DRAFT

City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

SHERWOOD CHARTER REVIEW COMMITTEE
Meeting Minutes
22560 SW Pine St., Sherwood, Oregon
June 18, 2014

1. **Call to Order:** Chair Pat Allen called the meeting to order at 6:32 pm.

2. **Committee Members Present**: Chair Pat Allen Citizen at Large, Cultural Arts Commission Representative Alyse Vordermark, Library Advisory Board Representative Jack Hoffbuhr, Parks Advisory Board Representative Brian Stecher, Citizen at Large Bob Silverforb and Planning Commission Representative Beth Cooke. Budget Committee Representative Neil Shannon arrived at 6:36 pm. Citizen at Large Jennifer Kuiper and SURPAC Representative Charlie Harbick were absent.

3. **Staff and Council Liaison Present:** City Manager Joe Gall and City Recorder Sylvia Murphy. City Council Liaison Linda Henderson arrived at 6:40 pm.

   Chair Allen addressed the draft May 29, 2014 meeting minutes (see record, Exhibit A) and asked for amendments or a motion to approve.

   Approval of May 29, 2014 Meeting Minutes

   MOTION: From Bob Silverforb to adopt the May 29, 2014 meeting minutes, seconded by Alyse Vordermark. Motion passed 6:0, all present members voted in favor. (Neil Shannon was not present at time of vote). (Jennifer Kuiper and Charlie Harbick were absent).

4. **Public Comments**

   No public was present.

5. **Committee Discussion**

   Chair Allen recapped the order of business and addressed agenda items A.1-5 and said the committee discussed these items at the previous meeting but had not made any decisions. The City Recorder recapped the documents provided; a copy of the charter with track changes based on the committees discussion over the prior three meetings, (see record, Exhibit B), and a document previously provided to the committee via email noting sample language from other cities on ordinance adoption, (see record, Exhibit C).

   Ms. Murphy informed Chair Allen items A.1-5 on the agenda were topics brought forward during public comments at the previous meeting. He confirmed the topics were not incorporated into the charter document with track changes. Chair Allen addressed item A.1.

June 26, 2014 — Date
Charter Review Comm. — Gov. Body
3.A — Agenda Item
A — Exhibit #

Utility Advisory Board. Chair Allen said it appears the general consensus was a utility advisory board was a good idea and the question was, is it a charter issue or not. He asked for comments from the committee. Ms. Vordermark stated the idea is a great idea but the language doesn't need to be placed in the charter and if the council wanted they could create the board. Ms. Vordermark stated other commissions are not mentioned in the charter. Mr. Hoffbuhr stated he agreed and said the council has the authority to appoint boards and if they wanted one they could appoint.

Chair Allen referred to the minutes and comments received at the previous meeting and the example from the City of Portland. He confirmed the committee thought the advisory board was a good idea, but not in the charter. He suggested the City Recorder keep a list of "good ideas" as part of their recommendations to the council that are not proposed charter amendments.

City Manager Gall informed the committee the council spoke about creating an advisory board at their annual retreat and believes the idea of creating a committee will be on the council's radar and a recommendation from this committee would possibly move that forward.

Contract Language for City Manager and City Recorder. Chair Allen stated as he read the meeting minutes he believes it states the committee should look at this topic but isn't sure for what reason.

Mr. Hoffbuhr stated the concern was centered around the discussion that the City Manager and City Recorder are hired without political influence and the charter was silent about the removal if they were let go. He said at the time of discussion the committee had not seen the employment contracts of either person until they were provided by the City Recorder. He said the contract language is very clear as to what would cause the employee to be terminated by the council. He said after he read the contracts, he wasn't sure if language was needed in the charter.

Mr. Silverforb replied he agreed and said he read the contracts and believes they are clear and very specific and he would not add anything to the charter.

Chair Allen asked what if we had a contract that wasn't as clear. Discussion followed and Mr. Hoffbuhr replied that was the point brought forward by Mr. Middleton, how do you define what political interference is. Mr. Silverforb stated there could be a lot of "what if's" and it's incumbent on the City to have contracts that are clear, he stated he hopes the contracts are reviewed by an attorney.

