



SHERWOOD CHARTER REVIEW COMMITTEE
22560 SW Pine St., Sherwood, Oregon
May 29, 2014

1. **Call to Order:** Vice Chair Neil Shannon called the meeting to order at 6:35 pm.
2. **Committee Members Present** Budget Committee Representative Vice Chair Neil Shannon, Library Advisory Board Representative Jack Hoffbuhr, Cultural Arts Commission Representative Alyse Vordermark, Parks Advisory Board Representative Brian Stecher, Citizen at Large Bob Silverforb, Citizen at Large Jennifer Kuiper and SURPAC Representative Charlie Harbick. Chair Pat Allen and Planning Commission Representative Beth Cooke were absent.
3. **Staff and Council Liaison Present:** City Recorder Sylvia Murphy and City Council Liaison Linda Henderson. City Manager Joe Gall was absent.

Vice Chair Shannon addressed the draft May 22, 2014 meeting minutes (see record, Exhibit A) and asked for amendments or a motion to approve.

Approval of May 22, 2014 Meeting Minutes

MOTION: From Bob Silverforb to adopt the May 22, 2014 meeting minutes, seconded by Jack Hoffbuhr. Motion passed 7:0, all present members voted in favor. (Pat Allen and Beth Cooke were absent).

4. Public Comments

No one came forward.

5. Charter Review Committee Discussion

Vice Chair Shannon addressed the agenda and referred to a City Charter provided by the City Recorder with track changes and discussion notes from the committee's last meeting, (see record, Exhibit B). He said the committee's goal is to review the document and resolve questions, language or issues and clarify any open research items for staff. He suggested the committee look at the areas of the charter where amendments would be proposed and identify logical sections and grouping the language in preparation of ballot measures to try and identify the number of ballot measures.

He addressed Chapter I-Names, Boundaries and Title and referred to a communication from the City Recorder regarding amending the revision dates of the Charter, specifically **Section 1-Title and Section 47-Time of Effect**. Ms. Murphy referred to Section 1 Title and the current reference to 2005 and asked if the committee wanted to continue to indicate a year or have the language read the "Sherwood City Charter".

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<u>3.A</u>	<u>A</u>
Agenda Item	Exhibit #

Mr. Hoffbuhr indicated the latter suggestion and said the date can be indicated in Section 47.

Vice Chair Shannon asked if the 2005 reference was deleted, if this is something that needs to go before the voters. Ms. Murphy indicated yes. He said this is probably a clean-up issue that we would look at along with other clean-up issues that we can bundle together. He suggested amending Section 1-Title by removing "2005" and considers this as part of the clean-up. No objections were received.

Mr. Shannon referred to **Section 2-Name and Section 3-Boundaries** and stated there were no changes.

He referred to Section **4-Powers and Section 5-Distribution** with no changes to these sections.

He referred to **Section 6-Distribution** and the track change language of "*subject to consent of the City Council by resolution.*" Discussion followed regarding the intent of the language. It was suggested to add "as" to the end of the proposed language to read, "*subject to the consent of the City Council by resolution, as established by ordinance or resolution.*" No objections were received.

Mr. Shannon referred to **Section 8-Mayor** and recapped the discussion notes and the proposed language of, "*A majority of the council may cause an item to be added to the agenda for any meeting or to the agenda of a future meeting if needed to meet requirements for public notice*". He said currently the Mayor establishes the agenda and this rule would allow the council by a majority to add an item to the agenda. He asked if this was something that was recently added to the Council Rules, and said this would basically codify the language in the charter.

Ms. Kuiper asked what do the Council Rules state. Council Liaison Henderson referred to the Order of Business in the Council Rules and said the language basically states the agenda will be established by the Mayor and the Council President with the assistance of staff and that once an agenda has been published to the public, that amendments cannot be made without consulting the Mayor and the Council President and making sure we have time for adequate 24 hour notice.

Mr. Hoffbuhr stated he thought the question was to leave the language in Section 8 or move it to Section 7.

Mr. Shannon stated he doesn't know if this needs to be codified if the Council is happy in the manner they establish their own rules. He asked the committee if this is language that needs to be added to the charter.

Discussion followed regarding what is specifically in the Council Rules and the fact that the rules can change. Mr. Shannon said it is a question of whether or not there is a concern with someone taking over the Council Rules. Council Liaison Henderson explained the current process of council members adding business to the agenda, scheduling business and the Council following Robert's Rules and a majority of the council being able to make decisions pertaining to an agenda.

Mr. Stecher commented regarding the Council Rules and their review of the rules after every general election and this giving the council the opportunity to setup their own rules to their liking, whether or not they want this sentence in the charter. He said he did not believe it needed to be in the charter.

Mr. Shannon stated he did not see the language adding anything to the charter or the council. Mr. Stecher stated it appears we are bringing up the agenda and Section 7 and 8 do not talk about setting the agenda.

The City Recorder asked if the track change language suggested in Section 8-Mayor is something the committee wants to consider. Mr. Shannon replied he did not believe the committee needed to, as far as the current attending members, and said we are satisfied with the current language. He stated the committee had good discussion on this section but does not believe they need to continue to track this.

