwood Or 97140

Enclosed you will find a copy of the Abstract of Votes for Sherwood City Measure 34-12 relating to the election held on May 16, 2000. In accordance with ORS 255.295, please canvass the votes and notify the Washington County Elections Division within thirty (30) days of receipt by signing and returning the bottom portion of this letter to:

Washington County Elections Division
150 N 1st Avenue, MS 3
Hillsboro OR 97124

Thank you very much.

Sincerely,

Ginny Kingsley
Elections Manager

GK/jd

✂----------

I have canvassed the votes for Sherwood City Measure 34-12, relating to the election on May 16, 2000. By signing this canvass letter, I concur with the final results.

AUTHORIZING SIGNATURE

DATE

OFFICIAL BIENNIAL PRIMARY ELECTION
TUESDAY, MAY 16, 2000
S U M M A R Y R E P O R T

CNTY COMMISSIONER DST 1	(#/PCT 21)	
	(#/RPT 21)	
(No. to vote for 1)	(%/RP 100.0)	
FRED R ANDERSON	6141	45.0
DICK SCHOUTEN	7502	54.9
Blank voted (ballots)	7759	36.1
Over voted (ballots)	57	0.2

METRO COUNCILOR DIST 3	(#/PCT 63)	
	(#/RPT 63)	
(No. to vote for 1)	(%/RP 100.0)	
JON MANDAVILLE	11316	47.5
CARL HOSTICKA	12459	52.4
Blank voted (ballots)	23481	49.5
Over voted (ballots)	155	0.3

BEAVERTON CITY MAYOR	(#/PCT 20)	
	(#/RPT 20)	
(No. to vote for 1)	(%/RP 100.0)	
BRIAN E LYNOTT	1076	8.0
JACK FRANKLIN	2548	19.1
ROB DRAKE	9706	72.8
Blank voted (ballots)	2975	17.9
Over voted (ballots)	223	1.3

BEAVERTON CITY COUNC POSITION 3	(#/PCT 20)	
	(#/RPT 20)	
(No. to vote for 1)	(%/RP 100.0)	
CATHY STANTON	7991	100.0
Blank voted (ballots)	8537	51.6
Over voted (ballots)	0	0.0

BEAVERTON CITY COUNC POSITION 4	(#/PCT 20)	
	(#/RPT 20)	
(No. to vote for 1)	(%/RP 100.0)	
FORREST SOTH	6388	57.2
HENRY (HANK) KANE	4761	42.7
Blank voted (ballots)	5346	32.3
Over voted (ballots)	33	0.1

PORTLAND CITY MAYOR	(#/PCT 4)	
	(#/RPT 4)	
(No. to vote for 1)	(%/RP 100.0)	
JADA MAE LANGLOSS	0	0.0
WENDY MARI LOREN	0	0.0
JOHN ERNSBERGER	3	1.4
JAKE OKEN-BERG	61	28.7
TYRONE WILLIAMS	0	0.0
L E HUMBLE	0	0.0
MELODY F BERKHEISER	2	0.9
BRUCE BROUSSARD	4	1.8
BLAKE BYRNE	0	0.0
CHARLIE GILBERT	0	0.0
SHAUN J FAIRLEE	1	0.4
JASON FLEMING	4	1.8
ROBERT L FORTHAN	0	0.0
VERA KATZ	132	62.2
VIRGINIA DAVIS	2	0.9
WILLIAM J DOERING	0	0.0
SCOTT CONWAY	3	1.4
Blank voted (ballots)	39	14.9
Over voted (ballots)	10	3.8

PORTLAND CITY COMMIS POSITION 1	(#/PCT 4)	
	(#/RPT 4)	
(No. to vote for 1)	(%/RP 100.0)	
GLORIA HARRIS	35	20.9
JIM FRANCESCONI	108	64.6
JOHN KELLEY	24	14.3
Blank voted (ballots)	94	36.0
Over voted (ballots)	0	0.0

PORTLAND CITY COMMIS POSITION 4	(#/PCT 4)	
	(#/RPT 4)	
(No. to vote for 1)	(%/RP 100.0)	
TED PICCOLO	70	38.6
CHARLIE HALES	111	61.3
Blank voted (ballots)	79	30.2
Over voted (ballots)	1	0.3

STATE MEASURE 77 TAX AUTHORITY	(#/PCT 138)	
	(#/RPT 138)	
(No. to vote for 1)	(%/RP 100.0)	
STATE MEASURE 77 YES	40159	50.4
STATE MEASURE 77 NO	39400	49.5
Blank voted (ballots)	22005	21.6
Over voted (ballots)	151	0.1

STATE MEASURE 78 PETITION SIGNATURES	(#/PCT 138)	
	(#/RPT 138)	
(No. to vote for 1)	(%/RP 100.0)	
STATE MEASURE 78 YES	61004	66.1
STATE MEASURE 78 NO	31233	33.8
Blank voted (ballots)	9343	9.1
Over voted (ballots)	135	0.1

STATE MEASURE 79 INCREASE SIGNATURES	(#/PCT 138)	
	(#/RPT 138)	
(No. to vote for 1)	(%/RP 100.0)	
STATE MEASURE 79 YES	37215	40.2
STATE MEASURE 79 NO	55325	59.7
Blank voted (ballots)	9034	8.8
Over voted (ballots)	141	0.1

STATE MEASURE 80 FUEL TAX	(#/PCT 138)	
	(#/RPT 138)	
(No. to vote for 1)	(%/RP 100.0)	
STATE MEASURE 80 YES	36897	39.2
STATE MEASURE 80 NO	57092	60.7
Blank voted (ballots)	7534	7.4
Over voted (ballots)	192	0.1

STATE MEASURE 81 RECOVERY OF DAMAGES	(#/PCT 138)	
	(#/RPT 138)	
(No. to vote for 1)	(%/RP 100.0)	
STATE MEASURE 81 YES	25358	27.2
STATE MEASURE 81 NO	67672	72.7
Blank voted (ballots)	8533	8.3
Over voted (ballots)	152	0.1

STATE MEASURE 82 REPEALS TRUCK TAX	(#/PCT 138)	
	(#/RPT 138)	
(No. to vote for 1)	(%/RP 100.0)	
STATE MEASURE 82 YES	13400	14.1
STATE MEASURE 82 NO	81294	85.8
Blank voted (ballots)	6925	6.8
Over voted (ballots)	96	0.0

RIVERGROVE CITY 3-77 ANNEXATION	(#/PCT 1)	
	(#/RPT 1)	
(No. to vote for 1)	(%/RP 100.0)	
3-77 YES	10	83.3
3-77 NO	2	16.6
Blank voted (ballots)	0	0.0
Over voted (ballots)	0	0.0

SHERWOOD CITY 34-12 CHARTER AMENDMENT	(#/PCT 2)	
	(#/RPT 2)	
(No. to vote for 1)	(%/RP 100.0)	
34-12 YES	1898	72.4
34-12 NO	721	27.5
Blank voted (ballots)	177	6.3
Over voted (ballots)	3	0.1

TUALATIN CITY 34-11 REV BOND	(#/PCT 6)	
	(#/RPT 6)	
(No. to vote for 1)	(%/RP 100.0)	
34-11 YES	1092	26.4
34-11 NO	3033	73.5
Blank voted (ballots)	276	6.2
Over voted (ballots)	8	0.1

PCC 26-01 BOND	(#/PCT 138)	
	(#/RPT 138)	
(No. to vote for 1)	(%/RP 100.0)	
26-01 YES	53578	57.3
26-01 NO	39853	42.6
Blank voted (ballots)	8191	8.0
Over voted (ballots)	93	0.0

CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL
Date 6-2-00
WASHINGTON COUNTY
ELECTIONS DIVISION
BY [illegible]

**** OFFICIAL STATEMENT OF THE BIENNIAL PRIMARY ELECTION ON MAY 16, 2000****
34-12 SHERWOOD CITY CHART

Page Number 116.001.001

	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE		SHERWOOD CITY 34-12 YES	SHERWOOD CITY 34-12 NO
424 NW SHERWOOD CITY	3191	1393	43.6%		935	372
435 SE SHERWOOD CITY	3031	1406	46.3%		963	349
**** T O T A L S ****	6222	2799	44.9%		1898	721

WASHINGTON COUNTY

DISTRICT SUMMARY R200.04

DATE: 05/22/2000

Eligibility list for Primary 2000

41

DISTRICT NUMBER	DISTRICT NAME	TOTAL	DEM	REP	LIB	SOC	PGR	NAD	NAV	MISC	PERM
		VOTER ----- COUNTS									
50.0600	GASTON CITY	TOTAL PRECINCTS 1									
		264	112	83	1	0	0	0	64	4	115
		100.00%	42.42%	31.43%	.37%	.00%	.00%	.00%	24.24%	1.51%	43.56%
50.0700	HILLSBORO CITY	TOTAL PRECINCTS 29									
		28297	9799	11098	247	9	4	194	6626	320	15745
		100.00%	34.62%	39.21%	.87%	.03%	.01%	.68%	23.41%	1.13%	55.64%
50.0800	KING CITY	TOTAL PRECINCTS 1									
		1704	702	803	3	0	0	15	167	14	1308
		100.00%	41.19%	47.12%	.17%	.00%	.00%	.88%	9.80%	.82%	76.76%
50.0902	LAKE OSWEGO CITY	TOTAL PRECINCTS 1									
		5	2	3	0	0	0	0	0	0	2
		100.00%	40.00%	60.00%	.00%	.00%	.00%	.00%	.00%	.00%	40.00%
50.1000	NORTH PLAINS CITY	TOTAL PRECINCTS 2									
		813	303	290	7	0	0	3	198	12	440
		100.00%	37.26%	35.67%	.86%	.00%	.00%	.36%	24.35%	1.47%	54.12%
50.1105	PORTLAND CITY	TOTAL PRECINCTS 12									
		656	271	200	7	2	0	3	165	8	342
		100.00%	41.31%	30.48%	1.06%	.30%	.00%	.45%	25.15%	1.21%	52.13%
50.1202	RIVERGROVE CITY	TOTAL PRECINCTS 3									
		23	9	6	0	0	0	0	8	0	13
		100.00%	39.13%	26.08%	.00%	.00%	.00%	.00%	34.78%	.00%	56.52%
50.1300	SHERWOOD CITY	TOTAL PRECINCTS 2									
		6140	1864	2716	32	2	1	28	1439	58	3379
		100.00%	30.35%	44.23%	.52%	.03%	.01%	.45%	23.43%	.94%	55.03%

CITY OF SHERWOOD

ORDINANCE NO. 2000-1093

AN ORDINANCE PROVIDING FOR A CITY ELECTION TO BE HELD IN THE CITY OF SHERWOOD, OREGON NOVEMBER 7, 2000, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY THE QUESTION OF APPROVING AN AMENDMENT TO THE CITY CHARTER TO PROVIDE FOR DRAWING OF LOTS UPON A TIE VOTE FOR ELECTIVE OFFICE

WHEREAS, it is appropriate for the City Council to refer to the voters certain Charter amendments;

WHEREAS, the City Council believes it is appropriate to provide for a resolution in the event of a tie vote for elective office;

WHEREAS, it appears a proposed amendment should be submitted to the voters at the November 7, 2000 general election;

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

Section 1.

The City Council hereby refers the following Charter amendment to the voters: The following section shall be added as a new Section 8.5 in the Sherwood City Charter Chapter VIII:

> Section 8.5 **Tie Votes.** In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by Council.

Section 2.

It is necessary and in the best interests of the people of the City of Sherwood that there be submitted to the legal voters of the City at the general election to be held November 7, 2000, the Charter amendment set forth above, for which purpose an election is hereby called on such date.

Section 3.

The following shall be the ballot title for the above referenced proposed Charter amendment:

Caption

PROVIDES FOR DRAWING OF LOTS FOR TIED VOTE IN ELECTION.

Question

SHALL CHARTER BE AMENDED TO PROVIDE FOR DRAWING OF LOTS IN THE EVENT OF TIE VOTE FOR ELECTIVE OFFICE?

Summary

This measure, if approved, would amend Chapter VIII by adding a new Section 8.5 to read as follows:

> Section 8.5 **Tie Votes.** In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by Council.

Section 4.

The City Recorder of Sherwood shall give notice of the election in the manner provided by state law and Section 8.3 of the City Charter.

Section 5.

The City Recorder shall be and is hereby authorized and directed to cause the County Elections Officer to have prepared ballots in due and legal form as herein prescribed and to take any and all other actions necessary to conduct the election in accordance with the laws regulating and governing elections.

Section 6.

In order to assure that this measure can be submitted to the County Elections Officer before the deadline for preparation of ballot materials, an emergency is hereby declared to exist, and this Ordinance shall become effective upon its passage by the Council and approval by the Mayor.

Duly passed by the City council this 22nd day of August, 2000.