Mr. Stecher stated the question is, does the charter language provide enough guidance to ensure the City writes a good contract. He said the charter should provide enough guidance with intelligent legal counsel to draft contracts. Discussion followed and Chair Allen provided examples of "political consideration" in hiring and removal of employees. Discussion followed and Mr. Hoffbuhr stated removal must be in accordance with the contract. Chair Allen stated perhaps that is all the charter needs to say, is there shall be a contract, he asked if the committee could think of a reason for there not to be a contract.

City Manager Gall stated it is standard practice for a City of this size to have a contract. He said he did not know what value would be gained to add language to the charter and said voters might be confused and asked what if they vote it down, would that mean that we could not have contracts.

Ms. Cooke stated she would be concerned with confusing the voters and the possible implication that contracts are not currently in place.

Chair Allen suggested coming back to this section when the committee addressed the redlined charter. Mr. Gall asked the City Recorder if it was less likely for City Recorders to have contracts. Ms. Murphy replied yes, most City Recorders work for the City Manager.

Section 33.1, Violation of Charter Language. Chair Allen said in referring to the prior meeting minutes, the Mayor was supportive of the committees notion of removing this language from the charter. He confirmed this with the committee members.

Section 37 Compensation, Reimbursable Expenses. Chair Allen said he believes he saw the discussion about practice but not about the charter issues. Mr. Shannon stated he believes a concern was a councilor could submit an expense without preapproval of that expense or without anybody judging whether or not that expense was reasonable or unreasonable and they were being compensated for whatever they applied for. He said he thinks the idea the City Manager was working with and the idea the committee was trying to get to with the charter was that the City has a process where someone can preapprove what might be considered reasonable expenses and have a procedure for compensation.

Ms. Vordermark suggested this go on the list of "good idea" suggestions for the council, to follow the same processes as staff of having expenses processed. Comments were received that the Council Rules would be a good place for this. Mr. Gall stated it's in the Council Rules but believes it could be more robust. Comments were received that the Council will look at their Rules in January. Mr. Gall stated as the City grows and councilors get more engaged with activities that cost money, he thinks we are right to improve the system. He said we don't currently have a problem but could easily have an issue if we don't have a good system. He said it's a matter of having policies and procedures in the Council Rules and not necessarily adding language to the charter. Discussion followed regarding the language of "reasonable" and it meaning something different to different people. Comments were received that "reasonable" is not undefined, discussion followed. Discussion followed regarding the approval process.

Chair Allen suggested coming back to this discussion when the committee addressed the redlined charter.

Chapter III Language regarding Agenda Amendments. Chair Allen said he read the public testimony in favor of keeping the language that the committee inserted into the suggested amendments and the reason for having the language in the charter was because it was stronger than having it in the Council Rules. Chair Allen referred to the language in Section 7-Council, allowing the majority of the council to cause something to be placed on the agenda.

Chair Allen stated this sums up the discussions and said the committee has a few things they need to come back to in their discussion of the redline document and a few topics they determined to be good ideas but not charter material. He said the committee could capture these in a report to the council. He asked the committee for other topics of discussion before moving forward. No comments were received and he addressed the next agenda item.

B. Pending Legal Counsel Feedback. The City Recorder stated based on the committee's prior meetings they requested staff seek legal feedback on certain areas of language. She said as the committee continued their discussions, the discussion died down and the committee continued without staff providing legal feedback. She said she met with City Manager Gall to review the areas of discussion the committee wanted legal feedback on and asked the committee members if there were areas where they still want legal advice.

Chair Allen suggested going through the redlined charter and said this may prompt areas they still may want legal advice. He addressed the following sections and referenced Exhibit B, the redlined charter.

Section 1. Title. Deleting the "2005" reference in the name of the charter. He said he would like to have other grammatical cleanup items to be able to package together with this. He asked for committee thoughts. No comments were received.