Vice Chair Shannon addressed Chapter IV-Legislative Authority, Section 16-Ordinance Adoption and public hearings. He stated in previous discussions there were a few issues, one being whether or not we would request a public hearing for an ordinance as it currently is not required. He said ordinances carry the power of law. He said the other portion of the discussion was the concept of a first reading done at one council meeting followed by a second reading at a following meeting, and not being able to adopt the ordinance at the first meeting unless it was declared an emergency. He asked for committee comments.

Mr. Hoffbuhr stated he supports the two reading concept as this is what he is most familiar with. He said he thinks it makes sense and stated the City Manager was going to provide examples. He suggested delaying this until they could see examples and said he is in favor of a two reading process. He commented regarding the emergency and said most of the ordinances have caveats in them for an emergency. He said he believes it is cleaner than trying to do a 7 day waiting period as we currently have written in the charter.

Council Liaison Henderson asked if the committees concern is motivated by the fact that ordinances do not require a public hearing? She said only land use requires a public hearing. She commented that the council normally always has a public hearing but this doesn't mean that every council will. She asked if the committee wanted a 1st and 2nd reading or a public hearing?

Mr. Shannon replied he would be in favor of both and explained a 1st and 2nd reading allows for noticing the public, and allows someone to read the meeting agenda and even though they cannot attend, to at least know that something is coming up on the agenda.

Council Liaison Henderson confirmed the process of drafting an ordinance, having a 1st reading and a public hearing and then a 2nd reading that could incorporate public comments or concerns and then adopt.

Mr. Shannon replied he thought more of a 1st reading to put people on notice that the business is coming up and then a public hearing at the 2nd reading. Mr. Hoffbuhr replied this was his thought as well. Ms. Kuiper replied this makes sense.

Mr. Shannon referred to the redlined proposed language and Mr. Hoffbuhr replied he did not believe the text had anything to do with a 1st and 2nd reading, he said the committee spoke of the process and a suggestion was received to have a 1st and 2nd reading and this is when City Manager Gall offered to review language from other cities.

Mr. Shannon said he believes the committee wants to revisit this section. He referred to the proposed amendment to Section 16.a and stated the changes are not bad and said the question of what type of language is needed for a 1st and 2nd reading he is not sure of and will wait for the City Manager to provide information.

Ms. Kuiper pointed out that there were two changes noted in red track changes and said the second section follows the language in Section (a). Mr. Hoffbuhr replied the committee could have another rewrite after they saw information. Mr. Shannon stated the committee would revisit this section and await information from the City Manager.

Ms. Vordermark reminded the committee that the City Manager provided the committee with examples from the City of West Linn and Lake Oswego and said after reading through them neither of the examples are specific as to what the committee is looking for as far as a 1st and 2nd reading. She said she is not sure if the City Manager has additional information more specific to what the committee is talking about.

The City Recorder noted with the committee's next meeting scheduled in three weeks, this would allow staff time to come back with something other than examples, language that is more concrete as she believes staff understands the committee's intent of a two reading process within a two meeting process with a public hearing at the 2nd meeting. The committee confirmed this was correct.

Mr. Shannon stated the next scheduled meeting was June 19th.

Mr. Shannon addressed Chapter VIII-Appointive Officers, Section 33-City Manager, specifically 33.b and 33.i. He said 33.b speaks to appointment and additional language of "or removal" and said he believes this is cleanup and not a big change to the charter. Discussion occurred regarding the language of "removal" and it was asked how could the council remove based on education and experience, they can appoint based on education and experience and the manner the sentence was structured with the addition language of "removal" didn't make sense.

The committee discussed adding a new sentence regarding the removal and the City Recorder stated she would delete the text in track changes "or removal" and asked for suggested language. The following was suggested, *"The removal must be made without regard to political consideration and solely based on performance"*. Discussion occurred regarding adding this sentence to **Section 34.b under City Recorder** as well. The committee agreed.

Mr. Shannon asked if the same language would be added to the language pertaining to the Municipal Court Judge in Section 36.

Mr. Silverforb referred to the additional sentence regarding "removal" in Sections 33 and Section 34 and said it would read, "without political considerations and solely on the basis of performance" and said there could be other reasons for removal other than performance. Discussion followed regarding additional language such as "job performance" or "for cause" and it was asked if there was an understanding of how "cause" would be defined? Discussion occurred with the use of "cause" and if there was a predefined definition.

The committee discussed contractual issues and the language in the City Manager's employment agreement.

Mr. Harbick stated he missed the last meeting and asked what the committee was trying to do and referred to the current language of "the majority of the council must appoint and may remove the manager" and asked why this wasn't good enough. Discussion followed and the committee discussed the language of "political consideration." Discussion followed regarding adding the same language to the City Recorder section. The committee discussed the language regarding the Municipal Judge and no changes were suggested.

Mr. Shannon addressed Section 33.i and the language of *"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."* He said the committee discussed the deletion of the language, *"Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing."* He asked does the council have the authority to remove a council member from office if they determined that they violated that condition. He asked for committee comments.

He asked Council Liaison Henderson and she said currently the council can remove a council member after censure in a public hearing. Mr. Shannon asked if this was based on Council Rules, Ms. Henderson confirmed.

Ms. Henderson asked if the committee understood what "coerce" meant. Discussion followed and examples were provided. Ms. Henderson shared an experience with the committee of a former City Manager claiming he was coerced. Mr. Shannon asked if Council Liaison Henderson thought the issue was adequately addressed in the Council Rules. Discussion followed regarding the job and responsibilities of the City Manager.