Walt Hitchcock, Mayor

ATTEST

C.L. Wiley, City Recorder

	Aye	Nay
Hitchcock	X	
Cottle	absent	
Krause	X	
Whiteman	X	
5th seat vacant		

CITY OF SHERWOOD

ORDINANCE NO. 2000-1094

AN ORDINANCE PROVIDING FOR A CITY ELECTION TO BE HELD IN THE CITY OF SHERWOOD, OREGON NOVEMBER 7, 2000, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY THE QUESTION OF APPROVING AN AMENDMENT TO THE CITY CHARTER TO PROVIDE FOR FILLING COUNCIL VACANCIES BY ELECTIONS IN CERTAIN CIRCUMSTANCES

WHEREAS, it is appropriate for the City Council to refer to the voters certain Charter amendments;

WHEREAS, the City Council believes it is appropriate for the voters to choose the Mayor or City Council when a vacancy occurs under certain circumstances;

WHEREAS, it appears a proposed amendment should be submitted to the voters at the November 7, 2000 general election;

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

Section 1.

The City Council hereby refers the following Charter amendment to the voters: Chapter VII, Section 7.5, subsection (3) shall be amended to read as follows:

(3) In the event the office of mayor or councilor becomes

vacant before the normal expiration of its term, an election shall be held to fill the vacancy for the unexpired term, provided that the unexpired term remaining is not less than thirteen (13) months from the election date described herein. Such election shall be held on the next special, primary or general election date that is not less than 90 days from the date the position is declared vacant. The council may appoint a person to fill a vacancy until the vacancy is filled by the election described herein or for the unexpired term if no election is required. A majority vote of the remaining Council members shall be required to validate the appointment. The appointee's term of office shall begin immediately upon that person's appointment and shall continue until the term expires or the vacancy is filled by the election described herein, whichever occurs first.

Section 2.

It is necessary and in the best interests of the people of the City of Sherwood that there be submitted to the legal voters of the City at the general election to be held November 7, 2000, the Charter amendment set forth above, for which purpose an election is hereby called on such date.

Section 3.

The following shall be the ballot title for the above referenced proposed Charter amendment:

Caption

REQUIRES ELECTION TO FILL COUNCIL VACANCY IN SOME CIRCUMSTANCES.

Question

SHALL CHARTER BE AMENDED TO PROVIDE FOR ELECTION TO FILL COUNCIL VACANCY IN SOME CIRCUMSTANCES?

Summary

The current City Charter provides that a vacancy in an elective office shall be filled by appointment by the City Council. Currently, the appointee serves until the January following the next general election. The proposed Charter Amendment provides for filling the vacancy by election at the next scheduled special, primary or general election. The election will only be held if the unexpired term is not less than thirteen (13) months from the election date established by the amendment. The proposed amendment also states that the City Council may fill a vacancy by appointment until such election can be held. The Council may also fill a vacancy by appointment if no election is required by the amendment.

Section 4.

The City Recorder of Sherwood shall give notice of the election in the manner provided by state law and Section 8.3 of the City Charter.

Section 5.

The City Recorder shall be and is hereby authorized and directed to cause the County Elections Officer to have prepared ballots in due and legal form as herein prescribed and to take any and all other actions necessary to conduct the election in accordance with the laws regulating and governing elections.

Section 6.

In order to assure that this measure can be submitted to the County Elections Officer before the deadline for preparation of ballot materials, an emergency is hereby declared to exist, and this Ordinance shall become effective upon its passage by the Council and approval by the Mayor.

Duly passed by the City council this 22nd day of August, 2000.

Walt Hitchcock, Mayor

ATTEST

C.L. Wiley, City Recorder

	Aye	Nay
Hitchcock	X	
Cottle	Absent	
Krause	X	
Whiteman	X	
5th seat vacant		

CITY OF SHERWOOD

ORDINANCE NO. 2000-1095

AN ORDINANCE PROVIDING FOR A CITY ELECTION TO BE HELD IN THE CITY OF SHERWOOD, OREGON NOVEMBER 7, 2000, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY THE QUESTION OF APPROVING AN AMENDMENT TO THE CITY CHARTER TO PROVIDE THAT THE CITY MANAGER SHALL NOT ALSO BE THE CITY RECORDER

WHEREAS, it is appropriate for the City Council to refer to the voters certain Charter amendments;

WHEREAS, the City Council believes it is appropriate to provide that the City Manager not simultaneous serve as City Recorder or City Recorder Pro Tem;

WHEREAS, it appears that a proposed amendment should be submitted to the voters at the November 7, 2000 general election;

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

Section 1.

The City Council hereby refers the following Charter amendment to the voters: The following section shall be added as a new Section 4.8 in the Sherwood City Charter, Chapter IV:

> Section 4.8 **City Manager: Ineligible to be City Recorder**. While serving as City Manager, the City Manager shall not serve as City Recorder or City Recorder Pro Tem.

Section 2.

It is necessary and in the best interests of the people of the City of Sherwood that there be submitted to the legal voters of the City at the general election to be held November 7, 2000, the Charter amendment set forth above, for which purpose an election is hereby called on such date.

Section 3.

The following shall be the ballot title for the above referenced proposed Charter amendment:

Caption

CHARTER AMENDMENT: CITY MANAGER SHALL NOT ALSO BE CITY RECORDER.

Question

SHALL CHARTER BE AMENDED TO PROVIDE THAT CITY MANAGER SHALL NOT ALSO BE CITY RECORDER OR CITY RECORDER PRO TEM?

Summary

This measure, if approved, would amend Chapter IV of the Sherwood City Charter by adding a new Section 4.8 to read as follows:

> "Section 4.8 **City Manager: Ineligible to be City Recorder.** While serving as City Manager, the City Manager shall not serve as City Recorder or City Recorder Pro Tem."

Section 4.

The City Recorder of Sherwood shall give notice of the election in the manner

provided by state law and Section 8.3 of the City Charter.

Section 5.

The City Recorder shall be and is hereby authorized and directed to cause the County Elections Officer to have prepared ballots in due and legal form as herein prescribed and to take any and all other actions necessary to conduct the election in accordance with the laws regulating and governing elections.

Section 6.

In order to assure that this measure can be submitted to the County Elections Officer before the deadline for preparation of ballot materials, an emergency is hereby declared to exist, and this Ordinance shall become effective upon its passage by the Council and approval by the Mayor.

Duly passed by the City council this 22nd day of August, 2000.

Walt Hitchcock, Mayor

ATTEST

C.L. Wiley, City Recorder

	Aye	Nay
Cottle	absent	
Krause	X	
Whiteman	X	
Hitchcock	X	
5th seat vacant		

CITY OF SHERWOOD

ORDINANCE NO. 2000-1096

AN ORDINANCE PROVIDING FOR A CITY ELECTION TO BE HELD IN THE CITY OF SHERWOOD, OREGON NOVEMBER 7, 2000, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY THE QUESTION OF APPROVING AN AMENDMENT TO THE CITY CHARTER TO PROVIDE THAT THE CITY COUNCIL, NOT THE MAYOR, SHALL APPOINT THE CITY RECORDER PRO TEM

WHEREAS, it is appropriate for the City Council to refer to the voters certain Charter amendments;

WHEREAS, the City Council believes it is appropriate to provide that the City Council, not the Mayor, appoint the City Recorder Pro Tem;

WHEREAS, it appears a proposed amendment should be submitted to the voters at the November 7, 2000 general election;

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

Section 1.

The City Council hereby refers the following Charter amendment to the voters: Section 5.3 of the Sherwood City Charter, Chapter V shall be amended as follows:

> Section 5.3 **Absence**. In the Recorder's absence, the City Council shall appoint a Recorder Pro Tem who, while

acting in that capacity, shall have all the authority and duties of the Recorder, including serving as Clerk of the Council.

Section 2.

It is necessary and in the best interests of the people of the City of Sherwood that there be submitted to the legal voters of the City at the general election to be held November 7, 2000, the Charter amendment set forth above, for which purpose an election is hereby called on such date.

Section 3.

The following shall be the ballot title for the above referenced proposed Charter amendment:

Caption

CHARTER AMENDMENT: CITY COUNCIL SHALL APPOINT CITY RECORDER PRO TEM.

Question

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT THE CITY COUNCIL, NOT THE MAYOR, APPOINT THE CITY RECORDER PRO TEM?

Summary

Currently if the City Recorder is absent, the Mayor appoints the City Recorder Pro Tem.

This measure, if approved, would amend Chapter V, Section 5.3 of the Sherwood City Charter to read as follows:

"Section 5.3 **Absence.** In the Recorder's absence, the City Council shall appoint a Recorder Pro Tem who, while acting in that capacity, shall have all the authority and duties of the Recorder, including serving as Clerk of the Council."

Section 4.

The City Recorder of Sherwood shall give notice of the election in the manner provided by state law and Section 8.3 of the City Charter.

Section 5.

The City Recorder shall be and is hereby authorized and directed to cause the County Elections Officer to have prepared ballots in due and legal form as herein prescribed and to take any and all other actions necessary to conduct the election in accordance with the laws regulating and governing elections.

Section 6.

In order to assure that this measure can be submitted to the County Elections Officer before the deadline for preparation of ballot materials, an emergency is hereby declared to exist, and this Ordinance shall become effective upon its passage by the Council and approval by the Mayor.

Duly passed by the City council this 22nd day of August, 2000.

Walt Hitchcock, Mayor

ATTEST

C.L. Wiley, City Recorder

	Aye	Nay
Cottle	absent	
Krause	X	
Whiteman	X	
Hitchcock	X	
5th seat vacant		

CITY OF SHERWOOD

ORDINANCE NO. 2000-1097

AN ORDINANCE PROVIDING FOR A CITY ELECTION TO BE HELD IN THE CITY OF SHERWOOD, OREGON NOVEMBER 7, 2000, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY THE QUESTION OF APPROVING AN AMENDMENT TO THE CITY CHARTER TO PROVIDE THAT THE CITY ATTORNEY SHALL BE APPOINTED AND REMOVED BY THE CITY COUNCIL

WHEREAS, it is appropriate for the City Council to refer to the voters certain Charter amendments;

WHEREAS, the City Council believes it is appropriate for the City Council, not the City Manager, to appoint or remove the City Attorney;

WHEREAS, it appears a proposed amendment should be submitted to the voters at the November 7, 2000 general election;

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

Section 1.

The City Council hereby refers the following Charter amendment to the voters: The following section shall be added as a new Section 11.9 in the Sherwood City Charter Chapter XI:

> Section 11.9 **City Attorney.** The City Attorney is an officer of the City. The City Attorney shall be appointed

and may be removed by majority vote of all members of the Council. The City Attorney shall perform all professional services incidental to the office and shall, when required, furnish opinions upon any subject pertaining to the affairs of the City. He or she shall also advise with and counsel all City officers in respect to their official duties and attend the regular meetings of the Council and of such committees and boards as shall request his or her assistance.

Section 2.

It is necessary and in the best interests of the people of the City of Sherwood that there be submitted to the legal voters of the City at the general election to be held November 7, 2000, the Charter amendment set forth above, for which purpose an election is hereby called on such date.

Section 3.

The following shall be the ballot title for the above referenced proposed Charter amendment:

Caption

CITY ATTORNEY TO BE APPOINTED AND REMOVED BY CITY COUNCIL.

Question

SHALL CHARTER BE AMENDED TO REQUIRE CITY ATTORNEY TO BE APPOINTED AND REMOVED BY MAJORITY VOTE OF CITY COUNCIL?

Summary

The current City Charter does not list the City Attorney as an officer. The City Attorney is currently appointed and removed by the City

Manager. The proposed Charter amendment would add the City Attorney as a Charter officer and list his or her duties. In addition, it would require the appointment and removal of the City Attorney by a majority vote of the City Council.

Section 4.

The City Recorder of Sherwood shall give notice of the election in the manner provided by state law and Section 8.3 of the City Charter.

Section 5.

The City Recorder shall be and is hereby authorized and directed to cause the County Elections Officer to have prepared ballots in due and legal form as herein prescribed and to take any and all other actions necessary to conduct the election in accordance with the laws regulating and governing elections.

Section 6.

In order to assure that this measure can be submitted to the County Elections Officer before the deadline for preparation of ballot materials, an emergency is hereby declared to exist, and this Ordinance shall become effective upon its passage by the Council and approval by the Mayor.

Duly passed by the City council this 22nd day of August, 2000.

Walt Hitchcock

Walt Hitchcock, Mayor

ATTEST

C.L. Wiley

C.L. Wiley, City Recorder

	Aye	Nay
Cottle	absent	
Krause	X	
Whiteman	X	
Hitchcock	X	
5th seat vacant		

COPY

City of Sherwood Oregon

Resolution No. 2000-912

A RESOLUTION CANVASSING RETURNS OF THE NOVEMBER 7, 2000, ELECTION, PROCLAIMING RESULTS AND DIRECTING THE RECORDER TO ENTER ELECTION RESULTS IN THE RECORD.

WHEREAS, there has been duly and regularly certified to the City, by the Washington County Clerk, the following returns of the election held in the City of Sherwood on November 7, 2000, where at the election the questions shown as Exhibit A hereon were presented to the voters; and

WHEREAS, pursuant to ORS 255.295 the Council is required to canvass the said returns and proclaim the results and direct the Recorder to enter the results in the records of the Council proceedings;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

The official results of said election are shown as Exhibit A to this document:

BE IT FURTHER RESOLVED that the Recorder be, and is hereby, directed to enter a copy of this Resolution in the record of the journal of the proceedings of this Council.

Duly passed by the City Council on December 12, 2000.