Section 6. Distribution. He said the committee discussed this section and agreed upon the language as listed to help clarify the procedures regarding appointments to boards and commissions. He referred to the language of, "*The council appoints members of commissions, boards and committees, subject to the consent of the City council by resolution, as established by ordinance or resolution*". He said this doesn't make sense and believes it should have stated, *"The mayor appoints, subject to the consent of the council".*

The City Recorder reminded the committee of their prior discussion to take the language recently adopted by the council when they amended their council rules and insert that language here, "subject to the consent of the City council by resolution." Chair Allen suggested revising the language and brief discussion followed.

Chair Allen suggested the following language, *"The mayor appoints members of commissions, boards and committees as established by ordinance or resolution, subject to the consent of the City council by resolution".* No objections from the committee were received on the suggested lanaguge.

Section 7. Council. Chair Allen referenced the redlined language of, "*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".* He said this has the idea that the council ultimately has the ability to get something on the agenda over the objection of the mayor. Discussion followed regarding the concern for this language and a recent example of a council meeting was discussed with adding something to the agenda at the objection of the mayor. Discussion followed regarding the language in the council rules indicating the agenda cannot be changed without the consent of the mayor and the council president.

Council Liaison Henderson stated anything that is added to the agenda should be some sort of an emergency, a life, health, safety issue, something needing immediate attention, something that would not need public comment on due to the nature of the issue. Discussion followed regarding the council rules limiting the proposed language with the charter allowing the maximum freedom and the rules constricting the freedom.

Ms. Cooke stated she did not believe the language was necessary and feels it's important for the public to have notice. She referred to the recent council incident being an embarrassment to the City and not an emergency. She commented regarding the mayor and council president should be able to work together and doesn't believe this language should be in the charter.

Mr. Shannon stated he agrees. Ms. Henderson stated one of the reasons the council amended the council rules was because the agenda was being amended by the mayor at his discretion, published or not.

Chair Allen asked the committee if they believe having this issue dealt with in the council rules is sufficient or do they want the charter to speak to it. He suggested language of, *"a majority of the council may cause*

an item to be added to a future agenda". Discussion followed with current practice of items being added to the agenda being the decision of the mayor and council president.

Chair Allen restated the proposed language with a slight modification, *"a majority of the council may cause an item to be added to the agenda of a future meeting."* The committee agreed with this language.

Chair Allen addressed the next **Section 16. Ordinance Adoption** and said the committee spent time on language of multiple readings of an ordinance and have seen examples of language from other City charters. He read the proposed redline language, *"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."*

The City Recorder clarified that this language was not specifically discussed by the committee at the prior meeting. She stated staff offered to craft language rather than bring back multiple examples for the committee to discuss. Chair Allen confirmed the crafted language was in line with what the committee had been discussing. He confirmed the proposed language would replace the current language. Ms. Murphy confirmed and stated except for the first sentence, it would remain.

The committee discussed the examples of ordinance language from other cities (see record, Exhibit C). Chair Allen referred to language of the "six (6) days" between readings and the committee discussed "emergency clause" and the state legislature. Discussion followed regarding types of emergencies and the council needing to take action prior to the 6 day waiting period.

The City Recorder referred to the language of six (6) days and the example coming from the City of Beaverton and explained the purpose. Chair Allen asked the committee about a provision that the council can enact an ordinance with less than six days noticing by declaring an emergency and subject to a unanimous vote of the councilors present at time of voting. Discussion followed regarding all examples from other cities having unanimous voting requirements for emergency legislation.

Ms. Vordermark referred to the City of Beaverton language, section 4. Chair Allen commented regarding taking the current proposed language and adding the language from Beaverton. Comments in support were received from the committee to add the Beaverton language.

The City Recorder confirmed the suggested proposed language as portions of language from Sherwood and Beaverton to read, *"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. 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 read in full and then by title."*

Chair Allen addressed **Section 33. City Manager** and the committees prior discussion of appointment or removal for political considerations. He said the proposal the committee previously discussed was to add, "removal may not be based on political consideration". He said we would do that change to the City Manager and City Recorder sections. He said he looks at this from the prospective of what will a voter think and would they understand, and what if they said no to the amendment, then the employee can be removed for political consideration and this is not what the committees intent was. Discussion followed regarding why the committee proposed the amendment and they decided not to amend the charter lanaguge.

