



Home of the Tualatin River National Wildlife Refuge

REGULAR MEETING

- 1. Call to order (Chair)**
- 2. Roll call (Chair)**
- 3. Approval of Meeting Minutes**
 - a) Approval of January 16, 2014 Meeting Minutes**
- 4. Public Comments**
- 5. Staff Report (materials requested by the Committee)**
- 6. Continued consideration of election-related charter provisions**
- 7. Public Comments**

AGENDA

**Charter Review Committee
January 30, 2014**

**6:30 pm Meeting
Community Room**

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

Jan 30, 2014 Charter Review Comm
Date Gov. Body
5- Staff Reports A
Agenda Item Exhibit #

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~~ 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. In January after each general election, the council must by resolution adopt council rules.~~

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

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. No councilor shall serve on the council more than three consecutive terms.~~

Section 25. Mayor. At ~~each 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 irrespective of any applicable term limit.

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.

(4) *election to a different 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).

(b)(2) Remove "from three consecutive regular council meetings" and add "all meetings in a 60 day period" (01.02.14 Minutes Pg. 13-16/Video 01.23 min)

(b)(3) Suggested adding city "limits" (12.19.13 Minutes Pg. 5/Video 45 min)

(b)(8) Add "During a council member's disability to serve on the council or absence from the City the majority of the remaining council may fill the vacancy pro tem" (01.02.14 Minutes Pg. 16/Video 01:25 min)

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.

- Add (after 2nd sentence) "or by appointment of the majority of the council if less than 13 months remain" (01.12.14 Minutes Pg. 17/Video 01.32 min)
- Add (end of amended 2nd sentence) "within 45 days" (01.02.14 Minutes Pg. 17-20)/Video 01: 47 min)
- Change (3rd sentence) "may be" to "shall" (01.02.14 Minutes Pg. 17/Video 01:51 min)

shall be

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 from 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

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 constituted a municipal corporation by the name of City of Sherwood and by that name have perpetual succession.

Section 1.3 Boundaries. The corporate limits of the City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified. Unless mandated by State Law, annexations, delayed or otherwise, to the City of Sherwood, may only be approved by a prior majority vote among the electorate. 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 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. Six councilors and the mayor shall be members of the City Council. (Ord. 00-083 § 1, approved at 5-16-00 election)

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, three Councilors shall be elected to the three open positions. At each subsequent general election, three 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, 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 the 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 or 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 consanguinity or affinity within the third degree may hold appointive office or employment with the City.

Section 4.8 City Manager: Ineligible to be City Recorder. While service as City Manager, the City Manager shall not serve as City Recorder or City Recorder Pro Tem. (Ord. 00-1095 § 1, approved at 11-7-00 election)

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 or 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, 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. (Ord. 00-1096 § 1, approved at the 11-7-00 election)

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 subpoenas;

(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 Judge is absent from the City or disabled, the City Council may appoint an acting 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 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) 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. (Ord. 00-1094 § 1, approved at 11-7-00 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 may 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 Voter's 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.

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. (Ord. 00-1093 § 1, approved at 11-7-00 election)

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 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 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 pursuant 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 of 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 of 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 substantial 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.

Section 11.8 Solid Waste Incinerators. The operation of solid waste incinerators for any commercial, industrial, or institutional purpose 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.

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. (Ord. 00-1097 § 1, approved at 11-7-00 election)

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.

Measure A: TERM LIMITS-Councilors

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Committee Findings:

- a. Few other Metro area city governments have adopted term limits. Cities that have term limits include Hillsboro, Tigard, Lake Oswego, Oregon City and Milwaukie.
- b. Enacting Term Limits can help bring fresh perspective and energy to the City Council by limiting the length of time that citizen volunteers can serve consecutively.
- c. With the introduction of term limits, there is the risk of losing effective, knowledgeable citizen volunteers from City Council.
- d. Consideration of Mayor term limits were discussed by committee, but with a two year mayoral term, the committee found ample opportunity for citizens to vote to retain or remove the mayor.

Committee Conclusions:

1. Committee concludes that three consecutive four-year terms is a reasonable length of time to limit service by one individual City Councilor.
2. The decision whether to enact term limits for City Councilors should be decided by Sherwood citizens at the ballot box.
3. Committee concluded not adding term limits to mayor position.

Committee Recommendations:

Submit to the people of the City of Sherwood at the May 20, 2014 election a proposed measure adding language to Section 24 of the city charter to enact term limits for City Councilors.

Sylvia Murphy

From: NEIL SHANNON <neilshnn@msn.com>
Sent: Thursday, January 30, 2014 11:31 AM
To: Sylvia Murphy; Patrick Allen
Subject: RE: Documents & Info Requested at Jan 16th Mtg.

Hi Sylvia and Chair Allen,

Thanks for the updates! I am going to have to miss the January 20th meeting as I am out of town on vacation.

I have received Sylvia's last submittal and red line document changes and do have a few comments that I hope can be carried before the committee tonight.

First, Sylvia, I think that there is a scrivener error on the last line of page 9 of the minutes, I believe that the intent was to say "except" instead of "accept".

Pat, I like the changes to section 11 but my preference would be to give the council a little more direction (or less discretion). I would like to include at the end of the sentence "prior to the start of business" to make it clear that public opinion is to be heard prior to the decision making process.

The other thing that I noted was Section 24 regarding the term limits of the City Council. I know the intent but I am just not sure that the words are there yet. It does not address the issue of partial terms (someone completing the term from a previous election). I would prefer to see the limits set to continuous elections although I have not figured out the wording I would use for that.

Sorry I missed the meeting but you can be assured I will be at the next one!

Neil Shannon

From: MurphyS@SherwoodOregon.gov
To: CharterReview@SherwoodOregon.gov
Date: Tue, 28 Jan 2014 14:17:34 -0800
Subject: Documents & Info Requested at Jan 16th Mtg.

Committee Members,

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Attached you will find the following documents:

- The REDLINED Charter Amendments from discussions at the Jan 16th Mtg., including the discussion bullet points for Sections 31 & 32 still to be discussed.
- Requested Document: Sherwood City Charter as of May 3, 2005, prior to the 2005 adopted Charter when "by position" language was implemented. The City held an election on May 17, 2005 adopting