



**SHERWOOD CHARTER REVIEW COMMITTEE**  
**22560 SW Pine St., Sherwood, Or**  
**February 20, 2014**

- 1. Call to Order:** Vice Chair Neil Shannon called the meeting to order at 7:02 pm.
- 2. Committee Members Present:** Budget Committee Representative Vice Chair Neil Shannon, Library Advisory Board Representative Jack Hoffbuhr, Parks Advisory Board Representative Brian Stecher, Citizen at Large Bob Silverforb, SURPAC Representative Charlie Harbick, Planning Commission Representative Beth Cooke, Cultural Arts Commission Representative Alyse Vordermark and Citizen at Large Jennifer Kuiper. Citizen at Large Chair Pat Allen was absent.
- 3. Staff and Council Liaison Present:** City Manager Joseph Gall, City Recorder Sylvia Murphy and City Council Liaison Linda Henderson.

Vice Chair Shannon addressed the prior meeting minutes and asked for a motion.

**4. Approval of February 13, 2014 Meeting Minutes**

**MOTION: from Brian Stecher to approve the meeting minutes, seconded by Beth Cooke. Motion passed 8:0. (Chair Pat Allen was absent).**

**5. Public Comments**

No one came forward.

**6. Charter Review Committee Discussion**

Prior to discussion staff introduced the following items into the record as provided to the committee.

City Charter with Track Changes, (see record, Exhibit A)

Draft Ballot Titles pertaining to Positions, Council Rules & Public Comments, Term Limits, and Vacancies & Filling Vacancies, (4 ballot titles) (see record, Exhibit B)

Draft Explanatory Statements, (4 statements-one for each ballot title) (see record, Exhibit C)

Vice Chair Shannon asked for discussion on Section 11-Meetings in regards to when public comments are heard and said the committee discussed this when he was on vacation and he would like to briefly provide input. He said he was in favor of adding the term, "prior to the start of business" at the end of the current sentence. He said his position on this is, he doesn't believe it would interfere with the operations of the City council meeting as they have awards and presentations that occur prior to conducting council

business. He said there can be frustrations from the people that come before the Council and the Council may make decisions on business and inviting public comments after their decisions have been made. He said we are not writing in the rules how long the comments are to be or how many comments they receive and move the others to the end, he said this can be addressed in the Council Rules. He said he referred to this as a bill of rights and would like this as the rights of the citizens to bring questions before the Council before decisions are made and not afterwards. Mr. Shannon asked for comments from the committee.

Ms. Vordermark asked Council Liaison Henderson if there was something to do with citizens comments not having to be received to make decisions. Ms. Henderson said in the past the council did not accept citizen comments on business that was listed on the agenda. She said this is a way to keep things moving and not let things get held up on topics that are not required to have a public hearing. She said we can take public comments on anything we want and there are ordinances on land use decisions that require public hearings. She explained past practice and the language being on the form people fill out to provide comment and said the current Mayor Middleton does not do this. She said during the recent Walmart discussions the Mayor moved citizen comments because the Council was not getting any business done and he has not moved them back. She said this is one example of power the Mayor has. She gave an example of receiving general public comments and receiving public hearing comments.

Ms. Vordermark asked if it made a difference to state, the comments needed to be at the beginning of a meeting.

Mr. Shannon gave the example of an ordinance, which passes laws and requires a public hearing and a resolution, which is more of the administration of the City, which does not. He shared an example of a request he made to move business on an agenda to allow for comments and the Mayor moved the business. Mr. Shannon said the Mayor did not have to do this. Discussion followed regarding what business requires a public hearing and prior business of the council where public comments were not received.

Mr. Silverforb stated he believes Mr. Shannon has valid points but does not agree with them. He said we all could come up with cases at one time or another where we were unhappy with the fact that public comment was not taken and said you can't please all the people all of the time. He said he would like to leave it so that the power be with the Mayor and the Council to decide when they want to have public comment. Mr. Shannon said he can accept this and may take the opportunity to provide comments when the council discusses their rules next January.

Comments were received and it was clarified that the committee agreed of proposing the Council would take public comments but the committee was not indicating when. Additional questions and comments were received regarding past events.

Ms. Kuiper asked regarding resolutions and requirements of the law to provide comments or if this was part of the charter and can be changed. Mr. Shannon replied it is not required and Ms. Henderson said public testimony isn't required at all. The City Recorder added public testimony is required by law for land use matters and said the reference in the Charter to ordinances and resolutions does not indicate the requirement of receiving public comments and suggested a future opportunity for the committee to consider this when they address these sections of the charter.

Ms. Henderson commented regarding the public having other opportunities to provide comments to the council prior to a meeting, via email, in writing or conversation and not needing to wait for a meeting. City Manager Gall commented regarding recent business of the Council with a desire being voiced to move a resolution to allow for public comments.

Vice Chair Shannon addressed the next business item.

**The Committee addressed the ballot title for Positions** and it was suggested under the Caption, prior to the word "positions" to insert the word "Council", likewise under the Question to insert "Council". The City Recorder commented that the position numbers refer to Councilors, as the Mayor does not have a position number and suggested inserting the word "councilor". No objections or comments were received.