Chair Allen addressed **Section 33.i** and the proposal to remove the language of, *"Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing."* He said he would prefer to remove the language and have the voters deal with this.

Mr. Shannon asked how would this be sold to the voters, how would it be phrased that we are improving the charter. Chair Allen replied because this retains the election or the removal of the mayor in the hands of the people of the City and doesn't delegate that decision to four councilors. He said people continue to have the right to recall and continue to have the right to consider electing or reelecting.

Council Liaison Henderson clarified the language was referring to the coercion of staff and interfering with staff. She asked what is the process when a mayor interferes with staff and coerces them. She said the committee had a long discussion of what occurs when a mayor or councilor coerces staff. Discussion followed with examples of coercion and general communications between elected officials and staff.

Chair Allen stated the fact that other cities don't have this language leads him to believe it's not important language.

Ms. Cooke stated she would be concerned that it could be used for political purposes to remove an elected official.

Mr. Shannon replied there is no "or else", you're establishing a rule that the council cannot coerce but there is nothing in the language referring to a penalty. Discussion followed that an employee can point to this language as protective to the employee.

Chair Allen addressed **Section 34.b** and said the committee already spoke to this language. The proposed amendment would not be considered.

He addressed **Section 35. City Attorney** and said the committee added language to clarify the notion that the City attorney can either be an employee of the City or can be a firm contracted by the City and they wanted to make sure that both methods are okay and the proposed language grammatically clarifies it.

No objections were received from the committee on the proposed language.

Chair Allen addressed **Section 37. Compensation** and said the committee discussed this section and said the main point is to make it a function of the charter that the council shall not be compensated and we added language of "reasonable" to "actual expenses". He said the main point is if a future council or citizens wanted to propose compensation they would have to do it by a vote and through a change in the charter as opposed to simply by ordinance.

Chair Allen asked if the committee was okay with the proposed addition of "reasonable" language, no objections were received.

Chair Allen addressed **Section 47. Time of Effect** and said this is the end language to the 2005 charter language in Section 1. Title.

The City Recorder informed the committee that she added the effective date of January 1, 2015 as a proposed effective date and explained with potential amendments on a November ballot and the process of

the council certifying the election results, January 1, 2015 would be a good effective date. Chair Allen asked if the committee had any concerns with this, no objections were received.

Chair Allen stated the committee has concluded the areas and topics they have discussed and asked for other topic they would like to address.

City Manager Gall reminded Chair Allen of **Section 42. Solid Waste Incinerators.** Chair Allen commented on the information previously provided by City Manager Gall on solid waste incinerators and current state statutes. He commented on the committee's previous discussions of **Section 43. Willamette River Drinking Water** and not amending these sections. He confirmed the committee did not want to propose changes to these sections.

City Manager Gall informed the committee that the City of Wilsonville's charter still has this prohibition language in their charter.

City Manager Gall suggested placing language in the charter stating the charter should be looked at on a routine basis, whether that's every 5, 7 or 10 years, something to force a committee like this to review the charter. He said it is not unusual language in charters. The committee discussed and agreed that it was a good idea. Discussion occurred with the timeline of 5 years, 7 years and 6 years considering the two year election cycle. They agreed upon 6 years. City Manager Gall suggested looking at language in the Gresham City Charter.

The City Recorder asked if that language would be placed in Section 47 and Chair Allen suggested the language in Section 47 be added to Section 1. He suggested language amending **Section 1. Title** to read, *"This charter shall be referred to as the Sherwood City Charter and takes effect January 1, 2015."* He said the charter review period language would be whatever is in the Gresham charter.

Ms. Murphy confirmed the proposed elimination of Section 47, the committee confirmed.