Walt Hitchcock

Walt Hitchcock, Mayor

Attest:

C.L. Wiley

C.L. Wiley, City Recorder

WASHINGTON COUNTY
OREGON

November 22, 2000

Sherwood City
Attn: City Recorder
20 NW Washington ST
Sherwood OR 97140

Enclosed you will find a copy of the Abstract of Votes for Sherwood City Mayor relating to the election held on November 7, 2000. In accordance with ORS 255.295, please canvass the votes and notify the Washington County Elections Division within thirty (30) days of receipt by signing and returning the bottom portion of this letter to:

Washington County Elections Division
150 N 1st Avenue, MS 3
Hillsboro OR 97124

Thank you very much.

Sincerely,

Ginny Kingsley
Elections Manager

GK/jd

✂----------

I have canvassed the votes for Sherwood City Mayor, relating to the election on November 7, 2000. By signing this canvass letter, I concur with the final results.

_____ _____
AUTHORIZING SIGNATURE DATE

WASHINGTON COUNTY
OREGON

November 22, 2000

Sherwood City
Attn: City Recorder
20 NW Washington ST
Sherwood OR 97140

Enclosed you will find a copy of the Abstract of Votes for Sherwood City Council relating to the election held on November 7, 2000. In accordance with ORS 255.295, please canvass the votes and notify the Washington County Elections Division within thirty (30) days of receipt by signing and returning the bottom portion of this letter to:

Washington County Elections Division
150 N 1st Avenue, MS 3
Hillsboro OR 97124

Thank you very much.

Sincerely,

Ginny Kingsley
Elections Manager

GK/jd

✂----------

I have canvassed the votes for Sherwood City Council, relating to the election on November 7, 2000. By signing this canvass letter, I concur with the final results.

_____ _____
AUTHORIZING SIGNATURE DATE

WASHINGTON COUNTY
OREGON

November 22, 2000

Sherwood City
Attn: City Recorder
20 NW Washington ST
Sherwood OR 97140

Enclosed you will find a copy of the Abstract of Votes for Sherwood City Measure Number 34-29 relating to the election held on November 7, 2000. In accordance with ORS 255.295, please canvass the votes and notify the Washington County Elections Division within thirty (30) days of receipt by signing and returning the bottom portion of this letter to:

Washington County Elections Division
150 N 1st Avenue, MS 3
Hillsboro OR 97124

Thank you very much.

Sincerely,

Ginny Kingsley
Elections Manager

GK/jd

✂----------

I have canvassed the votes for Sherwood City Measure Number 34-29, relating to the election on November 7, 2000. By signing this canvass letter, I concur with the final results.

AUTHORIZING SIGNATURE _____ DATE _____

WASHINGTON COUNTY
OREGON

November 22, 2000

Sherwood City
Attn: City Recorder
20 NW Washington ST
Sherwood OR 97140

Enclosed you will find a copy of the Abstract of Votes for Sherwood City Measure Number 34-30 relating to the election held on November 7, 2000. In accordance with ORS 255.295, please canvass the votes and notify the Washington County Elections Division within thirty (30) days of receipt by signing and returning the bottom portion of this letter to:

Washington County Elections Division
150 N 1st Avenue, MS 3
Hillsboro OR 97124

Thank you very much.

Sincerely,

Ginny Kingsley
Elections Manager

GK/jd

✂----------

I have canvassed the votes for Sherwood City Measure Number 34-30, relating to the election on November 7, 2000. By signing this canvass letter, I concur with the final results.

AUTHORIZING SIGNATURE

DATE

WASHINGTON COUNTY
OREGON

November 22, 2000

Sherwood City
Attn: City Recorder
20 NW Washington ST
Sherwood OR 97140

Enclosed you will find a copy of the Abstract of Votes for Sherwood City Measure Number 34-31 relating to the election held on November 7, 2000. In accordance with ORS 255.295, please canvass the votes and notify the Washington County Elections Division within thirty (30) days of receipt by signing and returning the bottom portion of this letter to:

Washington County Elections Division
150 N 1st Avenue, MS 3
Hillsboro OR 97124

Thank you very much.

Sincerely,

Ginny Kingsley
Elections Manager

GK/jd

✂----------

I have canvassed the votes for Sherwood City Measure Number 34-31, relating to the election on November 7, 2000. By signing this canvass letter, I concur with the final results.

AUTHORIZING SIGNATURE

DATE

WASHINGTON COUNTY
OREGON

November 22, 2000

Sherwood City
Attn: City Recorder
20 NW Washington ST
Sherwood OR 97140

Enclosed you will find a copy of the Abstract of Votes for Sherwood City Measure Number 34-32 relating to the election held on November 7, 2000. In accordance with ORS 255.295, please canvass the votes and notify the Washington County Elections Division within thirty (30) days of receipt by signing and returning the bottom portion of this letter to:

Washington County Elections Division
150 N 1st Avenue, MS 3
Hillsboro OR 97124

Thank you very much.

Sincerely,

Ginny Kingsley
Elections Manager

GK/jd

✂----------

I have canvassed the votes for Sherwood City Measure Number 34-32, relating to the election on November 7, 2000. By signing this canvass letter, I concur with the final results.

AUTHORIZING SIGNATURE _____ DATE _____

WASHINGTON COUNTY
OREGON

November 22, 2000

Sherwood City
Attn: City Recorder
20 NW Washington ST
Sherwood OR 97140

Enclosed you will find a copy of the Abstract of Votes for Sherwood City Measure Number 34-33 relating to the election held on November 7, 2000. In accordance with ORS 255.295, please canvass the votes and notify the Washington County Elections Division within thirty (30) days of receipt by signing and returning the bottom portion of this letter to:

Washington County Elections Division
150 N 1st Avenue, MS 3
Hillsboro OR 97124

Thank you very much.

Sincerely,

Ginny Kingsley
Elections Manager

GK/jd

✂----------

I have canvassed the votes for Sherwood City Measure Number 34-33, relating to the election on November 7, 2000. By signing this canvass letter, I concur with the final results.

AUTHORIZING SIGNATURE

DATE

WASHINGTON COUNTY
OREGON

November 22, 2000

Sherwood City
Attn: City Recorder
20 NW Washington ST
Sherwood OR 97140

Enclosed you will find a copy of the Abstract of Votes for Sherwood City Measure Number 34-34 relating to the election held on November 7, 2000. In accordance with ORS 255.295, please canvass the votes and notify the Washington County Elections Division within thirty (30) days of receipt by signing and returning the bottom portion of this letter to:

Washington County Elections Division
150 N 1st Avenue, MS 3
Hillsboro OR 97124

Thank you very much.

Sincerely,

Ginny Kingsley
Elections Manager

GK/jd

✂----------

I have canvassed the votes for Sherwood City Measure Number 34-34, relating to the election on November 7, 2000. By signing this canvass letter, I concur with the final results.

AUTHORIZING SIGNATURE _____ DATE _____

GENERAL ELECTION
TUESDAY, NOVEMBER 7, 2000
SUMMARY REPORT

HILLSBORO CITY MAYOR	(#/PCT 15)	
	(#/RPT 15)	
(No. to vote for 1)	(%/RP 100.0)	
TOM HUGHES	10597	61.4
JOHN M GODSEY JR	6645	38.5
Blank voted (ballots)	7628	30.6
Over voted (ballots)	48	0.1

HILLSBORO CITY COUNCIL WARD 1	(#/PCT 15)	
	(#/RPT 15)	
(No. to vote for 1)	(%/RP 100.0)	
KAREN MCKINNEY	10523	65.0
CHUCK RILEY	5659	34.9
Blank voted (ballots)	8681	34.8
Over voted (ballots)	55	0.2

HILLSBORO CITY COUNCIL WARD 2	(#/PCT 15)	
	(#/RPT 15)	
(No. to vote for 1)	(%/RP 100.0)	
ROBERT L JOHNSTON	7312	49.5
JOE KEIZUR	7430	50.4
Blank voted (ballots)	10135	40.6
Over voted (ballots)	41	0.1

HILLSBORO CITY COUNCIL WARD 3	(#/PCT 15)	
	(#/RPT 15)	
(No. to vote for 1)	(%/RP 100.0)	
CYNTHIA ODONNELL	9382	61.4
BRUCE HOCHSTEIN	5887	38.5
Blank voted (ballots)	9610	38.5
Over voted (ballots)	39	0.1

KING CITY COUNCIL VOTE FOR 5	(#/PCT 1)	
	(#/RPT 1)	
(No. to vote for 5)	(%/RP 100.0)	
JAN DRANGSHOLT	909	20.0
GERRY MCREYNOLDS	881	19.4
DOUG COMSTOCK	921	20.3
BUD WILKINSON	932	20.5
JUDITH M ANDERSON	888	19.5
Blank voted (ballots)	548	34.3
Over voted (ballots)	0	0.0

LAKE OSWEGO CITY MAYOR	(#/PCT 1)	
	(#/RPT 1)	
(No. to vote for 1)	(%/RP 100.0)	
TOM LOWREY	3	60.0
JUDIE HAMMERSTAD	2	40.0
Blank voted (ballots)	0	0.0
Over voted (ballots)	0	0.0

LAKE OSWEGO CITY COUNCIL VOTE FOR 4	(#/PCT 1)	
	(#/RPT 1)	
(No. to vote for 4)	(%/RP 100.0)	
ELLIE MCPEAK	5	25.0
KARL W ROHDE	5	25.0
JOHN TURCHI	1	5.0
GAY GRAHAM	5	25.0
JEFF GUDMAN	4	20.0
Blank voted (ballots)	0	0.0
Over voted (ballots)	0	0.0

NORTH PLAINS CITY MAYOR	(#/PCT 1)	
	(#/RPT 1)	
(No. to vote for 1)	(%/RP 100.0)	
HENRY (HANK) DREXEL	374	100.0
Blank voted (ballots)	323	46.3
Over voted (ballots)	0	0.0

NP CITY COUNCIL VOTE FOR 3	(#/PCT 1)	
	(#/RPT 1)	
(No. to vote for 3)	(%/RP 100.0)	
ROBERT KINDEL JR	393	36.0
HERB HIRST	339	31.1
CANDA ANDERSON	357	32.7
Blank voted (ballots)	259	37.1
Over voted (ballots)	0	0.0

PORTLAND CITY MAYOR	(#/PCT 4)	
	(#/RPT 4)	
(No. to vote for 1)	(%/RP 100.0)	
VERA KATZ	333	100.0
Blank voted (ballots)	262	44.0
Over voted (ballots)	0	0.0

PORTLAND CITY COMMISS POSITION 1	(#/PCT 4)	
	(#/RPT 4)	
(No. to vote for 1)	(%/RP 100.0)	
JIM FRANCESCONI	254	100.0
Blank voted (ballots)	341	57.3
Over voted (ballots)	0	0.0

PORTLAND CITY COMMISS POSITION 4	(#/PCT 4)	
	(#/RPT 4)	
(No. to vote for 1)	(%/RP 100.0)	
CHARLIE HALES	239	100.0
Blank voted (ballots)	356	59.8
Over voted (ballots)	0	0.0

RIVERGROVE CITY COUNCIL VOTE FOR 3	(#/PCT 1)	
	(#/RPT 1)	
(No. to vote for 3)	(%/RP 100.0)	
HAFEZ DARAEE	13	34.2
BOB JANK	14	36.8
JOAN M ALDRICH	11	28.9
Blank voted (ballots)	3	15.7
Over voted (ballots)	0	0.0

SHERWOOD MAYOR	(#/PCT 2)	
	(#/RPT 2)	
(No. to vote for 1)	(%/RP 100.0)	
CLARENCE LANGER	1681	35.0
MARK COTTLE	3116	64.9
Blank voted (ballots)	899	15.7
Over voted (ballots)	28	0.4

SHERWOOD CITY COUNCIL VOTE FOR 6	(#/PCT 2)	
	(#/RPT 2)	
(No. to vote for 6)	(%/RP 100.0)	
DENNIS M DURRELL	1571	7.8
ADRIAN BROADHURST	785	3.9
MICHAEL JINGOZIAN	1447	7.2
KEITH MAYS	2372	11.8
GREGG LEBLANC	1056	5.2
THOMAS CLAUS	1588	7.9
CLIFFORD D CANNON	1383	6.9
ANGELA WEEKS	1644	8.2
WILLIAM (BILL) WHITEMAN	1163	5.8
CYNTHIA WARMENHOVEN	1398	6.9
HUBERT WARMENHOVEN	802	4.0
STERLING FOX	2023	10.1
DAVID HEIRONIMUS	1482	7.4
PATRICK ALLEN	1284	6.4
Blank voted (ballots)	1590	27.7
Over voted (ballots)	49	0.8

BOARD OF COMMISSIONERS

**** OFFICIAL STATEMENT OF THE GENERAL ELECTION ON NOVEMBER 7, 2000****

SHERWOOD MAYOR

Page Number 71.048.001

	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE	SHERWOOD MAYOR CLARENCE LANGER	SHERWOOD MAYOR MARK COTTLE
424 NW SHERWOOD CITY	3628	3011	82.9%	815	1673
435 SE SHERWOOD CITY	3207	2713	84.5%	866	1443
**** T O T A L S ****	6835	5724	83.7%	1681	3116