Ms. Kuiper asked if the Charter has language that refers to consequences or prohibitions on actions.

Mr. Harbick asked if this issue has even come up with the council voting out a member for this. Ms. Henderson replied not during her tenure. Mr. Harbick stated it's been around for a long time and he has never heard of it.

Ms. Kuiper replied she believes this is why the committee suggested removing it, as this is the only place in the charter where there is some sort of action against the rules not being followed.

Mr. Harbick stated he did not see the point of removing the language if it is not something that comes up, he said it's similar to the Mayor's veto power.

Ms. Vordermark stated she would hope the council would consider how egregious a coercion would be. Discussion followed with various examples of coercion.

Mr. Shannon stated the charter is clear that the council is not allowed to do this and trying to set the punishment for that is the question. Discussion followed that the language is from the model charter. Mr. Shannon stated if the committee decided to leave the language as is, it doesn't change anything because it goes back to a majority of the council under the Council Rules.

Mr. Shannon suggested to the City Recorder that the language remain and await future discussion with Chair Allen and Beth Cooke present. Mr. Shannon said the thought currently is not to amend.

Mr. Shannon addressed Section 34-City Recorder, Item 34.b, and said the committee already addressed this. Ms. Henderson informed the committee Council Rules are on the City website.

Mr. Shannon addressed Chapter VIII-Appointive Officer, language referencing Employment Contracts. Mr. Shannon suggested looking at **Section 35-City Attorney** and the discussion of appointive officers and the lack of language for these positions. Ms. Shannon said he believes the committee was looking for examples to be provided by the City Manager.

The City Recorder directed the committee to the discussion notes from their May 1st meeting and said the discussion was regarding the lack of language pertaining to contracted employees and she did not believe the committee questions have been answered yet. She said if the committee wants additional language examples for contracted employees, for the committee to consider that language for the municipal judge. She reminded the committee they spoke of the Hearings Officer and they decided not to address this position as it was in the code.

Mr. Shannon asked for committee comments regarding the language. Ms. Vordermark stated the only place that might be necessary to talk about contracts is under the City Attorney section where we have discussed having a contract confirmed. She said she did not know why contract language was needed in the City Manager or City Recorder sections.

Mr. Hoffbuhr replied he believes the only reason the committee addressed this was to make it clear that the City Attorney could be either a City employee or a contracted position and the City Council still had the

authority to remove the firm or the individual. He said he did not know if the committee wanted to get into details about contracted employees, it was to clarify the situation of the City Attorney.

Mr. Shannon referred to the redlined language and said the language looks good to him and read the suggested language, *"The office of the City attorney is established as the chief legal counsel of the City government. The City attorney shall be either a direct employee of the council or a firm under contract adopted by the council. A majority of the council must appoint and may remove the attorney or contracted firm. If the City attorney is a direct employee, the attorney must appoint and supervise, and may remove any City attorney office employees."*

Mr. Silverforb stated he believes this is exactly what was agreed to at the last meeting.

Mr. Stecher asked the City Recorder if this is the way it really works with the City attorney appointing his staff, if his staff are outside the firm that he works for.

Ms. Murphy replied currently the City is contracted with an attorney firm and the employees of those firms, neither the City or the Council would not have jurisdiction over. She said we have not had the scenario where the City contracted an individual attorney where that attorney would have staff that he supervises and determines who that staff is and if he chooses to fire the assistant that is his sole discretion. She said this is what the current language is stating and we have not experienced that because we have always used a firm and the council does not have jurisdiction over the employees of that firm.

Mr. Stecher said what the last sentence in that section is saying, is if the City attorney is an individual he or she could go out and hire their own paralegal or legal secretary. Ms. Murphy replied to some degree, yes.

Mr. Shannon replied it would have to be budgeted and if the council budgeted for staff, the attorney would be the approver of that staff. He said the staff would still technically be a City employee reporting to the City Manager. He said he sees the reasoning behind this, in case there was conflict of interest. He provided an example.

The City Recorder provided a scenario as, the City Council decides to contract with an attorney, the attorney is a one attorney firm and he has a paralegal and a secretary in that firm and the attorney no longer wants to pay his lease at his office and wants to occupy office space at City Hall. The attorney brings his staff with him and supervises and manages his staff and those staffers are considered City employees receiving benefits. She said the question is do those employees fall under a labor agreement and would the City attorney determine that versus the council. She said those employees that came with the attorney are under the attorney's jurisdiction.

Mr. Shannon confirmed the suggested language as amended in Section 35 still remains.

Mr. Shannon addressed Section 37-Compensation and asked for comments.

Ms. Kuiper asked to be reminded of how the committee determined what "reasonable" would be and asked if it was even discussed. Discussion occurred regarding the prior meeting discussion.

Ms. Henderson read from the Council Rules, under expenses, "the council will follow the same rules and procedures for reimbursement as City employees". She said this is currently not happening or we have not been trained on purchasing. She said she never submits anything after the fact and provided an example of her attendance at a regional meeting.