Chair Allen said if the committee does all proposed changes, that would be 7 changes. He recapped the proposed amended areas with a ballot measure for each area. Changes too:

Section 1. Title to include language from Section 47 and eliminating Section 47, adding language of a 6 year review period.
Section 6. Distribution
Section 7. Council
Section 16. Ordinance language to include language from City of Beaverton
Section 33.i City Manager
Section 35. City Attorney
Section 37. Compensation

Chair Allen asked regarding the drafting of ballot titles and the City Recorder replied she would draft the ballot titles and explanatory statements and forward them to legal counsel for final review and the committee would follow the same process as with the May 2014 election. She said she contacted the attorney that previously support the committee and he is available to attend the committee's June 26th meeting.

Ms. Murphy pointed out a previous typographical error in the charter in Section 42, with the use of the word "form" that should state "from", she asked if the committee wanted to propose amending this to make the correction.

Chair Allen asked if she had some ability to fix scrivener's errors and the proposed amendment would just put this section on a ballot to fix an error. The committee decided not to recommend and amendment to fix the error.

Chair Allen asked regarding their next scheduled meetings and the City Recorder replied June 26th at 6:30 pm, July 10th and the July 15th is a work session with the council. He confirmed staff would provide draft ballot titles at the June 26th meeting. Discussion followed regarding members availability.

Prior to adjourning, Chair Allen indicated there was not any public present at the meeting, therefore public comments were not addressed.

6. Adjourn:

Chair Allen adjourned the meeting at 7:30 pm.

Sylvia Murphy, MMC, City Recorder

Pat Allen, Chair

Ballot Title
An Election on a Proposed Revision of the City Charter-Title and Effective Date

CAPTION: REVISION TO SHERWOOD CHARTER; TITLE AND EFFECTIVE DATE *(9 words, max 10)*

QUESTION: Should the charter provisions pertaining to title, date and review be revised to be current and also require periodic review? *(20 words, max 20)*

SUMMARY: This measure would affect two sections of the current city charter; Chapter I, Section 1-Title, and Chapter XI, Section 47-Time of Effect

Section 1 would be amended by eliminating the year "2005" from the title of the charter and substituting an effective date of January 1, 2015. In addition, Section 1 would include a new provision requiring review of the charter every 6 years by a charter review committee. Section 47 would be deleted.

The net effect would change the date of the charter to 2015. In addition, every six years, the council would appoint a committee to review whether the charter continues to meet the needs of the city's residents.

Section 1-Title would be amended to read as follows:

> Title, Effective Date and Review. *This charter shall be referred to as the Sherwood City Charter and takes effect January 1, 2015. This charter shall be reviewed every six years with the first review beginning no later than January 1, 2021, with the appointment of a charter review committee by the city council.*

(173 words, max 175)

June 26, 2014
Date

Charter Review Comm.
Gov. Body

5.A-G
Agenda Item

B (14pgs)
Exhibit #

DRAFT

CITY OF SHERWOOD
MEASURE TO AMEND CITY CHARTER

EXPLANATORY STATEMENT

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. In 2013, the City Council formed a Charter Review Committee comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback and held a public hearing on the proposed amendments. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to received citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This proposed measure would affect two sections of the current city charter: Chapter I, Section 1-Title, and Chapter XI, Section 47-Time of Effect.

The proposed revisions would amend Section 1 by eliminating the year "2005" from the title, add an effective date for the new charter of January 1, 2015, and add a provision requiring review of the charter every 6 years by a charter review committee.

The proposed revision would amend Section 47 by deleting it entirely. That section currently provides that "this charter takes effect July 1, 2005." With the new language in Section 1, there is no longer a need for this provision.

The charter review committee wanted to ensure that the date of the charter reflected its most recent amendment and to ensure that the charter would be reviewed periodically to ensure that it continues to meet the needs of the citizens of Sherwood.

The proposed amendments to Section 1-Title are as follows (language to be added is underlined; language to be deleted is shown in ~~strikethrough~~):

> Title, Effective Date and Review. This charter ~~may~~ shall be referred to as the ~~2005~~ Sherwood City Charter and takes effect January 1, 2015. This charter shall be reviewed every six years with the first review beginning no later than January 1, 2021, with the appointment of a charter review committee by the city council.