**** OFFICIAL STATEMENT OF THE GENERAL ELECTION ON NOVEMBER 7, 2000****
SHERWOOD CITY COUNCIL

Page Number 72.049.001

	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE		SHERWOOD CITY COUNCIL DENNIS DURRELL	SHERWOOD CITY COUNCIL ADRIAN BROADHURST	SHERWOOD CITY COUNCIL MICHAEL JINGOZIAN	SHERWOOD CITY COUNCIL KEITH MAYS	SHERWOOD CITY COUNCIL GREG LEBLANC	SHERWOOD CITY COUNCIL THOMAS CLAUS	SHERWOOD CITY COUNCIL CLIFFORD CANNON	SHERWOOD CITY COUNCIL ANGELA WEEKS	SHERWOOD CITY COUNCIL WILLIAM (BILL) WHITEMAN	SHERWOOD CITY COUNCIL CYNTHIA WARMENHOVEN	SHERWOOD CITY COUNCIL HUBERT WARMENHOVEN	SHERWOOD CITY COUNCIL STERLING FOX	SHERWOOD CITY COUNCIL DAVID HEIRONIMUS
424 NW SHERWOOD CITY	3628	3011	82.9%		851	386	758	1272	530	891	719	867	593	738	418	1056	787
435 SE SHERWOOD CITY	3207	2713	84.5%		720	399	689	1100	526	697	664	777	570	660	384	967	695
**** T O T A L S ****	6835	5724	83.7%		1571	785	1447	2372	1056	1588	1383	1644	1163	1398	802	2023	1482

**** OFFICIAL STATEMENT OF THE GENERAL ELECTION ON NOVEMBER 7, 2000****

SHERWOOD CITY COUNCIL

Page Number 73.049.002

	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE	SHERWOOD CITY COUNCIL PATRICK ALLEN
424 NW SHERWOOD CITY	3628	3011	82.9%	694
435 SE SHERWOOD CITY	3207	2713	84.5%	590
**** T O T A L S ****	6835	5724	83.7%	1284

GENERAL ELECTION
TUESDAY, NOVEMBER 7, 2000
S U M M A R Y R E P O R T

WASHINGTON COUNTY 34-27	(#/PCT 138)	
LOL	(#/RPT 138)	
(No. to vote for 1)	(%/RP 100.0)	
YES	87675	52.6
NO	78832	47.3
Blank voted (ballots)	23710	12.4
Over voted (ballots)	197	0.1

CITY OF N PLAINS 34-19	(#/PCT 1)	
LOL	(#/RPT 1)	
(No. to vote for 1)	(%/RP 100.0)	
YES	345	54.1
NO	292	45.8
Blank voted (ballots)	60	8.6
Over voted (ballots)	0	0.0

CITY OF SHERWOOD 34-29	(#/PCT 2)	
GOB	(#/RPT 2)	
(No. to vote for 1)	(%/RP 100.0)	
YES	2782	53.4
NO	2420	46.5
Blank voted (ballots)	518	9.0
Over voted (ballots)	4	0.0

CITY OF SHERWOOD 34-33	(#/PCT 2)	
CHARTER	(#/RPT 2)	
(No. to vote for 1)	(%/RP 100.0)	
YES	3947	85.1
NO	688	14.8
Blank voted (ballots)	1088	19.0
Over voted (ballots)	1	0.0

CITY OF CORNELIUS 34-35	(#/PCT 1)	
LOL	(#/RPT 1)	
(No. to vote for 1)	(%/RP 100.0)	
YES	907	39.3
NO	1400	60.6
Blank voted (ballots)	249	9.7
Over voted (ballots)	2	0.0

CITY OF PORTLAND 26-6	(#/PCT 4)	
CHARTER	(#/RPT 4)	
(No. to vote for 1)	(%/RP 100.0)	
YES	195	48.5
NO	207	51.4
Blank voted (ballots)	193	32.4
Over voted (ballots)	0	0.0

CITY OF SHERWOOD 34-30	(#/PCT 2)	
CHARTER	(#/RPT 2)	
(No. to vote for 1)	(%/RP 100.0)	
YES	2376	51.1
NO	2268	48.8
Blank voted (ballots)	1076	18.7
Over voted (ballots)	4	0.0

CITY OF SHERWOOD 34-34	(#/PCT 2)	
CHARTER	(#/RPT 2)	
(No. to vote for 1)	(%/RP 100.0)	
YES	3560	80.1
NO	881	19.8
Blank voted (ballots)	1282	22.3
Over voted (ballots)	1	0.0

CITY OF KING CITY 34-25	(#/PCT 1)	
LOL	(#/RPT 1)	
(No. to vote for 1)	(%/RP 100.0)	
YES	627	45.7
NO	742	54.2
Blank voted (ballots)	221	13.8
Over voted (ballots)	7	0.4

CITY OF PORTLAND 26-8	(#/PCT 4)	
CHARTER	(#/RPT 4)	
(No. to vote for 1)	(%/RP 100.0)	
YES	294	71.1
NO	119	28.8
Blank voted (ballots)	181	30.4
Over voted (ballots)	1	0.1

CITY OF SHERWOOD 34-31	(#/PCT 2)	
CHARTER	(#/RPT 2)	
(No. to vote for 1)	(%/RP 100.0)	
YES	3046	68.2
NO	1419	31.7
Blank voted (ballots)	1254	21.9
Over voted (ballots)	5	0.0

CITY OF TIGARD 34-20	(#/PCT 9)	
GOB	(#/RPT 9)	
(No. to vote for 1)	(%/RP 100.0)	
YES	5919	36.1
NO	10454	63.8
Blank voted (ballots)	2648	13.9
Over voted (ballots)	12	0.0

CITY OF KING CITY 34-28	(#/PCT 1)	
ANNEXATION	(#/RPT 1)	
(No. to vote for 1)	(%/RP 100.0)	
YES	926	70.4
NO	389	29.5
Blank voted (ballots)	282	17.6
Over voted (ballots)	0	0.0

CITY OF PORTLAND 26-9	(#/PCT 4)	
CHARTER	(#/RPT 4)	
(No. to vote for 1)	(%/RP 100.0)	
YES	362	80.2
NO	89	19.7
Blank voted (ballots)	144	24.2
Over voted (ballots)	0	0.0

CITY OF SHERWOOD 34-32	(#/PCT 2)	
CHARTER	(#/RPT 2)	
(No. to vote for 1)	(%/RP 100.0)	
YES	3717	82.1
NO	808	17.8
Blank voted (ballots)	1196	20.8
Over voted (ballots)	3	0.0

CITY OF WILSONVILLE 3-92	(#/PCT 1)	
GOB	(#/RPT 1)	
(No. to vote for 1)	(%/RP 100.0)	
YES	1	100.0
NO	0	0.0
Blank voted (ballots)	0	0.0
Over voted (ballots)	0	0.0

BOARD OF COMMISSIONERS
COUNTY, OREGON

**** OFFICIAL STATEMENT OF THE GENERAL ELECTION ON NOVEMBER 7, 2000****
SHERWOOD CITY 34-29

Page Number 168.090.001

	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE		CITY OF SHERWOOD 34-29 YES	CITY OF SHERWOOD 34-29 NO
424 NW SHERWOOD CITY	3628	3011	82.9%		1544	1171
435 SE SHERWOOD CITY	3207	2713	84.5%		1238	1249
**** T O T A L S ****	6835	5724	83.7%		2782	2420

**** OFFICIAL STATEMENT OF THE GENERAL ELECTION ON NOVEMBER 7, 2000****
SHERWOOD CITY 34-30

Page Number 169.091.001

	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE		CITY OF SHERWOOD 34-30 YES	CITY OF SHERWOOD 34-30 NO
424 NW SHERWOOD CITY	3628	3011	82.9%		1261	1168
435 SE SHERWOOD CITY	3207	2713	84.5%		1115	1100
**** T O T A L S ****	6835	5724	83.7%		2376	2268

**** OFFICIAL STATEMENT OF THE GENERAL ELECTION ON NOVEMBER 7, 2000****
SHERWOOD CITY 34-31

Page Number 170.092.001

	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE		CITY OF SHERWOOD 34-31 YES	CITY OF SHERWOOD 34-31 NO
424 NW SHERWOOD CITY	3628	3011	82.9%		1606	747
435 SE SHERWOOD CITY	3207	2713	84.5%		1440	672
**** T O T A L S ****	6835	5724	83.7%		3046	1419

**** OFFICIAL STATEMENT OF THE GENERAL ELECTION ON NOVEMBER 7, 2000****
SHERWOOD CITY 34-32

Page Number 171.093.001

	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE		CITY OF SHERWOOD 34-32 YES	CITY OF SHERWOOD 34-32 NO
424 NW SHERWOOD CITY	3628	3011	82.9%		1972	404
435 SE SHERWOOD CITY	3207	2713	84.5%		1745	404
**** T O T A L S ****	6835	5724	83.7%		3717	808

BOARD OF COMMISSIONERS WASHINGTON COUNTY, OREGON

**** OFFICIAL STATEMENT OF THE GENERAL ELECTION ON NOVEMBER 7, 2000****
SHERWOOD CITY 34-33

Page Number 172.094.001

	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE		CITY OF SHERWOOD 34-33 YES	CITY OF SHERWOOD 34-33 NO
424 NW SHERWOOD CITY	3628	3011	82.9%		2085	350
435 SE SHERWOOD CITY	3207	2713	84.5%		1862	338
**** T O T A L S ****	6835	5724	83.7%		3947	688

BOARD OF COMMISSIONERS HAMILTON COUNTY, OHIO

**** OFFICIAL STATEMENT OF THE GENERAL ELECTION ON NOVEMBER 7, 2000****
SHERWOOD CITY 34-34

Page Number 173.095.001

	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE		CITY OF SHERWOOD 34-34 YES	CITY OF SHERWOOD 34-34 NO
424 NW SHERWOOD CITY	3628	3011	82.9%		1879	457
435 SE SHERWOOD CITY	3207	2713	84.5%		1681	424
**** T O T A L S ****	6835	5724	83.7%		3560	881

WASHINGTON COUNTY, OREGON
Write-In Tally - General Election, November 7, 2000

NAME OF OFFICE	NAME OF CANDIDATE	TALLY
CITY OF PORTLAND MAYOR	MISCELLANEOUS	7
CITY OF PORTLAND COMMISSIONER, POS. #1	MISCELLANEOUS	2
COMMISSIONER, POS. #4	MISCELLANEOUS	1
CITY OF TUALATIN COUNCIL #2	MISCELLANEOUS	5
COUNCIL #4	MISCELLANEOUS	1
COUNCIL #6	MISCELLANEOUS	3
CITY OF SHERWOOD COUNCIL	MISCELLANEOUS	5

COPY

CITY OF SHERWOOD

ORDINANCE NO. 2001-1121

AN ORDINANCE PROVIDING FOR A CITY ELECTION TO BE HELD IN THE CITY OF SHERWOOD, OREGON NOVEMBER 6, 2001, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY THE QUESTION OF APPROVING AN AMENDMENT TO THE CITY CHARTER PROHIBITING USE OF THE WILLAMETTE RIVER AS A RESIDENTIAL DRINKING WATER SOURCE WITHIN THE CITY WITHOUT PRIOR CITY ELECTOR APPROVAL

WHEREAS, the City Council has decided to refer a Charter amendment prohibiting use of the Willamette River as a source for drinking water to the voters; and

WHEREAS, the proposed Charter amendment should be submitted to the voters at the November 6, 2001 election;

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

Section 1.

The City Council hereby refers the following Charter amendment to the voters:

The following section shall be added as a new Section 11.10 in the Sherwood City Charter Chapter XI:

Section 11.10 Use of Willamette River for Residential Drinking Water.

Use of Willamette River water as a residential drinking water source within the city is prohibited except when such use has been previously approved by a majority vote of the city's electors.

Section 2.

It is necessary and in the bests interests of the people of the City of Sherwood that there be submitted to the legal voters of the City at the election to be held November 6, 2001, the Charter amendment set forth above for which purpose an election is hereby called

on such date.

Section 3.

The following shall be the Ballot Title for the above referenced proposed Charter amendment:

Caption

REQUIRES VOTER APPROVAL TO USE WILLAMETTE RIVER FOR DRINKING WATER.

Question

SHALL CHARTER BE AMENDED TO PROHIBIT USING WILLAMETTE RIVER AS DRINKING WATER SOURCE WITHIN CITY WITHOUT PRIOR CITY ELECTOR APPROVAL?

Summary

This measure amends the City Charter. The current Charter does not limit drinking water sources. Since the current Charter is silent, drinking water sources are now chosen by the City Council. This Charter amendment limits the City Council's choices. This Charter amendment requires prior approval by a majority of city electors at a duly called election before the City Council can use the Willamette River as a drinking water source within the city.

Section 4.

The City Recorder shall give notice of the election in the manner provided by state law and Section 8.3 of the City Charter.

Section 5.

The City Recorder shall be and is hereby authorized and directed to cause the county elections officer to have prepared ballots and do in legal form as herein prescribed and to take any and all other actions necessary to conduct the election in accordance with the laws

regulating and governing elections.

Section 6.

This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this Ordinance shall take effect immediately upon passage by the City Council and approval by the Mayor.