Ms. Vordermark asked what the process is for City employees and asked if they receive approval in advance. Ms. Murphy replied generally approval is done through their supervisor, resulting in mileage

reimbursement and the City paying the conference registration fee. Ms. Vordermark commented regarding the Council being trained in the process. Ms. Murphy replied she believes the council knows the process and said there is not a lot of outside council activity by all seven members. She said in past practice the mayor attended regional meetings and had a monthly standard expense report, and the other council members did not attend those meetings. She said in this case we have more council members participating in regional and county meetings who are submitting expense reports and the rules don't say they can't. She explained the council members are eligible for reimbursements and some choose to submit an expense report and other do not.

Mr. Silverforb asked whatever amounts are submitted would be reasonable. He asked if this is a fair statement for them to get approved. Ms. Murphy replied correct and said as the City Manager mentioned at the previous meeting it would be up to the City Manager to determine what would be reasonable. She explained examples of attending events that were not connected to the City or attending an event that did not benefit the City, or attending an event where you did not go to represent the City.

Mr. Silverforb gave the example of an individual attending a 3 day conference in Salem or Eugene, spends the night, having hotel and meal expenses. He said he has the background of what the government would allow. He said if the government allows a particular expense to a certain amount that is what gets reimbursed. He asked if this is similar to what happens. Ms. Murphy replied, yes, the reasonable expense. She gave an example attending a conference and having the option of two hotels with two very different costs and the approver of that expense questioning the more expensive choice and if the more expensive hotel was a reasonable expense. She provided another example of attending a conference in Eugene and Eugene having an airport and the elected requesting to fly to the conference verses driving, and the flight being an unreasonable expense in someone's determination. She posed the question of who determines what is unreasonable and reasonable. She said the discussion at the previous committee meeting suggested this being defined in the Council Rules, whether it be a set budgeted amount or a type of training or conference, and having this defined in the Rules verses the Charter allows for amendments to the Rules when there is a change in the elected body.

Discussion followed regarding the Council Rules indicating what a reasonable expense would be based on the standards of a federal employee. Ms. Murphy replied the definition of "reasonable" is not defined. She said the City follows the federal per diem for meal and mileage reimbursements. Mr. Shannon provided another example of an elected attending a wine festival and tourist board meeting. He said the Council would have to determine if this was reasonable.

Mr. Shannon suggested leaving the term "reasonable" in the charter and allowing the council to decide what "reasonable" is in the Council Rules. Mr. Silverforb agreed and said he did not think it was possible to include every scenario in the charter or any other document. Comments were received regarding reimbursing for meals and mileage, budgeting a certain amount for elected officials, current participation of elected officials at local and regional meetings and the inconsistency of submitted expense reports. Comments were received that conference expenses should require preapproval. Discussion followed and examples were provided by Ms. Kuiper of what occurs in the private industry.

Mr. Harbick asked why the committee was considering "reasonable" instead of "approved". The City Recorder asked who would approve? Mr. Harbick asked who is currently approving and comments were received that the council approves. Ms. Kuiper asked if these were approved at the beginning of a budget year. Ms. Murphy replied, not really, she sets the annual budget based on prior year expenses and history.

Mr. Harbick stated the approval can remain after the fact and Mr. Stecher said the question remains who will approve. Comments were received that currently the City Manager approves the expenses.

Mr. Harbick stated “reasonable” is confusing and Ms. Henderson replied it’s too subjective.

Mr. Shannon said he can accept the language of “approved” versus “reasonable” and said it makes it clearer and the elected is not going to get compensated for possibly everything they submit even though they consider it to be reasonable, they would be compensated for what has been or will be approved.

Mr. Silverforb asked how will it be determined what to approve, Mr. Shannon replied through the Council Rules. Mr. Silverforb replied that is fine if there is a specific amount noted or a parameter. He said if he was to approve a person’s trip without parameters, how would he know what to approve it for. He said he likes the term “reasonable” and said he thinks anybody can determine what is reasonable for expenses. He said federal guidelines will provide a good parameter.

Ms. Henderson quoted language in the Council Rules under expenses and said, “the council will follow the same rules and procedures for reimbursement as City employees”. She said employees have a federal standard that is followed and that would be the reasonable in this test. Discussion followed regarding the reimbursement process and the City Recorder explained the process. Discussion followed with examples of expenditures, what is reasonable, following federal guidelines, and someone at a management level having the over sight to manage expenses. Ms. Murphy said currently this is managed by the Senior Management staff at the department level but it currently isn’t managed at the Council level.

Mr. Stecher replied this is why he likes “reasonable” versus “approved”, as the City Manager works for the elected officials, for him to approve council expenditures and determine what is reasonable. Mr. Shannon commented that he agreed with the language of “reasonable.” Discussion followed.

The committee decided to leave the suggested track changed language as is.

Mr. Shannon addressed Section 42-Solid Waste Incinerators and said the City Manager was going to research to see if there were state laws that covered this.

Council liaison Henderson informed the committee that the City received a Browns Field Grant for \$200,000 to go towards cleanup efforts for the former tannery site.

The City Recorder confirmed the committee would revisit Section 42.

Mr. Shannon addressed **Other General Discussion** and asked for committee comments.

Mr. Harbick asked why the committee was not considering the removal of the Willamette River language. Mr. Shannon said because it’s a hot button. Comments were received from the committee on their reasoning and former discussion to leave the language as is. Discussion followed and Mr. Shannon said the committee discussed what if the public vote is not to change the charter, then what is done.