If approved by the voters, the revisions will take effect _____.

(350 words, 500 max)

Ballot Title
An Election on a Proposed Revision of the City Charter-Mayoral Appointments

CAPTION: REVISION TO SHERWOOD CHARTER; SECTION 6-DISTRIBUTION, MAYORAL APPOINTMENTS *(8 words, max 10)*

QUESTION: Should the charter be revised to allow mayor to appoint members to city commissions, boards and committees with council consent? *(20 words, max 20)*

SUMMARY: This measure amends Section 6, Chapter II of the current city charter. Currently, the Charter allows the city council to appoint members of commissions, boards and committees. The new measure would authorize the Mayor to appoint those members, subject to the consent of the city council.

The amended Section 6 would read in its entirety as follows:

> 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 mayor appoints members of commissions, boards and committees, as established by ordinance or resolution, subject to the consent of the city council by resolution.

(151 words, max 175)

DRAFT

CITY OF SHERWOOD
MEASURE TO AMEND CITY CHARTER

EXPLANATORY STATEMENT

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. In 2013, the City Council formed a Charter Review Committee comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback and held a public hearing on the proposed amendments. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to received citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This measure amends Section 6 – Distribution, Chapter II of the current city charter. Currently, the charter requires members of commissions, boards and committees to be appointed by the council. The amended provision authorizes the mayor to appoint those members, subject to the consent of the city council.

The text of Section 6 would be amended as follows (underlined language would be added; language with ~~strikethrough~~ would be deleted):

> 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.~~ The mayor appoints members of commissions, boards and committees, as established by ordinance or resolution, subject to the consent of the city council by resolution.

If approved by the voters, the revisions will take effect _____.

(300 words, 500 max)

Ballot Title
An Election on a Proposed Revision of the City Charter-Council Agenda Setting

CAPTION: REVISION TO SHERWOOD CHARTER; SECTION 7-COUNCIL ESTABLISHING AGENDA *(8 words, max 10)*

QUESTION: Should the charter be revised to allow the council majority to add items to future council meeting agendas? *(18 words, max 20)*

SUMMARY: The Oregon Constitution gives city voters the right to adopt, amend and revise a charter. The charter is the foundational document of the city and grants legal authority to the city and sets duties. Sherwood voters adopted the most recent revisions to the charter in May 2014.

This measure would amend Section 7-Council, Chapter III of the current city charter by adding language allowing a majority of the council to cause an item to be added to a future meeting agenda.

The section would read in its entirety as follows:

> *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 a future meeting.*

(124 words, max 175)

DRAFT

CITY OF SHERWOOD
MEASURE TO AMEND CITY CHARTER

EXPLANATORY STATEMENT

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. In 2013, the City Council formed a Charter Review Committee comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback and held a public hearing on the proposed amendments. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to received citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This proposed measure would amend the Section 7-Council, Chapter III of the current city charter by adding a provision allowing a majority of the council to cause an item to be added to the agenda of a future meeting. Currently, the Mayor, as the presiding officer of the city council, controls the agenda that comes before the city council. The proposed change would allow a majority of the council to require that a matter come before the council even if the mayor objected to considering the matter.

The text of Section 7 would be amended as follows (the new language is shown as underlined):

> *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 a future meeting.*

If approved by the voters, the revisions will take effect _____.

(262 words, 500 max)

Ballot Title

An Election on a Proposed Revision of the City Charter-Ordinance Adoption

CAPTION: REVISION TO SHERWOOD CHARTER; SECTION 16-ORDINANCE ADOPTION *(7 words, max 10)*

QUESTION: Should the charter section governing the process of ordinance adoption be revised? *(12 words, max 20)*

SUMMARY: This measure amends Section 16-Ordinance Adoption, Chapter IV of the charter by deleting it and creating a new provision. That provision would impose several new requirements on the city council adoption of new ordinances.