Duly passed by the City Council this 28th day of August, 2001.

Mark Cottle, Mayor

ATTEST:

C.L. Wiley, City Recorder

	Aye	Nay
Heironimus	✓	
Durrell	✓	
Claus	✓	
Weeks	✓	
Mays	✓	
Fox	absent	
Cottle	✓	

City of Sherwood Oregon

Resolution No. 2001-997

A RESOLUTION CANVASSING RETURNS OF THE NOVEMBER 6, 2001, ELECTION, PROCLAIMING RESULTS AND DIRECTING THE RECORDER TO ENTER ELECTION RESULTS IN THE RECORD.

WHEREAS, there has been duly and regularly certified to the City, by the Washington County Clerk, the following returns of the election held in the City of Sherwood on November 6, 2001, where at the election the question, "Shall Charter Be Amended To Prohibit Using Willamette River as Drinking Water Source within City Without Prior City Elector Approval?"

WHEREAS, pursuant to ORS 255.295 the Council is required to canvass the said returns and proclaim the results and direct the Recorder to enter the results in the records of the Council proceedings;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

The official results of said election are shown as Exhibit A to this document:

Passed - Measure 34-45, Charter Amendment – Water initiative

Yes	2189
No	373

BE IT FURTHER RESOLVED that the Recorder be, and is hereby, directed to enter a copy of this Resolution in the record of the journal of the proceedings of this Council.

Duly passed by the City Council on December 11, 2001.

Mark Cottle, Mayor

Attest:

C.L. Wiley, City Recorder

WASHINGTON COUNTY
OREGON

November 16, 2001

City Recorder
Sherwood City
20 Nw Washington St
Sherwood Or 97140

Enclosed you will find a copy of the Abstract of Votes for Sherwood City Measure #34-45 relating to the election held on November 6, 2001. In accordance with ORS 255.295, please canvass the votes and notify the Washington County Elections Division within thirty (30) days of receipt by signing and returning the bottom portion of this letter to:

Washington County Elections Division
150 N 1st Avenue, MS 3
Hillsboro OR 97124

Thank you very much.

Sincerely,

Ginny Kingsley
Elections Manager

GK/jd

✂----------

I have canvassed the votes for Sherwood City Measure #34-45, relating to the election on November 6, 2001. By signing this canvass letter, I concur with the final results.

AUTHORIZING SIGNATURE DATE

OFFICIAL SPECIAL ELECTION
TUESDAY, NOVEMBER 6, 2001
S U M M A R Y R E P O R T

Date 11/16/2001
Time 10:30:34

84

TOTAL VOTER STATISTICS	(#/PCT	4)
	(#/RPT	4)
	(%/RP	100.0)
VOTER REGISTRATION	8801	
TURNOUT	3616	41.0

34-44 KING CITY ANNEX	(#/PCT	1)
	(#/RPT	1)
(No. to vote for 1)	(%/RP	100.0)
YES	778	76.5
NO	238	23.4
Blank voted (ballots)	17	1.6
Over voted (ballots)	0	0.0

34-45 SHERWOOD CITY	(#/PCT	2)
CHARTER AMENDMENT	(#/RPT	2)
(No. to vote for 1)	(%/RP	100.0)
YES	2189	85.4
NO	373	14.5
Blank voted (ballots)	9	0.3
Over voted (ballots)	3	0.1

5-93 VERNONIA SCHOOL GOB	(#/PCT	1)
	(#/RPT	1)
(No. to vote for 1)	(%/RP	100.0)
YES	1	11.1
NO	8	88.8
Blank voted (ballots)	0	0.0
Over voted (ballots)	0	0.0

BOARD OF COMMISSIONERS ★ WASHINGTON COUNTY, OREGON ★

CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL
Date 11-15-01
WASHINGTON COUNTY
ELECTIONS DIVISION
BY

**** OFFICIAL STATEMENT OF VOTES CAST FOR WASHINGTON COUNTY ON NOVEMBER 6, 2001 ****

34-45 SHERWOOD CITY CHARTER

Page Number 2.002.001

	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE			34-45 SHERWOOD CITY YES	34-45 SHERWOOD CITY NO
424 NW SHERWOOD CITY	3862	1399	36.2%			1179	212
435 SE SHERWOOD CITY	3179	1175	36.9%			1010	161
**** T O T A L S ****	7041	2574	36.5%			2189	373

BOARD OF COMMISSIONERS ★ WASHINGTON COUNTY, OREGON ★

City of Sherwood Oregon

RESOLUTION 2005-008

A RESOLUTION CALLING FOR AN ELECTION IN THE CITY OF SHERWOOD ON MAY 17, 2005 TO SUBMIT A NEW HOME RULE CHARTER TO CITY VOTERS

The City Council of the City of Sherwood finds:

a. The current City of Sherwood Home Rule Charter was approved by the voters and took effect July 1, 1984. It was amended by the voters at the May 16, 2000, the November 7, 2000 and the November 6, 2001 elections.

b. The 1984 charter is wordy, long and outdated. Many provisions of the current charter do not meet present needs of the City, and some provisions conflict with best government practices.

c. The League of Oregon Cities (LOC) published a new model charter for cities in January 2004. This model is shorter, easier to read, and legally updated. Its provisions better meet City needs, and facilitate best government practices.

d. The Sherwood city council has reviewed the 2004 LOC model charter made changes and adapted it to meet the present and future needs of the City. The council has continued the charter provisions added by City voters in 2000 and 2001.

e. It is in the best interest of the City to submit to the voters a new City of Sherwood Home Rule Charter.

THE CITY COUNCIL FOR THE CITY OF SHERWOOD RESOLVES:

Section 1. An election is called for the City of Sherwood, Washington County, Oregon for the purpose of submitting to City voters the new home rule charter attached as Exhibit A to this resolution.

Section 2. Tuesday, May 17, 2005 is designated as the date for holding the election for voting on the measure.

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 title will read as follows:

CAPTION: CITY OF SHERWOOD HOME RULE CHARTER

QUESTION: Shall the City of Sherwood adopt a new home rule charter?

SUMMARY: This measure would replace the current city charter with a new one. The city council believes the new charter would improve city government.

The Oregon Constitution gives city voters the right to adopt charters. Charters grant legal authority to cities and set duties. Sherwood voters adopted the current charter in 1984.

In 2004 the League of Oregon Cities adopted a new model charter. The model more clearly defines the legal authority of the city council. It sets the duties of a city manager. The model charter is shorter and easier to read than the current charter. The city council adapted the model charter to better meet the present and future needs of the City. The council has retained the amendments added by City voters in 2000 and 2001.

Section 6. The city recorder is authorized to submit an impartial explanatory statement for the Washington County voters' pamphlet on behalf of the City.

Section 7. The city recorder will publish the ballot title as provided by state law.

Section 8. This resolution is effective upon it adoption by the city council.

PASSED AND APPROVED this 1st day of March, 2005

Keith S. Mays
Mayor

ATTEST:

C. L. Wiley
City Recorder

PREAMBLE

We, the voters of Sherwood, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.

Chapter I

NAMES AND BOUNDARIES

Section 1. Title. This charter may be referred to as the 2005 Sherwood City Charter.

Section 2. Name. The City of Sherwood, Oregon, continues as a municipal corporation with the name City of Sherwood.

Section 3. Boundaries. The city includes all territory within its boundaries as they now exist or are legally modified. Unless required by state law, annexations may only take effect with the approval of city voters. The city recorder will maintain as a public record an accurate and current description of the boundaries.

Chapter II

POWERS

Section 4. Powers. The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically stated each of those powers.

Section 5. Construction. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.

Section 6. Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances. The council appoints members of commissions, board and committees established by ordinance or resolution.

Chapter III

COUNCIL

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

Section 8. Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council. The mayor must sign all records of council decisions. The mayor serves as the political head of the city government.

Section 9. Council President. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.

Section 10. Rules. The council must by resolution adopt rules to govern its meetings.

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.

Section 12. Quorum. A majority of the council members is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by council rules.

Section 13. Vote Required. The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council.

Section 14. Record. A record of council meetings must be kept in a manner prescribed by the council rules.

Chapter IV

LEGISLATIVE AUTHORITY

Section 15. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Sherwood ordains as follows:"

Section 16. Ordinance Adoption.

(a) Adoption of an ordinance requires approval by a majority of the council at one meeting provided the proposed ordinance is available in writing to the public at least one week before the meeting.

(b) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.

(c) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.

(d) After adoption of an ordinance, the city recorder must endorse it with the date of adoption and the recorder's name and title. The city recorder must submit the ordinance to the mayor for approval. If the mayor approves the ordinance, the mayor must sign and date it.

(e) If the mayor vetoes the ordinance, the mayor must return it to the city recorder with written reasons for his veto within 10 days of receipt of the ordinance. If the ordinance is not so returned, it takes effect as if approved.

(f) At the first council meeting after veto by the mayor, the council will consider the reasons of the mayor and again vote on the ordinance. If four councilors vote to adopt the ordinance, it will take effect.

Section 17. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption and approval by the mayor, or adoption after veto by the mayor, or on a later day provided in the ordinance. An ordinance adopted by all councilors may take effect as soon as adopted, or other date less than 30 days after adoption if it contains an emergency clause, and is not subject to veto by the mayor.

Chapter V

ADMINISTRATIVE AUTHORITY

Section 18. Resolutions. The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "The City of Sherwood resolves as follows:"

Section 19. Resolution Approval.

(a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.

(b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at a meeting.

(c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.

(d) After approval of a resolution, the city recorder must endorse it with the date of approval and the recorder's name and title.

Section 20. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolutions.

Chapter VI

QUASI-JUDICIAL AUTHORITY

Section 21. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Sherwood orders as follows:"

Section 22. Order Approval.

(a) Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.

(b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.

(c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.

(d) After approval of an order, the city recorder must endorse it with the date of approval and the recorder's name and title.

Section 23. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

Chapter VII

ELECTIONS

Section 24. Councilors. 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 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 26. State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.

Section 27. Qualifications.

(a) The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.

(b) No person may be a candidate at a single election for more than one city office.

(c) Neither the mayor, nor a councilor may be employed by the city.

(d) The council is the final judge of the election and qualifications of its members.

Section 28. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.

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.

Section 30. Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.

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.

(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,
- (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. 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 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.

Chapter VIII

APPOINTIVE OFFICERS

Section 33. City Manager.

(a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.

(b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.

(c) The manager need not reside in the city.

(d) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.

(e) The manager must:

(1) Attend all council meetings unless excused by the mayor or council;
(2) Make reports and recommendations to the mayor and council about the needs of the city;
(3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
(4) Appoint, supervise and remove city employees;
(5) Organize city departments and administrative structure;
(6) Prepare and administer the annual city budget;
(7) Administer city utilities and property;
(8) Encourage and support regional and intergovernmental cooperation;
(9) Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community;
(10) Perform other duties as directed by the council;
(11) Delegate duties, but remain responsible for acts of all subordinates.

(f) The manager has no authority over the council or over the judicial functions of the municipal judge.

(g) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.

(h) When the manager is temporarily disabled from acting as manager or when the office becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.

(i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

(j) The manager may not serve as city recorder or city recorder pro tem.

Section 34. City Recorder.

(a) The office of city recorder is established as the council clerk, city custodian of records and city elections official. The recorder must attend all council meetings unless excused by the mayor or council.

(b) A majority of the council must appoint and may remove the recorder. The appointment must be made without regard to political considerations and solely on the basis of education and experience.

(c) When the recorder is temporarily disabled from acting as recorder or when the office becomes vacant, the council must appoint a recorder pro tem. The recorder pro tem has the authority and duties of recorder.

Section 35. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney must appoint and supervise, and may remove any office employees.

Section 36. Municipal Court and Judge.

(a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Sherwood Municipal Court.

(b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

(c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

(d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.

(e) The municipal judge may:
(1) Render judgments and impose sanctions on persons and property;
(2) Order the arrest of anyone accused of an offense against the city;
(3) Commit to jail or admit to bail anyone accused of a city offense;
(4) Issue and compel obedience to subpoenas;
(5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
(6) Penalize contempt of court;
(7) Issue processes necessary to enforce judgments and orders of the court;
(8) Issue search warrants; and
(9) Perform other judicial and quasi-judicial functions assigned by ordinance.

(f) The council may appoint and may remove municipal judges pro tem.

(g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

Chapter IX

PERSONNEL

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 may be reimbursed for actual expenses.

Section 38. Merit Systems. The council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.

Chapter X

PUBLIC IMPROVEMENTS

Section 39 Procedure. The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for one year upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.

Section 40. Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

Chapter XI

MISCELLANEOUS PROVISIONS

Section 41. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

Section 42. Solid Waste Incinerators. The operation of solid waste incinerators for any commercial, industrial, or institutional purpose is prohibited in the city. This applies to solid waste defined by ORS 459.005(24), and includes infectious wastes defined by ORS 459.386(2). This prohibition does not apply to otherwise lawful furnaces, incinerators, or stoves burning wood or wood-based products, petroleum products, natural gas, or to other fuels or materials not defined as solid waste, to yard debris burning, or to small-scale specialized incinerators utilizing solid waste produced as a byproduct on-site and used only for energy recovery purposes. Such small-scale incinerators are only exempt from this prohibition if they are ancillary to a city permitted or conditional use, and may not utilize infectious wastes or any fuels derived form infectious wastes. This prohibition does not apply to solid waste incinerators lawfully permitted to operate before September 5, 1990, but does apply to any expansion, alteration or modification of such uses or applicable permits. (Approved by voters November 6, 1990)

Section 43. Willamette River Drinking Water. Use of Willamette River water as a residential drinking water source within the city is prohibited except when such use has been previously approved by a majority vote of the city's electors. (Approved by voters November 2001)

Section 44. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section 45. Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section 46. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

Section 47. Time of Effect. This charter takes effect July 1, 2005.