Ms. Kuiper said two versions of measures could be posed to the public, one asking if the language should be removed in its entirety and another asking we keep the language and add text indicating the voters approved the use of the Willamette on said date. The committee members informed Mr. Harbick that the committee previously discussed not changing the charter and adding footnotes. Mr. Harbick said he understands why the language would be retained and is okay with that.

The City Recorder distributed a document to the committee (see record, Exhibit C) provided by Mayor Middleton that referred to a Utility Advisory Board, she said Mayor Middleton was present if the committee had questions. Ms. Murphy indicated the example language pertains to utility boards in West Linn and Oregon City.

Mr. Harbick asked how many people would be on the advisory board. Mayor Middleton explained the Council spoke of a Utility Advisory Board as part of their goals. He said the language is a rough draft and it would be one of the few boards that would be in the charter. He said it's in the charters of the other cities, either West Linn or Oregon City.

Ms. Vordermark referred to the West Linn Charter and read, "a utility advisory board is hereby established. The utility advisory board shall make recommendations to the City council concerning rates for water. These recommendations shall pertain to those legislative matters to be decided by the City council concerning or affecting rates, such as master facility plan and service levels as they relate to rates. The utility advisory board may also make recommendations regarding such other City-owned utilities as the City council from time to time may determine. Appointment, terms of office, vacancies and removal, meetings and other organizational matters for the utility advisory board shall be provided for by the ordinance of the City council."

Mayor Middleton stated he believes it was Oregon City that had the maximum 3% lanaguge.

Mr. Shannon asked what would be the advantage of having a board in the charter versus a standard committee like the budget committee.

Mayor Middleton replied he did not know and said they were in the charter and he did not know if it's because it mandates a utility and if that makes it different.

Mr. Shannon said based on the last election what immediately comes to mind is an independent authority board, which is what they tried to do in Portland, taking the water bureau authority away from the city.

Mayor Middleton stated this would be an advisory board and said water is a big issue and commented regarding the council receiving public complaints regarding increasing rates. He commented regarding having a group in between us to explain to the public, appearing more honest and not just raising rates again. He said this was something the council talked about.

Ms. Vordermark stated she believes it is a great idea to have a board like this, and commented regarding other boards and commissions not being in the charter. Mayor Middleton replied we would have to look and see if there is a requirement because it is a utility. He commented it might be in there because it was voted in by initiative. Ms. Vordermark indicated the West Linn charter was amended in 1996.

Ms. Vordermark referred to the West Linn charter under Miscellaneous Provisions and a section of language pertaining to Voter Approval of Utility Rates and read, "no utility rate increase may exceed 5% in any calendar year without first receiving voter approval." Brief discussion occurred regarding what city the language originated from, possibly coming from Oregon City.

Mayor Middleton stated we could go either way and he did not think we could agree to get the Council to put any limits on it and this may be a reason why you would want to go to the voters, if you wanted to go to the voters to make a maximum cap, as right now they could go up 300% and there is not a thing anybody can do to preapprove it.

Mr. Shannon commented that actual water rates are not the big cost of the bill that is paid every month and the rest of what we pay every month we have little control over. Ms. Henderson replied, it's Clean Water Services and that bill has gone up 4% every year for the past 5 years. General discussion followed regarding other City fees and Mayor Middleton stated we have a lot of water issues and it would be nice to have a committee that can go to water meetings. He said we have a lot of water meetings that take up a lot of time and they could work with Craig (public Works Director) and said we don't have the time at council

meetings to get involved especially with Hillsboro wanting to build a pipeline. He said the council would still be involved but believes they would like others to be involved as well. Ms. Henderson stated the City is on the WRWC (Willamette River Water Coalition) and we are voting members. She said she agreed with the Mayor and Ms. Vordermark that having a Utility Advisory Board would not be just for water, it could be for any fee that is imposed that's for a utility, IE Clean Water Services, franchise fees, street fees etc. She said they would not be setting fees, they would be a sounding board for someone to go to and express concerns and get information. Mr. Shannon added it could include Sherwood Broadband. General discussion followed regarding a recent issue with the City of Portland issuing a boil water notice. Ms. Henderson provided the example of the creation of the Special Committee and this prompting people to get involved.

Ms. Henderson stated she did not know why it needs to be in the charter or why the other cities did that.

Ms. Kuiper added if the utility board was created they could look into rate issues but would not necessarily need to be in the charter. Ms. Henderson stated the City is looking into creating a Police Advisory Board and that is not going to go into the charter.

Mayor Middleton said the council can take this back and do it on their own and Mr. Shannon replied it seems like a good idea and the only reason he would see for putting it in the charter is if you were looking to grant it some sort of authority. Mayor Middleton commented regarding other City boards providing recommendations and that is probably what this board would do. He said if the council doesn't want to do it, it may have to go to the charter if someone brings back a petition.

Ms. Henderson asked if anyone was opposed to the utility board and comments were received that it was a great idea. No opposing comments were received. Ms. Henderson shared information on a recent regional water meeting she attended and general discussion followed regarding people getting involved and wanting to give feedback.

Mr. Silverforb commented that the board would be a catalyst to listen to the public and their sole mission is to look at the fees and understand why they are what they are, and why there are increases.

Mr. Shannon addressed the next agenda item.