The proposed amendment would read in its entirety as follows:

> *Except as this provision provides otherwise, adoption of an ordinance requires approval by a majority of the council at two separate meetings separated by at least six days. The text of the proposed ordinance shall be posted and available to the public at least six days in advance of the meeting at which the ordinance will be considered, and any amendment to the text as posted shall be read in full. At each meeting that the ordinance is considered, the title of the ordinance shall be read and public comments shall be accepted prior to the vote of the council. 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 read by title twice.*

(174 words, max 175)

DRAFT

CITY OF SHERWOOD
MEASURE TO AMEND CITY CHARTER

EXPLANATORY STATEMENT

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. In 2013, the City Council formed a Charter Review Committee comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback and held a public hearing on the proposed amendments. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to received citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This proposed measure would amend Chapter IV, Section 16-Ordinance Adoption of the current city charter by deleting the current provision in its entirety and replacing it with a new provision. The new provision would require ordinances to be read by title at two council meetings separated by at least six days. In emergency situations, the council could adopt the ordinance at a single meeting if there was unanimous support to do so. In addition, the new provision would require the city to post any proposed ordinance at least six days in advance of the meeting where it will be considered and require the council to accept public comment on all ordinances prior to adoption.

The charter review committee wanted to ensure that interested persons could participate in the city's adoptions of new ordinances.

The proposed revision would read in its entirety:

> *Except as this provision provides otherwise, adoption of an ordinance requires approval by a majority of the council at two separate meetings separated by at least six days. The text of the proposed ordinance shall be posted and available to the public at least six days in advance of the meeting at which the ordinance will be considered, and any amendment to the text as posted shall be read in full. At each meeting that the ordinance is considered, the title of the ordinance shall be read and public comments shall be accepted prior to the vote of the council. 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 read by title twice.*

If approved by the voters, the revisions will take effect _____.

(384 words, 500 max)

Ballot Title

An Election on a Proposed Revision of the City Charter-Violation of Prohibition

CAPTION: REVISION TO SHERWOOD CHARTER; SECTION 33-City MANAGER *(7 words, max 10)*

QUESTION: Should the charter be revised by deleting a provision regarding council authority to remove an elected official for coercion? *(19 words, max 20)*

SUMMARY: The Oregon Constitution gives city voters the right to adopt, amend and revise a charter. The charter is the foundational document of the city and grants legal authority to the city and sets duties. Sherwood voters adopted the most recent revisions to the charter in May 2014.

This measure would amend the Section 33-City Manager, Chapter VIII of the city charter by removing language in section 33.i, allowing the council to remove an elected official for coercing the city manager or a candidate for that position.

The proposed amendment is shown below, with the deleted material shown in ~~strikethrough~~:

> *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.*

(148 words, max 175)

DRAFT

CITY OF SHERWOOD
MEASURE TO AMEND CITY CHARTER

EXPLANATORY STATEMENT

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. In 2013, the City Council formed a Charter Review Committee comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback and held a public hearing on the proposed amendments. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to received citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This proposed measure would amend Section 33-City Manager, Chapter VIII of the current city charter by deleting language in Section 33.i that authorizes a majority of the council to remove an elected official for coercing the City Manager or a candidate for the office of the manager. The Charter Review Committees believed that removal from office was the duty of Sherwood voters and a majority of the council should not have this authority.

The amendment would revise section 33.i to read as follows (with deleted language shown in ~~strikethrough~~):

> *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.*

If approved by the voters, the revisions will take effect _____.

(262 words, 500 max)

Ballot Title

An Election on a Proposed Revision of the City Charter-Violation of Prohibition

CAPTION: REVISION TO SHERWOOD CHARTER; SECTION 35-CITY ATTORNEY *(7 words, max 10)*

QUESTION: Should the charter be revised to clarify that the city attorney may be a city employee or a contracted firm? *(20 words, max 20)*

SUMMARY: The Oregon Constitution gives city voters the right to adopt, amend and revise a charter. The charter is the foundational document of the city and grants legal authority to the city and sets duties. Sherwood voters adopted the most recent revisions to the charter in May 2014.