City of Sherwood Oregon

RESOLUTION 2005-058

A RESOLUTION CALLING FOR AN ELECTION IN THE CITY OF SHERWOOD ON NOVEMBER 8, 2005 TO REQUEST VOTER APPROVAL OF WILLAMETTE RIVER WATER AS A SOURCE FOR CITY WATER

The City Council of the City of Sherwood finds:

a. The City of Sherwood now gets most of its drinking water from wells.

b. The City staff and City Council have studied additional water sources to meet the long-term drinking water needs for the City.

c. Willamette River drinking water from the City of Wilsonville water system has been of high quality, and the cost of that water has been relatively stable over several years.

d, City Charter Section 43 prohibits the use of Willamette River water as a source for City drinking water without voter approval.

e. The City Council believes it is in the best interest of the City to submit to the voters a request for approval of Willamette River as a source of drinking water for the City.

f. The City Council adopted on August 16, 2005 the ballot title for this measure by Resolution 2005-054.

THE CITY COUNCIL FOR THE CITY OF SHERWOOD RESOLVES:

Section 1. The City of Sherwood, Washington County, Oregon calls an election to submit to City voters a measure to approve the Willamette River as a source of drinking water for the City.

Section 2. The election date for voting on this measure is Tuesday, November 8, 2005.

Section 3. The Washington County Elections Department will conduct the election.

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

Section 5. The ballot title for this measure reads as set forth in Section 4 of City of Sherwood Resolution 2005-054 adopted by the City Council on August 16, 2005.

Section 6. The city recorder is authorized to submit an impartial explanatory statement for the Washington County voters' pamphlet on behalf of the City.

Section 7. This resolution is effective upon its adoption by the city council.

PASSED AND APPROVED this 6th day of September 2005

Keith S. Mays
Mayor

ATTEST:

C. L. Wiley
City Recorder

City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2011-063

A RESOLUTION REFERRING TO THE VOTERS OF SHERWOOD A PROPOSED REVISION OF THE CITY CHARTER

The City Council of the City of Sherwood finds:

a. The current City of Sherwood Home Rule Charter was approved by the voters and took effect July 1, 2005. It was amended by the voters at the May 16, 2000, the November 7, 2000 and the November 6, 2001 elections.

b. Certain provisions in the 2005 charter are unclear, obsolete or unnecessary. Other provisions of the current charter do not meet present needs of the City, and some provisions conflict with best government practices.

c. The Sherwood city council held a work session on July 26, 2011 and reviewed the 2005 City Charter, made certain changes to update and clarify the language and adapted it to meet the present and future needs of the City. The council has continued certain charter provisions added by City voters in 2000 and 2001 including the requirement for voter approval of annexation to the city.

d. It is in the best interest of the City to submit to the voters a new City of Sherwood Home Rule Charter.

THE CITY COUNCIL FOR THE CITY OF SHERWOOD RESOLVES:

Section 1. An election is called for the City of Sherwood, Washington County, Oregon for the purpose of submitting to City voters the new home rule charter attached as Exhibit A to this resolution.

Section 2. Tuesday, November 8, 2011 is designated as the date for holding the election for voting on the measure.

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 title will read as follows:

CAPTION: REVISIONS TO CITY OF SHERWOOD HOME RULE CHARTER

QUESTION: Shall the City of Sherwood adopt certain revisions to update the city home rule charter?

SUMMARY: This measure would update the current city charter to remove obsolete provisions, clarify other provisions and reflect standard municipal organization and practices. The city council believes the charter revisions will improve city government.

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 2005.

The proposed revision authorizes the mayor to appoint members of certain boards and commissions with council approval; deletes the requirement that the council be elected by position; deletes the mayor's authority to veto city legislation; requires the mayor's signature on city council decisions; establishes a four-year term for the mayor; prohibits mayor and councilors from holding another elected office; clarifies process for filling council vacancy; requires municipal court judge to be a member of Oregon State bar; deletes obsolete provision regarding personnel rules and compensation; deletes obsolete provision regarding use of Willamette River water; takes effect January 1, 2012. The proposed revision retains provisions unique to Sherwood including voter approval for annexation.

Section 6. The city recorder is authorized to submit an impartial explanatory statement for the Washington County voters' pamphlet on behalf of the City.

Section 7. The city recorder will publish the ballot title as provided by state law.

Section 8. This resolution is effective upon it adoption by the city council.

PASSED AND APPROVED this 2nd day of August, 2011

Keith S. Mays, Mayor

ATTEST:

Sylvia Murphy, CMC, City Recorder

PREAMBLE

We, the voters of Sherwood, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.

Chapter I

NAMES AND BOUNDARIES

Section 1. Title. This charter may be referred to as the 2012 Sherwood City Charter.

Section 2. Name. The City of Sherwood, Oregon, continues as a municipal corporation with the name City of Sherwood.

Section 3. Boundaries. The city includes all territory within its boundaries as they now exist or are legally modified. Unless required by state law, annexations may only take effect with the approval of city voters. The city recorder will maintain as a public record an accurate and current description of the boundaries.

Chapter II

POWERS

Section 4. Powers. The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically stated each of those powers.

Section 5. Construction. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.

Section 6. Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.

Chapter III

COUNCIL

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

Section 8. Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council. The mayor must sign all records of council decisions. The mayor, with the consent of council, appoints members of commissions, boards and committees established by ordinance or resolution, who shall serve at the pleasure of the council The mayor serves as the political head of the city government.

Section 9. Council President. At its first meeting each odd numbered year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.

Section 10. Rules. The council must by resolution adopt rules to govern its meetings.

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.

Section 12. Quorum. A majority of the council members is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by council rules.

Section 13. Vote Required. The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council.

Section 14. Record. A record of council meetings must be kept in a manner prescribed by the council rules.

Chapter IV

LEGISLATIVE AUTHORITY

Section 15. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Sherwood ordains as follows:"

Section 16. Ordinance Adoption.

(a) Adoption of an ordinance requires approval by a majority of the council at one meeting provided the proposed ordinance is available in writing to the public at least one week before the meeting.

(b) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.

(c) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.

(d) After adoption of an ordinance, the mayor must sign and date it and submit it to the city recorder. The city recorder must endorse the ordinance with the date of adoption and the recorder's name and title.

Section 17. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption and approval by the mayor, or adoption after veto by the mayor, or on a later day provided in the ordinance. An ordinance adopted by all councilors may take effect as soon as adopted, or other date less than 30 days after adoption if it contains an emergency clause, and is not subject to veto by the mayor.

Chapter V

ADMINISTRATIVE AUTHORITY

Section 18. Resolutions. The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "The City of Sherwood resolves as follows:"

Section 19. Resolution Approval.

(a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.

(b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at a meeting.
(c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.

(d) After approval of a resolution, the mayor must sign and the city recorder must endorse it with the date of approval and the recorder's name and title.

Section 20. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolutions.

Chapter VI

QUASI-JUDICIAL AUTHORITY

Section 21. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Sherwood orders as follows:"

Section 22. Order Approval.

(a) Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.

(b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.

(c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.

(d) After approval of an order, the mayor must sign and the city recorder must endorse it with the date of approval and the recorder's name and title.

Section 23. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

Chapter VII

ELECTIONS

Section 24. Councilors. A councilor serves a four-year term. Three councilors will be elected at each general election. The terms of councilors in office when this revised charter is adopted (2011) are the terms for which they were elected.

Section 25. Mayor. The mayor serves a four-year term. The mayor shall be elected at every other general election beginning with the 2012 general election. The term of the mayor in office when this charter revision is adopted is the term for which the mayor was elected.

Section 26. State Law. City elections must conform to state law except as this charter or city ordinances provide otherwise. All elections for city office must be nonpartisan.

Section 27. Qualifications.

(a) The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.

(b) A person may not be a candidate at a single election for more than one city office.

(c) The mayor and councilors may not be employed by the city.

(d) The mayor and councilors may not hold another state or local government elected office.

(e) The council is the final judge of the election and qualifications of its members.

Section 28. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.

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.

Section 30. Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and the State of Oregon.

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.

(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,
(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,
(7) Removal under Section 33(h), or
(8) Assumption of another state or local government elected office.

Section 32. Filling Vacancies. A mayor or councilor vacancy will be filled by an election if 25 months or more remain in the term of office. The election will be held at the next regularly-scheduled May or November election date to fill the vacancy for the remainder of the term. If a mayor or councilor vacancy is filled by appointment, the appointment shall be made 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. If a disability or other circumstance prevents a councilor from attending council meetings, a majority of the council may appoint a councilor pro tem.

Chapter VIII

APPOINTIVE OFFICERS

Section 33. City Manager.

(a) The office of city manager is established as the chief administrative officer of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.

(b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.

(c) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.

(d) The manager must:

(1) Attend all council meetings unless excused by the mayor or council;
(2) Make reports and recommendations to the mayor and council about the needs of the city;
(3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
(4) Appoint, supervise and remove city employees;
(5) Organize city departments and administrative structure;
(6) Prepare and administer the annual city budget;
(7) Administer city utilities and property;
(8) Encourage and support regional and intergovernmental cooperation;
(9) Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community;
(10) Perform other duties as directed by the council;
(11) Delegate duties, but remain responsible for acts of all subordinates.

(e) The manager has no authority over the council or over the judicial functions of the municipal judge.

(f) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.

(g) When the manager is temporarily disabled from acting as manager or when the office becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.

(h) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

(i) The manager may not serve as city recorder or city recorder pro tem.

Section 34. City Recorder.

(a) The office of city recorder is established as the council clerk, city custodian of records and city elections official. The recorder must attend all council meetings unless excused by the mayor or council.

(b) A majority of the council must appoint and may remove the recorder. The appointment must be made without regard to political considerations and solely on the basis of education and experience.

(c) When the recorder is temporarily disabled from acting as recorder or when the office becomes vacant, the council must appoint a recorder pro tem. The recorder pro tem has the authority and duties of recorder.

Section 35. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney must appoint and supervise, and may remove any legal office employees.

Section 36. Municipal Court and Judge.

(a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Sherwood Municipal Court. The judge must be a member in good standing of the Oregon State Bar.

(b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

(c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

(d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.

(e) The municipal judge may:
(1) Render judgments and impose sanctions on persons and property;
(2) Order the arrest of anyone accused of an offense against the city;
(3) Commit to jail or admit to bail anyone accused of a city offense;
(4) Issue and compel obedience to subpoenas;
(5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
(6) Penalize contempt of court;
(7) Issue processes necessary to enforce judgments and orders of the court;
(8) Issue search warrants; and
(9) Perform other judicial and quasi-judicial functions assigned by ordinance.

(f) The council may appoint and may remove municipal judges pro tem.

(g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

Chapter IX

PUBLIC IMPROVEMENTS

Section 37 Procedure. The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for one year upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.

Section 38 Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

Chapter X

MISCELLANEOUS PROVISIONS

Section 39. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

Section 40. Solid Waste Incinerators. The operation of solid waste incinerators for any commercial, industrial, or institutional purpose is prohibited in the city. This applies to solid waste defined by ORS 459.005(24), and includes infectious wastes defined by ORS 459.386(2). This prohibition does not apply to otherwise lawful furnaces, incinerators, or stoves burning wood or wood-based products, petroleum products, natural gas, or to other fuels or materials not defined as solid waste, to yard debris burning, or to small-scale specialized incinerators utilizing solid waste produced as a byproduct on-site and used only for energy recovery purposes. Such small-scale incinerators are only exempt from this prohibition if they are ancillary to a city permitted or conditional use, and may not utilize infectious wastes or any fuels derived form infectious wastes. This prohibition does not apply to solid waste incinerators lawfully permitted to operate before September 5, 1990, but does apply to any expansion, alteration or modification of such uses or applicable permits. (Approved by voters May 2000)

Section 41. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section 42. Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section 43. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

Section 44. Time of Effect. This charter as revised takes effect January 1, 2012.

City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2011-091

A RESOLUTION CANVASSING ELECTION RESULTS OF THE NOVEMBER 8, 2011 WASHINGTON COUNTY ELECTION, PROCLAIMING RESULTS AND DIRECTING THE CITY RECORDER TO ENTER THE ELECTION RESULTS INTO THE RECORD

WHEREAS, there has been duly and regularly certified by the City and the Washington County Clerk, the results of the election held in the City of Sherwood on November 8, 2011; and

WHEREAS, the City Elections Officer consistent with the duties imposed on that office by ORS 254.565, will canvass the votes and notify the Washington County Elections office within 30 days of receipt of the election results pursuant to ORS 255.295. Election results are attached hereto as Exhibit "A".