6. Public Comments

Bill Middleton came forward as a citizen and said he has problems with the appointment and removal and said the reason for this is we write a very good contract for these employees. He said at the end of their contracts we might not want to renew their contracts. He said this would make us have to go to litigation and believes this would add a problem. He said no one is in jeopardy at this time, but if the council wanted to get rid of the City Manager just because he wasn't doing what the council felt was the direction of the City, if you put in the removal for cause, the end of the contract is not the cause. He asked staff if the committee could be provided with copies of employee contracts, the City Recorder confirmed. He suggested the committee review the contracts before making any moves on the charter language. He said the language is spelled out in the contracts and by adding something to the charter, he did not know if this would cause problems in the legal sense of trying to change directions. He said currently nothing is happening, but in the future it may limit the council on placing or removing that person. He said the contracts have a lot of information and if it's in the charter, he did not know if it would be contradictory. He said he did not care one way or another, but did not want to put the City in a position of having to go through a protracted legal battle as it's for "cause". He said the question could be asked what's "for cause" and said it's spelled out in the contracts.

Mr. Shannon said one question he would have is whether or not failure to renew a contract is removal. Mr. Middleton replied yes, it's like any contract, if you don't renew the contract, the person is no longer your employee.

Mr. Shannon said the concept of removal would be somewhere in the middle of that contract. Mr. Middleton said you can still do it, but you have to pay compensation as noted in the contract.

Mr. Shannon said we can fire him without cause, if you compensated him for the 6 months.

Mr. Hoffbuhr replied we decided not to put that in there and said all we are doing is saying that it can't be done due to "political consideration". Ms. Kuiper confirmed.

Brief discussion followed regarding political consideration and Mr. Middleton said it's a very vague term. Mr. Hoffbuhr said we agreed and did not add "cause".

Ms. Henderson confirmed Mr. Middleton was speaking about Section 33.b. He confirmed yes, and said he did not know if we want to get into the "removal" part. He said currently we have the "appointment" part and believes the contract explains the removal part. He commented about having a crummy City Manager and people saying he is doing his job and said the Council has to evaluate him every year. He said if the committee wants to do that, that is fine, he just did not want to put us into a position where we could get us into litigation because of charter language.

Ms. Kuiper asked what about "removal in accordance with the contract". Mr. Middleton replied it's up to the committee and said he would like the City Recorder to provide copies of the contracts to the committee to read as the contract is clearer when read in it's entirety.

Mr. Harbick replied the language already indicates "the council may appoint and may remove the manager". He said "remove" is already in there. Mr. Shannon said he believes the only thing they were looking at as the "removal" would be based on nonpolitical consideration. Mr. Middleton commented that the employee could state they were then fired for political reasons and said he is not trying to be the devil's advocate, but we have been sued so many times and a lot of it is based on language, he said it's political and asked how are you going to defend it. He said it is up to the committee if they wanted the language in there, as he is more cautious.

Ms. Henderson said she is not sure why the language is in the charter as politics is not a protected class. Mr. Middleton replied and we are nonpartisan. Discussion followed.

Mr. Silverforb said when a contract expires and it is not renewed, you just terminate the relationship. He asked if Mr. Middleton had a problem with that. Mr. Middleton replied, no, we do that now and we are just renewing his contract.

Mr. Harbick confirmed Mr. Middleton favored not amending the language, Mr. Middleton confirmed and said to put language in for "political reasons", if you look at what people go after you for, it's any little thing they can say. He said he did not know if it would cause a problem or not and said we can't hire for political reasons, so we can't apparently fire for that. He asked if that places a burden on the council. Brief discussion followed regarding partisan states and cities.

Mr. Middleton addressed the committee's discussion regarding "reasonable expenses" language and said he has no problems with that and he has recommended to the City Manager and it is supposed to start soon, on each monthly report, the City departments report on what training or conferences the City paid for. He said the public needs to know and we have guys in this City going all over the united states, he said he did not like it, but has no control over it, it's the City Manager's responsibility. He said the public has a right to know and some charters have language that out-of-state travel is not permitted without the approval of the council. He said if we put this information on the on-line agenda every month everyone in the City would know what you're doing. He commented regarding a legislator getting into trouble when it was reported he went to Hawaii for a wine conference. He said he wants everyone to know where we go and where we spend our money, it's only fair. He commented regarding the Council sending councilor's to Washington D.C. and it paying off with the recent \$200,000 grant. Discussion followed.

Mr. Middleton addressed Section 33.i and said he got into trouble on this and explained a situation of a resident contacting him to inform him he was in court and observed an officer being abusive to somebody. Mr. Middleton said he then contacted the City Manager to take care of the situation and said about a month later the father of the juvenile called and the resident called again and at this time Mr. Middleton told the staff "you have to do something". He said the staff felt coerced. He said he was threatened with violation of the prohibition and said there was talk about trying to get him removed. Ms. Henderson asked who is "they" and Mr. Middleton replied he did not want to mention the councilors name, but the information was brought back to him by the person upstairs. Mr. Middleton stated he believes this could be used as political motivation to get rid of anyone the council does not like. He provided another example of contacting the Public Works Director regarding a fallen tree in the park, he asked is this coercion if he tells the director to do work, he said technically yes. He said he believes this is where the language is too vague and would like to see it removed.