This measure would amend the Section 35-City Attorney, Chapter VII of the current city charter by adding language clarifying that the city attorney may be either an employee of the city or a contracted firm.

If the amendment is adopted, the provision would read in its entirety:

> The office of city attorney is established as the chief legal counsel of the city government. The city attorney shall be either an employee of the city or a firm under a written contract approved by the council. A majority of the council must appoint and may remove the attorney or contracted firm. If the attorney is an employee of the city, the attorney must appoint and supervise, and may remove, any city attorney office employee.

(170 words, max 175)

DRAFT

CITY OF SHERWOOD
MEASURE TO AMEND CITY CHARTER

EXPLANATORY STATEMENT

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. In 2013, the City Council formed a Charter Review Committee comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback and held a public hearing on the proposed amendments. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to received citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This proposed measure would amend the Section 35-City Attorney by clarifying current language Chapter VIII of the current city charter to clarify that the City Attorney may be an employee of the city or a law firm that enters into a contract with the city that has been approved by the council.

The proposed amendment would add the language shown as underlined to section 35 of the charter:

> The office of the city attorney is established as the chief legal ~~officer~~ counsel of the city government. The city attorney shall be either an employee of the city or a firm under a written contract approved by the council. A majority of the council must appoint and may remove the attorney or contracted firm. If the attorney is an employee of the city, the attorney must appoint and supervise, and may remove any city attorney office employees.

If approved by the voters, the revisions will take effect _____.

(266 words, 500 max)

Ballot Title

An Election on a Proposed Revision of the City Charter-Violation of Prohibition

CAPTION: REVISION TO SHERWOOD CHARTER; SECTION 37-COMPENSATION *(6 words, max 10)*

QUESTION: Should the charter be revised to require that any council compensation requires voter approval? *(14 words, max 20)*

SUMMARY: The Oregon Constitution gives city voters the right to adopt, amend and revise a charter. The charter is the foundational document of the city and grants legal authority to the city and sets duties. Sherwood voters adopted the most recent revisions to the charter in May 2014.

This measure would amend the Section 37 – Compensation, Chapter IX of the current city charter by adding language prohibiting the mayor and councilors from receiving compensation for their service. The charter would continue to allow councilors to be reimbursed for actual expenses, but require that the reimbursements must be reasonable.

If approved, the revised provision would read in its entirety as follows:

> *The council must authorize the compensation of City appointive officers and employees as part of the approval of the annual City budget. The mayor and councilors shall not be compensated but may be reimbursed for actual and reasonable expenses.*

(148 words, max 175)

DRAFT

CITY OF SHERWOOD
MEASURE TO AMEND CITY CHARTER

EXPLANATORY STATEMENT

The Oregon Constitution gives city voters the right to adopt, amend and revise the City Charter. In 2013, the City Council formed a Charter Review Committee comprised of Sherwood residents to review and propose amendments to the City Charter. The Committee met several times in open public meetings and accepted public feedback and held a public hearing on the proposed amendments. The Charter Review Committee then met with the City Council to review the amendments, and the City Council held a public hearing to received citizen input. Several amendments were voted on at the May 2014 election and another set of amendments are being brought before city voters on the November 2014 Ballot.

This proposed measure would amend Section 37 of Chapter VIII of the City Charter by adding language that prohibits the mayor and councilors from receiving compensation for their service. In addition, Section 37 would continue to allow the mayor and councilors to be reimbursed for actual expenses, but that those expenses would explicitly be required to be reasonable.

The Charter Review Committees believed that the compensation and reimbursement of city officials needed to be clarified. The Charter Review Committee discussed the potential for compensation in the future and noted that it would require a vote of the electorate to amend this charter provision. The Committee also discussed reimbursable expenses and agreed that any "actual expenses" incurred by the mayor or councilors must also be reasonable to allow for compensation.

The proposed amendment would read in its entirety (with added language shown in <u>underline</u>):

> 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 <u>shall not be compensated but</u> may be reimbursed for actual <u>and reasonable</u> expenses.

If approved by the voters, the revisions will take effect _____.

(306 words, 500 max)