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

Section 1. The official results of said election are shown as Exhibit A to this Resolution.

Section 2. The City Recorder is hereby directed to enter a copy of this Resolution into the record of the proceedings of this Council and to canvass the votes by signing the canvass letter and submitting it to the Washington County Elections office.

Section 3. This Resolution is and shall be effective from and after its passage by the City Council.

Duly passed by the City Council this 6th day of December 2011.

Keith S. Mays, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

WASHINGTON COUNTY
OREGON

November 23, 2011

RECEIVED
NOV 28 2011
CITY OF SHERWOOD
RECORDER'S OFFICE

City Recorder
City of Sherwood
22560 SW Pine St
Sherwood OR 97140

Enclosed you will find a copy of the Abstract of Votes for City of Sherwood relating to the election held on November 8, 2011. In accordance with ORS 255.295, please canvass the votes and notify the Washington County Elections Division within thirty (30) days of receipt by signing and returning the bottom portion of this letter to:

Washington County Elections Division
3700 SW Murray Blvd. Suite 101
Beaverton OR 97005

Thank you very much.

Sincerely,

M Kawai

Mickie Kawai
Elections Manager

MK/tk

✂ - - -

Run Date: 11/23/11
Run Time: 9:00 AM

Washington County, Oregon
Special Primary Election
November 8, 2011

Official

	VOTES	PERCENT
34-191 SHERWOOD CITY ANNEXATION		
Sherwood City		
Yes	1,732	48.41%
No.	1,846	51.59%
Brookman Electors		
Yes	10	21.27%
No.	37	78.72%
Blank	1	
Over Votes.	0	

Canvass Report — Total Voters — Official

Clackamas County, Oregon — Special Election — November 08, 2011

11/21/2011 03:52 PM

Total Number of Voters: 83,715 of 212,685 = 39.36%

Precincts Reporting 157 of 157 = 100.00%

34-191 CITY OF SHERWOOD: Proposal to Annex 258 acres to City

Precinct	Blank Ballots Cast	Over Votes	Under Votes	Total Ballots Cast	Registered Voters	Percent Turnout	Yes	No	Totals
337	0	0	0	682	1,436	47.49%	0	18	18
Totals:	0	0	0	682	1,436		0	18	18

CERTIFIED COPY OF THE ORIGINAL
SHERRY HALL, COUNTY CLERK

BY: _____

Summary Report

Washington County, Oregon
Special Primary Election
November 8, 2011
STATISTICS

Official Final

Run Date:11/23/11 08:56 AM

Report EL45 Page 001

	VOTES	PERCENT
PRECINCTS COUNTED (OF 157).	157	100.00
REGISTERED VOTERS - TOTAL	233,626	
REGISTERED VOTERS - DEMOCRAT	108,418	46.41
REGISTERED VOTERS - REPUBLICAN . . .	85,179	36.46
REGISTERED VOTERS - NONPARTISAN . . .	40,029	17.13
BALLOTS CAST - TOTAL.	97,141	
BALLOTS CAST - DEMOCRAT.	46,746	48.12
BALLOTS CAST - REPUBLICAN	38,438	39.57
BALLOTS CAST - NONPARTISAN.	11,957	12.31
BALLOTS CAST - BLANK.	80	.08
VOTER TURNOUT - TOTAL		41.58
VOTER TURNOUT - DEMOCRAT		43.12
VOTER TURNOUT - REPUBLICAN.		45.13
VOTER TURNOUT - NONPARTISAN		29.87
VOTER TURNOUT - BLANK		.03

Summary Report

Washington County, Oregon
Special Primary Election
November 8, 2011
Democrat

Official Final

Run Date:11/23/11 08:56 AM

Report EL45 Page 002

	VOTES	PERCENT
Representative in Congress, 1st District		
US CONGRESSIONAL DISTRICT 1		
Vote For 1		
Dominic Hammon.	560	1.24
Suzanne Bonamici	29,382	64.84
Brad Witt	2,551	5.63
Saba Ahmed	178	.39
Brad Avakian	11,210	24.74
Dan Strite	626	1.38
Robert E Lettin	53	.12
Todd Lee Ritter	440	.97
WRITE-IN.	314	.69
Over Votes	41	
Under Votes	1,391	

Summary Report

Washington County, Oregon
Special Primary Election
November 8, 2011
Republican

Official Final

Run Date:11/23/11 08:56 AM

Report EL45 Page 003

	VOTES	PERCENT
Representative in Congress, 1st District		
US CONGRESSIONAL DISTRICT 1		
Vote For 1		
Lisa Michaels	3,980	10.71
D R Delgado-Morgan	516	1.39
Pavel Goberman	1,033	2.78
Jim Greenfield	4,241	11.41
Rob Cornilles	27,058	72.83
WRITE-IN	325	.87
Over Votes	18	
Under Votes	1,267	

	VOTES	PERCENT
34-190 CITY OF SHERWOOD		
Vote For 1		
Yes	1,482	41.97
No.	2,049	58.03
Over Votes	0	
Under Votes	70	
34-191 SHERWOOD CITY ANNEXATION		
Vote For 1		
Yes	1,732	48.41
No.	1,846	51.59
Over Votes	0	
Under Votes	71	
24-192 CITY OF BEAVERTON		
Vote For 1		
Yes	10,130	55.21
No.	8,217	44.79
Over Votes	3	
Under Votes	357	
34-193 BEAVERTON SCHOOL DISTRICT #48JT		
Vote For 1		
Yes	27,148	48.96
No.	28,298	51.04
Over Votes	3	
Under Votes	736	
34-194 CITY OF BANKS		
Vote For 1		
Yes	172	53.92
No.	147	46.08
Over Votes	0	
Under Votes	3	

BOARD OF COMMISSIONERS ★ WASHINGTON COUNTY, OREGON ★

CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL
Date November 23, 2011
WASHINGTON COUNTY
ELECTIONS DIVISION
BY M Kawai

NUMBERED KEY CANVASS

RUN DATE:11/23/11 08:59 AM

Washington County, Oregon
Special Primary Election
November 8, 2011
STATISTICS

Official Final

REPORT-EL52 PAGE 0001

	TOTAL	PERCENT
01 = REGISTERED VOTERS - TOTAL	233,626	
02 = REGISTERED VOTERS - DEMOCRAT	108,418	46.41
03 = REGISTERED VOTERS - REPUBLICAN	85,179	36.46
04 = REGISTERED VOTERS - NONPARTISAN	40,029	17.13
05 = BALLOTS CAST - TOTAL	97,141	
06 = BALLOTS CAST - DEMOCRAT	46,746	48.12
07 = BALLOTS CAST - REPUBLICAN	38,438	39.57

	TOTAL	PERCENT
08 = BALLOTS CAST - NONPARTISAN	11,957	12.31
09 = BALLOTS CAST - BLANK	80	.08
10 = VOTER TURNOUT - TOTAL		41.58
11 = VOTER TURNOUT - DEMOCRAT		43.12
12 = VOTER TURNOUT - REPUBLICAN		45.13
13 = VOTER TURNOUT - NONPARTISAN		29.87

	01	02	03	04	05	06	07	08	09	10	11	12	13
0301 301	1501	689	812	0	681	309	372	0	2	45.37	44.85	45.81	. . .
0302 302	2005	831	552	622	766	367	258	141	0	38.20	44.16	46.74	22.67
0303 303	269	112	146	11	140	56	79	5	0	52.04	50.00	54.11	45.45
0304 304	1919	1091	828	0	678	362	316	0	1	35.33	33.18	38.16	. . .
0305 305	847	248	345	254	322	103	132	87	0	38.02	41.53	38.26	34.25
0306 306	598	269	160	169	214	116	62	36	0	35.79	43.12	38.75	21.30
0307 307	1348	740	608	0	476	243	233	0	0	35.31	32.84	38.32	. . .
0308 308	399	164	235	0	195	81	114	0	0	48.87	49.39	48.51	. . .
0309 309	2875	1775	1100	0	968	608	360	0	0	33.67	34.25	32.73	. . .
0310 310	981	498	483	0	425	227	198	0	0	43.32	45.58	40.99	. . .
0311 311	426	185	241	0	137	64	73	0	0	32.16	34.59	30.29	. . .
0312 312	533	267	266	0	250	138	112	0	0	46.90	51.69	42.11	. . .
0313 313	58	33	25	0	27	15	12	0	0	46.55	45.45	48.00	. . .
0314 314	552	209	343	0	270	92	178	0	0	48.91	44.02	51.90	. . .
0315 315	526	208	318	0	249	107	142	0	0	47.34	51.44	44.65	. . .
0316 316	743	354	389	0	325	154	171	0	0	43.74	43.50	43.96	. . .
0317 317	327	131	196	0	135	57	78	0	0	41.28	43.51	39.80	. . .
0318 318	2103	1119	984	0	820	437	383	0	3	38.99	39.05	38.92	. . .
0319 319	739	434	305	0	209	120	89	0	1	28.28	27.65	29.18	. . .
0320 320	2475	995	714	766	942	423	327	192	2	38.06	42.51	45.80	25.07
0321 321	185	98	87	0	49	31	18	0	0	26.49	31.63	20.69	. . .
0322 322	195	79	92	24	77	32	42	3	0	39.49	40.51	45.65	12.50
0323 323	2298	1321	977	0	659	347	312	0	1	28.68	26.27	31.93	. . .
0324 324	329	174	155	0	111	63	48	0	1	33.74	36.21	30.97	. . .
0326 326	1040	449	591	0	486	212	274	0	0	46.73	47.22	46.36	. . .
0327 327	2112	1140	972	0	665	358	307	0	0	31.49	31.40	31.58	. . .
0328 328	968	457	511	0	413	194	219	0	0	42.67	42.45	42.86	. . .
0329 329	2452	1261	1191	0	848	411	437	0	2	34.58	32.59	36.69	. . .
0330 330	818	429	389	0	286	157	129	0	1	34.96	36.60	33.16	. . .
0332 332	1681	966	715	0	738	420	318	0	1	43.90	43.48	44.48	. . .
0333 333	2632	1153	640	839	623	305	189	129	1	23.67	26.45	29.53	15.38
0334 334	75	41	34	0	37	18	19	0	0	49.33	43.90	55.88	. . .
0335 335	2908	1341	1567	0	1114	489	625	0	1	38.31	36.47	39.89	. . .
0336 336	1757	943	814	0	641	359	282	0	2	36.48	38.07	34.64	. . .
0337 337	2424	1350	1074	0	856	459	397	0	1	35.31	34.00	36.96	. . .
0338 338	2588	1448	1140	0	791	407	384	0	0	30.56	28.11	33.68	. . .
0339 339	1208	731	477	0	385	245	140	0	1	31.87	33.52	29.35	. . .
0340 340	1821	973	848	0	693	371	322	0	1	38.06	38.13	37.97	. . .
0341 341	242	118	124	0	112	54	58	0	0	46.28	45.76	46.77	. . .
0342 342	85	51	34	0	44	26	18	0	0	51.76	50.98	52.94	. . .
0343 343	2628	1315	1313	0	1034	519	515	0	2	39.35	39.47	39.22	. . .
0344 344	2300	1421	879	0	840	503	337	0	1	36.52	35.40	38.34	. . .
0345 345	27	14	13	0	16	9	7	0	0	59.26	64.29	53.85	. . .
0346 346	202	97	105	0	104	49	55	0	0	51.49	50.52	52.38	. . .
0347 347	30	13	17	0	8	4	4	0	0	26.67	30.77	23.53	. . .
0348 348	92	47	45	0	37	13	24	0	0	40.22	27.66	53.33	. . .
0349 349	2346	1001	581	764	818	381	251	186	0	34.87	38.06	43.20	24.35
0350 350	3978	1765	1105	1108	1841	891	600	350	1	46.28	50.48	54.30	31.59
0351 351	2235	962	557	716	722	321	244	157	0	32.30	33.37	43.81	21.93
0352 352	714	317	107	290	191	107	35	49	0	26.75	33.75	32.71	16.90

	TOTAL	PERCENT		TOTAL	PERCENT
01 = REGISTERED VOTERS - TOTAL	233,626		08 = BALLOTS CAST - NONPARTISAN	11,957	12.31
02 = REGISTERED VOTERS - DEMOCRAT	108,418	46.41	09 = BALLOTS CAST - BLANK	80	.08
03 = REGISTERED VOTERS - REPUBLICAN	85,179	36.46	10 = VOTER TURNOUT - TOTAL		41.58
04 = REGISTERED VOTERS - NONPARTISAN	40,029	17.13	11 = VOTER TURNOUT - DEMOCRAT		43.12
05 = BALLOTS CAST - TOTAL	97,141		12 = VOTER TURNOUT - REPUBLICAN		45.13
06 = BALLOTS CAST - DEMOCRAT	46,746	48.12	13 = VOTER TURNOUT - NONPARTISAN		29.87
07 = BALLOTS CAST - REPUBLICAN	38,438	39.57			