Mr. Shannon replied it's worth discussing and he would like to look at the current Council Rules and removal for cause of a councilor. Mr. Middleton commented regarding needing a majority of council, having a split council and commented regarding the language being vague and said he believes it is a very dangerous statement.

Ms. Kuiper asked what language Mr. Middleton was referring too. He said, "Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing". He said he did not believe the council would want to go to a public hearing on this. Discussion followed regarding a majority of the council removing someone that was voted in by the people.

Renee Brouse came forward and asked Vice Chair Shannon which has more authority, the charter or the council rules, Mr. Shannon replied the charter. She said having that information, she would suggest going back to Chapter III and the discussion regarding, "a majority of the council may cause an item to be added to the agenda of any meeting or to an agenda of a future meeting if needed to meet requirements for public notice." She said she has heard the committee and Councilor Henderson say the Council Rules can be changed and said she believes this would give it more credence if it were in the charter.

No other public comments were received.

Mr. Shannon referred to the committee's meeting calendar with June 19th being the next scheduled meeting. The City Recorder stated she has scheduled June 19th, June 26th, July 10th and July 15th. Mr. Shannon said the committee has 3 meetings to finalize everything and the 4th meeting would be a meeting with the City council.

Council Liaison Henderson replied she and the City Manager have a conflict on the 19th and cannot attend. The City Recorder shared the polled information she had for June 12th and indicated there doesn't appear to be a quorum. The Committee discussed meeting on the Wed, June 18th and asked the City Recorder to check meeting room availability. Mr. Shannon polled the current meeting attendees and all members were available to meet on June 18th. She confirmed she would leave the 19th and 26th pending on the calendar until she could confirm room availability on the 18th.

The City Recorder asked the committee what they wanted from staff for the next meeting. She asked if they wanted another charter with blue discussion notes or something more concrete. She said Chair Allen indicated as the committee went through this process, he wanted staff to build the ballot titles and she has begun doing that but does not have content yet.

Mr. Shannon replied he did not have anything specific beyond what the committee has discussed and what the City Manager was coming back with.

Ms. Kuiper said she would like to see the Mayors comments and Renee's comments added in as it's important to discuss those. She said also the Council Rules, she said Council Rules can change and if it is important for us to consider putting something in the charter then we can also consider whether or not council rules be changed. The committee discussed obtaining the Council Rules off the City website.

Mr. Stecher asked the City Recorder to share the utility board information with the City Manager and see if he feels it should be in the charter or just having the council approve the board. He said if he is unsure and believes it needs to be run by legal counsel then we should do that. She confirmed she would check with legal counsel to see if it was a charter requirement because it is a utility board.

The City Recorder stated she would draft an agenda based on the public comments, the discussion on the utility and look at the pending legal items the committee is waiting for. She confirmed the color-coded charter would not be amended and staff will come back with information. Mr. Shannon replied that would be fine but to leave the information on the document to be able to receive Chair Allen's opinion.

7. Adjourn:

Vice Chair Shannon adjourned the meeting at 8:25 pm.

Sylvia Murphy, MMC, City Recorder

Neil Shannon, Vice Chair

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, subject to the consent of the City council by resolution, as 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. A majority of the council may cause an item to be added to the agenda of any meeting or to the agenda of a future meeting if needed to meet requirements for public notice.

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

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. Adoption of an ordinance requires two readings of the ordinance title at two separate meetings. The second reading must be at least six (6) days after the first reading. The council must accept public comment prior to adoption.

~~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, three councilors will be elected for four-year terms. No councilor shall serve on the council more than three consecutive terms, including any partial term as a councilor.

Section 25. Mayor. At each general election, a mayor will be elected for a two-year term.

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. Notwithstanding any applicable term limits imposed by this charter, the term of any 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
- (4) An election to a different City 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 all meetings in a 60 day period
- (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 or by appointment of the majority of the council within 45 days if less than 13 months remain. 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 shall 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. Removal may not be based on political

consideration.

(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. Removal may not be based on political consideration.

(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~~ counsel of the city government. The City attorney shall be either a direct employee of the council or a firm under contract adopted by the council. A majority of the council must appoint and may remove the attorney or contracted firm. If the attorney is a direct employee, -the attorney must appoint and supervise, and may remove any City attorney 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 shall not be compensated but may be reimbursed for actual and reasonable 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 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~~January 1, 2015.

Sherwood Charter

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.

Hillsboro City Charter

Section 16. Ordinance Adoption.

- (a) Except as authorized by subsection (b), the council must adopt an ordinance with the approval of at least four councilors at two meetings.
- (b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least four councilors, provided the proposed ordinance is available 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 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 recorder must attest to the adoption and the date of adoption. The recorder must submit the ordinance to the mayor for approval. If the mayor approves the ordinance, the mayor must sign and date it.
- (f) If the mayor requires reconsideration of the ordinance, the mayor must return it to the recorder with written reasons for reconsideration within ten days of receipt of the ordinance. If the ordinance is not so returned, it takes effect as if approved.
- (g) At the first council meeting after demand for reconsideration by the mayor, the councilors will consider the reasons of the mayor and again vote on the ordinance. If at least four councilors vote to adopt the ordinance, it will take effect.

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Cornelius City Charter

Section 16. Ordinance Adoption.

- (a) Except as authorized by subsection (b), the council must adopt an ordinance with the approval of a majority of the council at two meetings.
- (b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least three members of the council, provided the proposed ordinance is available 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 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 recorder must attest to the adoption and the date of adoption.