Discussion occurred regarding language in the 3<sup>rd</sup> paragraph of the Summary and the reference to the May election and it was suggested to include language indicating which election is being referred to, the current May 2014 election or the prior May 2005 election. Alternative language was suggested as:

*The proposed revision removes "by position" language adopted in May 2005 and reverts to an election process that existed prior to the May 2005 election. The current process assigns position numbers to councilors thereby requiring a candidate to file for a particular position.*

Discussion occurred regarding the last paragraph in the Summary and amending the language to clarify. The committee referred to language in the West Linn Charter.

The City Recorder informed the committee the ballot titles were a very rough draft and per City Code the City Attorney must draft the ballot titles and explanatory statements. She explained the timeline the committee was working under and the next scheduled meeting with the City Council to review the committee's recommendations. Discussion followed regarding alternative language in the 4<sup>th</sup> paragraph of the summary with reference made to West Linn and removing language in the 2<sup>nd</sup> paragraph to allow for more text in the 4<sup>th</sup> paragraph.

Vice Chair Shannon said he did not believe the committee could word-smith the ballot title tonight and appreciated the work already done and said the committee would have another opportunity at the work session with the council to comment on the language.

**Vice Chair Shannon addressed the ballot title for Council Rules and Public Comments** and said they were looking at addressing Section 10 of the Charter and removing the provision that the Council must adopt rules for its meeting and the committee would add language of, "*in January after each general election*". He said they also looked at language requiring the Council to take public comment. He asked the committee to review the draft ballot title and provide comments. Ms. Kuiper asked regarding technical edits and the City Recorder replied the City Attorney would oversee the technical edits.

**Vice Chair Shannon addressed the ballot title for Term Limits** and said the committee looked at the changes they proposed and outlined the areas they were looking to change and trying to ensure the public is clear on the effect. He suggested in the Caption to insert the word "Councilor" before the text of "term limits."

Mr. Hoffbuhr suggested in the 2<sup>nd</sup> paragraph, 2<sup>nd</sup> sentence removing the word “limit” after term as there are no term limits for the Mayor. The sentence would read: *“The Mayor’s term shall remain as is, with no limits specified.”* Discussion followed to amend the language in the 5<sup>th</sup> paragraph to read: *“The proposed revision establishes councilor term limits to 3 consecutive terms, cleans up language pertaining to the mayor, retains mayoral term as is, and adds clarification language to terms for elected officials.”*

**Vice Chair Shannon addressed the ballot title for Vacancies and Filling Vacancies.** Mr. Silverforb addressed the 4<sup>th</sup> paragraph in the Summary and said if the intent of the council is to appoint a replacement within 45 days, he believes the last words of “within 45 days” would be better placed to read: *“or by appointment of the majority of the council within 45 days if less than 13 months remain.”*

Ms. Kuiper referred to the 2<sup>nd</sup> paragraph in the Summary which begins with the language of, “by adding” and asked if this was supposed to be part of the 1<sup>st</sup> sentence. Discussion followed including discussion on the format of the remaining paragraphs and it was suggested to remove the word “by” in the 2<sup>nd</sup> paragraph and incorporating the first and second paragraphs into one and formatting the remainder of the Summary language to be in bullet form with each paragraph being an action item.

The City Recorder asked regarding the ballot titles for Council Rules and Public Comment and if there were any amendments to those draft documents.

Mr. Stecher referred to the last sentence in the last paragraph of the Summary and adding the word “council” before the word “meeting.” Discussion followed regarding the language in the last paragraph pertaining to the receipt of public comments. The committee suggested amending the text to read: *“requires an opportunity for public comment at each regular council meeting.”*

Vice Chair Shannon stated he did not believe the amendments required a motion for approval and said it’s directing staff to amend. He reminded the committee of their next meeting, a work session with the City Council on February 25<sup>th</sup> at 6:30 pm.

Mr. Shannon stated the committee meeting was now open to receive public comment. No one came forward.

Mr. Harbick asked if the committee would be meeting on Thursday February 27<sup>th</sup>. The City Recorder explained the options of the committee as: if the February 25<sup>th</sup> meeting was a City Council work session with the committee attending the work session this would allow for the public notice to indicate a Council work session and if the Council chose at the end of the work session to adopt the ballot titles, they would convene to a regular Council session, hold a public hearing and adopt the resolutions for the ballot titles. She explained the alternative of the committee holding another meeting, dual public noticing for both meetings, a committee meeting and a Council meeting and the timing needed for the Council to adopt the ballot titles. The committee decided to meet in a City Council work session allowing the Council to convene a regular session afterwards.

City Manager Gall informed the committee that Attorney Ed Sullivan would be providing legal counsel for the work performed by the committee. Discussion followed regarding the explanatory statements and legal counsel reviewing these draft documents as well for consideration of adoption. The City Recorder explained the meeting materials she would prepare for the Council meeting packet on February 25<sup>th</sup>.

**7. Adjourn:**

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

  
Sylvia Murphy, MMC, City Recorder

  
Neil Shannon, Vice Chair