(CONTINUED FROM PREVIOUS PAGE)	01	02	03	04	05	06	07	08	09	10	11	12	13
0353 353	1579	719	382	478	592	313	165	114	1	37.49	43.53	43.19	23.85
0354 354	3666	1585	1109	972	1833	867	606	360	0	50.00	54.70	54.64	37.04
0355 355	2924	1328	726	870	1161	619	327	215	0	39.71	46.61	45.04	24.71
0356 356	1525	754	512	259	488	234	189	65	0	32.00	31.03	36.91	25.10
0357 357	1482	609	430	443	566	261	210	95	0	38.19	42.86	48.84	21.44
0358 358	520	294	206	20	235	129	100	6	0	45.19	43.88	48.54	30.00
0359 359	1901	841	462	598	723	332	210	181	0	38.03	39.48	45.45	30.27
0360 360	2550	1093	682	775	921	461	279	181	0	36.12	42.18	40.91	23.35
0361 361	1547	669	289	589	375	192	81	102	0	24.24	28.70	28.03	17.32
0362 362	3464	1591	940	933	1774	887	557	330	0	51.21	55.75	59.26	35.37
0363 363	3118	1359	917	842	1443	678	474	291	1	46.28	49.89	51.69	34.56
0364 364	4147	1744	1275	1128	2095	955	713	427	2	50.52	54.76	55.92	37.85
0365 365	3466	1605	996	865	1884	951	574	359	1	54.36	59.25	57.63	41.50
0366 366	1510	716	410	384	513	248	189	76	0	33.97	34.64	46.10	19.79
0367 367	3549	1276	1122	1151	1663	646	603	414	0	46.86	50.63	53.74	35.97
0368 368	3689	1391	1113	1185	1524	627	521	376	1	41.31	45.08	46.81	31.73
0369 369	1777	667	578	532	737	301	311	125	0	41.47	45.13	53.81	23.50
0370 370	1597	876	721	0	615	313	302	0	4	38.51	35.73	41.89	. . .
0371 371	2175	934	657	584	1062	490	375	197	0	48.83	52.46	57.08	33.73
0372 372	1670	783	546	341	976	493	351	132	0	58.44	62.96	64.29	38.71
0373 373	289	137	152	0	119	59	60	0	0	41.18	43.07	39.47	. . .
0374 374	9	2	7	0	6	1	5	0	0	66.67	50.00	71.43	. . .
0375 375	185	118	67	0	68	48	20	0	0	36.76	40.68	29.85	. . .
0376 376	1887	750	631	506	855	391	300	164	0	45.31	52.13	47.54	32.41
0377 377	2793	1036	928	829	1373	508	529	336	0	49.16	49.03	57.00	40.53
0378 378	1074	552	276	246	485	274	149	62	2	45.16	49.64	53.99	25.20
0379 379	3293	1548	858	887	1439	711	472	256	2	43.70	45.93	55.01	28.86
0380 380	2209	930	735	544	1190	544	426	220	2	53.87	58.49	57.96	40.44
0381 381	1973	976	430	567	863	474	227	162	1	43.74	48.57	52.79	28.57
0382 382	2855	1285	736	834	1154	575	362	217	0	40.42	44.75	49.18	26.02
0383 383	1334	676	356	302	669	384	176	109	0	50.15	56.80	49.44	36.09
0384 384	2230	1173	530	527	1175	659	312	204	0	52.69	56.18	58.87	38.71
0385 385	2774	1340	843	591	1366	663	504	199	2	49.24	49.48	59.79	33.67
0386 386	3213	1684	953	576	1783	977	582	224	2	55.49	58.02	61.07	38.89
0387 387	1042	470	215	357	318	168	68	82	0	30.52	35.74	31.63	22.97
0388 388	238	125	36	77	86	59	12	15	0	36.13	47.20	33.33	19.48
0389 389	3629	1463	1128	1038	1586	684	530	372	0	43.70	46.75	46.99	35.84
0390 390	3544	1438	1205	901	1745	746	690	309	1	49.24	51.88	57.26	34.30
0391 391	245	113	46	86	53	24	16	13	0	21.63	21.24	34.78	15.12
0392 392	199	97	37	65	66	34	18	14	0	33.17	35.05	48.65	21.54
0393 393	593	317	160	116	313	180	93	40	0	52.78	56.78	58.13	34.48
0394 394	43	15	28	0	18	6	12	0	0	41.86	40.00	42.86	. . .
0395 395	2418	951	783	684	979	379	391	209	0	40.49	39.85	49.94	30.56
0396 396	524	286	238	0	253	127	126	0	0	48.28	44.41	52.94	. . .
0397 397	1948	872	1076	0	826	340	486	0	1	42.40	38.99	45.17	. . .
0398 398	765	250	339	176	420	124	229	67	0	54.90	49.60	67.55	38.07
0399 399	1493	965	510	18	601	400	192	9	0	40.25	41.45	37.65	50.00
0400 400	1808	1126	668	14	732	465	262	5	0	40.49	41.30	39.22	35.71
0401 401	1650	903	359	388	850	510	206	134	0	51.52	56.48	57.38	34.54
0402 402	755	396	359	0	292	159	133	0	0	38.68	40.15	37.05	. . .
0403 403	2810	1372	1438	0	1216	539	677	0	1	43.27	39.29	47.08	. . .

NUMBERED KEY CANVASS

RUN DATE:11/23/11 08:59 AM

Washington County, Oregon
Special Primary Election
November 8, 2011
STATISTICS

Official Final

REPORT-EL52 PAGE 0003

	TOTAL	PERCENT		TOTAL	PERCENT
01 = REGISTERED VOTERS - TOTAL	233,626		08 = BALLOTS CAST - NONPARTISAN	11,957	12.31
02 = REGISTERED VOTERS - DEMOCRAT	108,418	46.41	09 = BALLOTS CAST - BLANK	80	.08
03 = REGISTERED VOTERS - REPUBLICAN	85,179	36.46	10 = VOTER TURNOUT - TOTAL		41.58
04 = REGISTERED VOTERS - NONPARTISAN	40,029	17.13	11 = VOTER TURNOUT - DEMOCRAT		43.12
05 = BALLOTS CAST - TOTAL	97,141		12 = VOTER TURNOUT - REPUBLICAN		45.13
06 = BALLOTS CAST - DEMOCRAT	46,746	48.12	13 = VOTER TURNOUT - NONPARTISAN		29.87
07 = BALLOTS CAST - REPUBLICAN	38,438	39.57			

(CONTINUED FROM PREVIOUS PAGE)

	01	02	03	04	05	06	07	08	09	10	11	12	13
0404 404	1845	1041	804	0	719	408	311	0	1	38.97	39.19	38.68	. . .
0405 405	3107	1735	1372	0	1379	763	616	0	4	44.38	43.98	44.90	. . .
0406 406	2114	1307	807	0	858	524	334	0	0	40.59	40.09	41.39	. . .
0407 407	745	354	213	178	407	202	141	64	0	54.63	57.06	66.20	35.96
0408 408	3217	1725	1492	0	1599	847	752	0	2	49.70	49.10	50.40	. . .
0409 409	2416	1023	741	652	973	459	337	177	0	40.27	44.87	45.48	27.15
0410 410	1483	638	742	103	644	272	337	35	0	43.43	42.63	45.42	33.98
0411 411	2383	995	689	699	734	334	261	139	0	30.80	33.57	37.88	19.89
0412 412	1974	741	703	530	903	383	353	167	0	45.74	51.69	50.21	31.51
0413 413	407	225	182	0	163	91	72	0	0	40.05	40.44	39.56	. . .
0414 414	1281	453	447	381	439	165	166	108	1	34.27	36.42	37.14	28.35
0415 415	352	153	199	0	249	119	130	0	0	70.74	77.78	65.33	. . .
0416 416	1610	628	544	438	630	263	249	118	2	39.13	41.88	45.77	26.94
0417 417	913	553	360	0	391	228	163	0	0	42.83	41.23	45.28	. . .
0418 418	426	148	167	111	183	68	84	31	0	42.96	45.95	50.30	27.93
0419 419	1367	767	600	0	911	537	374	0	4	66.64	70.01	62.33	. . .
0420 420	2229	1160	1069	0	947	476	471	0	2	42.49	41.03	44.06	. . .
0421 421	17	7	10	0	6	5	1	0	0	35.29	71.43	10.00	. . .
0422 422	82	51	31	0	29	18	11	0	0	35.37	35.29	35.48	. . .
0423 423	1880	1079	801	0	742	401	341	0	0	39.47	37.16	42.57	. . .
0424 424	3949	1261	1583	1105	1525	508	710	307	3	38.62	40.29	44.85	27.78
0425 425	536	219	301	16	261	107	143	11	0	48.69	48.86	47.51	68.75
0426 426	256	102	139	15	115	46	65	4	0	44.92	45.10	46.76	26.67
0427 427	988	416	572	0	463	205	258	0	0	46.86	49.28	45.10	. . .
0428 428	895	449	446	0	329	151	178	0	1	36.76	33.63	39.91	. . .
0429 429	1814	675	535	604	691	265	233	193	0	38.09	39.26	43.55	31.95
0430 430	318	136	182	0	138	70	68	0	0	43.40	51.47	37.36	. . .
0431 431	1204	501	703	0	584	267	317	0	0	48.50	53.29	45.09	. . .
0432 432	167	76	91	0	41	19	22	0	0	24.55	25.00	24.18	. . .
0433 433	1620	877	743	0	653	340	313	0	0	40.31	38.77	42.13	. . .
0434 434	3318	1344	1066	908	1404	635	479	290	3	42.31	47.25	44.93	31.94
0435 435	3533	1218	1461	854	1434	540	652	242	0	40.59	44.33	44.63	28.34
0436 436	1480	578	902	0	622	218	404	0	1	42.03	37.72	44.79	. . .
0437 437	43	21	22	0	24	12	12	0	0	55.81	57.14	54.55	. . .
0438 438	360	127	233	0	128	47	81	0	0	35.56	37.01	34.76	. . .
0439 439	350	124	142	84	167	62	71	34	0	47.71	50.00	50.00	40.48
0440 440	681	402	279	0	126	71	55	0	0	18.50	17.66	19.71	. . .
0441 441	48	35	13	0	13	12	1	0	0	27.08	34.29	7.69	. . .
0442 442	917	309	375	233	360	128	162	70	0	39.26	41.42	43.20	30.04
0444 444	2226	827	691	708	804	321	285	198	0	36.12	38.81	41.24	27.97
0445 445	640	216	226	198	281	98	108	75	0	43.91	45.37	47.79	37.88
0446 446	1114	543	247	324	529	284	137	108	1	47.49	52.30	55.47	33.33
0447 447	2433	896	897	640	1182	448	531	203	0	48.58	50.00	59.20	31.72
0448 448	389	167	54	168	105	46	18	41	0	26.99	27.54	33.33	24.40
0449 449	64	33	14	17	25	14	7	4	0	39.06	42.42	50.00	23.53
0451 451	683	244	231	208	253	98	98	57	0	37.04	40.16	42.42	27.40
0452 452	2493	1107	715	671	721	335	259	127	2	28.92	30.26	36.22	18.93
0453 453	36	14	8	14	13	4	3	6	0	36.11	28.57	37.50	42.86
0454 454	347	169	178	0	100	45	55	0	0	28.82	26.63	30.90	. . .
0455 455	12	6	6	0	2	0	2	0	0	16.67	.00	33.33	. . .
0456 456	98	42	56	0	34	19	15	0	0	34.69	45.24	26.79	. . .

NUMBERED KEY CANVASS

RUN DATE:11/23/11 08:59 AM

Washington County, Oregon
Special Primary Election
November 8, 2011
STATISTICS

Official Final

REPORT-EL52 PAGE 0004

	TOTAL	PERCENT
01 = REGISTERED VOTERS - TOTAL	233,626	
02 = REGISTERED VOTERS - DEMOCRAT	108,418	46.41
03 = REGISTERED VOTERS - REPUBLICAN	85,179	36.46
04 = REGISTERED VOTERS - NONPARTISAN	40,029	17.13
05 = BALLOTS CAST - TOTAL	97,141	
06 = BALLOTS CAST - DEMOCRAT	46,746	48.12
07 = BALLOTS CAST - REPUBLICAN	38,438	39.57

	TOTAL	PERCENT
08 = BALLOTS CAST - NONPARTISAN	11,957	12.31
09 = BALLOTS CAST - BLANK	80	.08
10 = VOTER TURNOUT - TOTAL		41.58
11 = VOTER TURNOUT - DEMOCRAT		43.12
12 = VOTER TURNOUT - REPUBLICAN		45.13
13 = VOTER TURNOUT - NONPARTISAN		29.87

(CONTINUED FROM PREVIOUS PAGE)

	01	02	03	04	05	06	07	08	09	10	11	12	13
0457 457	2003	661	799	543	642	241	274	127	1	32.05	36.46	34.29	23.39
0458 458	1803	924	879	0	828	429	399	0	1	45.92	46.43	45.39	. . .
0459 459	1860	1041	819	0	753	431	322	0	1	40.48	41.40	39.32	. . .
0460 460	1230	819	411	0	278	179	99	0	0	22.60	21.86	24.09	. . .
0461 461	2598	1029	783	786	1060	445	397	218	0	40.80	43.25	50.70	27.74

BOARD OF COMMISSIONERS ★ WASHINGTON COUNTY, OREGON ★

CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL

Date November 23, 2011

WASHINGTON COUNTY
ELECTIONS DIVISION

BY M Kadas