Springfield City Charter

2.105 Enactment of Ordinances and Resolution.

(1) Except for ordinances containing emergency clauses, each ordinance shall be read at two regular meetings of the council and the second reading shall constitute the final reading of the ordinance. Both first and second reading shall be by title only, except as hereinafter provided.

(a) Ordinances appearing by title on the formal council agenda mailed or delivered to the council no later than three days prior to any meeting shall constitute a reading thereof.

(b) Any member of the council may request at the council meeting that any ordinance appearing on the agenda for either first or second reading, be read in full and upon such request, the ordinance shall be read in full.

(2) An ordinance necessary for the immediate preservation of the public peace, health, safety and welfare of the city and therefore having within it an emergency clause may be enacted by the council at the same regular or 'special meeting at which it is first presented and its appearance on the agenda designated "emergency" shall constitute both first and second readings of the ordinance unless either reading is requested in full as provided in subsection (1)(b).

(3) All resolutions appearing on the formal council agenda mailed or delivered to the council no later than three days prior to any meeting shall be automatically placed upon the consent calendar and shall not be read unless removal from the consent calendar prior to the meeting is requested or if reading in full is requested by any council member at the meeting.

Wilsonville City Charter

Section 32. **MODE OF ENACTMENT.** (1) Except as subsection (2) and (3) provides to the contrary, every ordinance of the Council shall, before being put upon its final passage, be read fully and distinctly in open Council meeting on two different days.

(2) Except as sub-section (3) provides to the contrary, an ordinance may be enacted at a single meeting of the Council by unanimous vote of all incumbent Council members, upon being read first in full and then by title.

(3) Any of the readings 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 a copy is 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 written notice posted in the City Hall and two other public places in the city; or advertisement in a newspaper of general circulation in the city. 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 a 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 entered into the record of proceedings.

(5) Upon the enactment of any ordinance, the City Recorder shall sign it with the date of its passage and the Recorder's name and title of office, and within three days thereafter the Mayor shall sign it with the date of signature, name and the title of office.

West Linn City Charter

Section 33. Mode of Enactment.

(a) Except as paragraphs (b) and (c) of this section provide to the contrary, every ordinance of the Council shall, before being put upon its final passage, be read fully and distinctly in open Council meeting on two different days.

(b) Except as paragraph (c) of this section provides to the contrary, an ordinance may be enacted at a single meeting of the Council by unanimous vote of the Council members present, upon being read first in full and then by title.

(c) Any of the readings may be by title only if no Council member present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each Council member and three copies are provided for public inspection at the City offices not later than one week before the first reading of the ordinance, and if notice of their availability is given forthwith upon the filing, by written notice posted at City Hall and two other public places in the City or by advertisement in a newspaper of general circulation in the City. An ordinance enacted after first 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 a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.

(d) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings.

(e) Upon the enactment of an ordinance the custodian of records shall sign it with the date of its passage and the endorser's name and title of office and thereafter the Mayor, or President of

the Council acting pursuant to Section 18 of this Charter, shall sign it with the date of its passage and the endorser's name and title of office. Failure of the Mayor or the President of the Council to sign it shall not invalidate it.

Damascus City Charter

Section 17. Ordinance Adoption.

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

(b) The council may adopt an ordinance at a single meeting by unanimous approval of all council members present provided the proposed ordinance is available 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 the meeting.

(d) After 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.

(f) Except as authorized by sub Section (b), adoption of an ordinance requires approval by a majority of the council at two meetings.

Beaverton City Charter

Mode of Adoption.

1. Except as provided to the contrary in subsections 2., 3., and 4. of this section, every ordinance of the council, before being finally adopted, shall be read fully and distinctly in open council meeting on two different days, provided that the second reading must be at least six days after the first reading.

2. Both readings may be by title only by unanimous vote of all councilors present and voting on the question, provided that, prior to first reading, a copy of the ordinance is provided for each councilor and three copies are filed for public inspection at the repository for city records.

3. An ordinance adopted after being read by title alone has no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section

incorporating such a difference is read fully and distinctly in open council meeting as finally amended prior to being adopted by the council.

4. An ordinance may be adopted at a single meeting of the council by unanimous vote of all councilors present and voting on the question upon being first read in full and then by title.

B. Attestation and Approval. Upon adoption of an ordinance by the council, the keeper of the record of proceedings shall endorse it with the date of council adoption, the attestor's name and title of office. Thereafter the ordinance shall be delivered to the mayor by personally serving a duplicate original upon the mayor as soon as practicable. The mayor, within ten (10) days of the date of actual receipt of the ordinance, shall return it to the keeper of the record of proceedings with or without the mayor's approval, or with a veto.

C. Veto. The mayor may veto an ordinance or other legislative enactment adopted by the council by endorsing the duplicate original as such and attaching a written statement to it explaining the reasons for the veto. If the ordinance is returned without approval or veto, the ordinance shall have legal effect as if approved.

D. Overriding of Veto. At the next regular meeting of the council after the mayor returns an ordinance vetoed, the council shall consider the ordinance and may adopt the ordinance over the veto of the mayor by a four-fifths (4/5ths) vote of all members of the council, and the ordinance then takes effect in accordance with Section 36 of this charter.