

Draft Amendments for 4/4/19 Charter Review Committee Meeting

Draft Amendment #1 – Term Limits

Section 24. - Councilors.

- (a) At each general election, three councilors will be elected for four-year terms.
- (b) No councilor shall serve on the council more than three consecutive terms. For purposes of this subsection, “terms” include terms to which the councilor was either elected or appointed, regardless of whether the councilor served the full four years of the term.

Section 25. - Mayor.

- (a) At each general election, a mayor will be elected for a two-year term.
- (b) A mayor may not serve more than three consecutive terms. For purposes of this subsection, “terms” include terms to which the mayor was either elected or appointed, regardless of whether the mayor served the full two years of the term.

Draft Amendment #2 – Quorum and Voting

Section 7. - Council.

The council consists of a mayor and six councilors elected from the City.

Section 10. - Rules.

In January after each general election, the council must by resolution adopt council rules. The rules must be approved by a majority of the council.

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. The process for creation of council meeting agendas shall be prescribed by council rules. A number of councilors equal to a majority of a quorum may cause an item to be added to the agenda of a future meeting.

Section 12. - Quorum.

A quorum to conduct business shall be defined as a majority of the council and mayor positions that are not vacant. A smaller number may meet and compel attendance of absent members as prescribed by council rules.

Section 13. - Vote Required.

- (a) The express approval of a majority of the councilors voting on a motion is necessary for any council decision, except when this charter requires unanimous approval, supermajority approval, or approval by a majority of the council.
- (b) Unanimous approval shall mean approval by all of the council and mayor positions that are not vacant.
- (c) Supermajority approval shall mean approval by not less than five council and/or mayor positions.
- (d) Approval by a majority of the council shall mean approval by a majority of the council and mayor positions that are not vacant.

Section 16. - Ordinance Adoption.

(a) Except as this provision provides otherwise, adoption of an ordinance requires reading of the proposed ordinance by title at two separate meetings separated by at least six days, and approval by a majority of council, which approval may occur at the meeting at which the second reading is conducted or a subsequent meeting.

(1) The text of the proposed ordinance shall be posted and available to the public on the City's website at least six days in advance of each meeting at which the ordinance will be read or considered pursuant to this section.

(2) At each meeting that the ordinance is read or considered pursuant to this section, the title of the ordinance shall be read and public comments shall be accepted, prior to any vote of the council on adoption.

(3) An ordinance may be adopted at a single meeting of the council by unanimous approval upon being read by title twice.

(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 a majority of council votes to adopt the ordinance, it will take effect.

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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 unanimous approval may take effect as soon as adopted, or on such other date less than 30 days after adoption which may be specified, if it contains an emergency clause, and is not subject to veto by the mayor.

Section 32. - Filling Vacancies.

(a) A mayor or councilor vacancy shall be filled by appointment by a majority of council within 45 days of the date of vacancy. 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.

(b) An election is required if 13 months or more remain in the office term. The election must be held at the next available election date. The person elected will fill the vacancy for the remainder of the term.

Draft Amendment #3 – Election Dates for Double Majority Vote Requirement

Section 16. - Ordinance Adoption.

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Section 47. – Vote Required on Certain Taxes, Charges, and Fees

After July 1, 2015, any ordinance, resolution or order approved by a majority of the City Council that imposes a new city tax, charge, or fee and/or increases by more than two percent annually any city utility tax, charge, or fee including but not limited to water charges, sewer and surface water charges, and street utility fees that are imposed on residential properties occupied by owners and/or occupants within the City of Sherwood boundaries, shall not be effective unless ratified by a majority vote of the City's qualified electors voting in an election where at least 50 percent of the registered voters cast a ballot, or the election is held in May or November of any year.

Draft Amendment #4 – Sale of Certain Real Property

Section 48. – Vote Required for Sale of Certain Real Property

Before the city may sell any parcel of real property owned by the city which is greater than five acres in size and which is then used primarily for park and recreation purposes, the city council must authorize such sale by supermajority vote.

Draft Amendment #5 – Housekeeping

Section 1. - Title, Effective Date and Review.

This charter shall be referred to as the Sherwood City Charter and takes effect January 1, 2020. This charter shall be reviewed at least every six years, with the appointment of a charter review committee by the City council.

Section 14. - Record.

A record of council meetings must be kept in a manner prescribed by the council rules and Oregon public records and meetings law.

Section 19. - Resolution Approval.

- (a) Approval of a resolution or any other council administrative decision requires approval by the council.
- (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 22. - Order Approval.

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

- (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 28. – Nominations and Declarations of Candidacy.

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

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, and the laws of the City of Sherwood.

Section 31. - Vacancies.

The mayor or a council office becomes vacant:

- (a) Upon the incumbent's:
 - (1) Death;
 - (2) Adjudicated incompetence;
 - (3) Recall from the office; or
 - (4) Election to a different elected 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 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, experience, and competency in local government management.

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

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

(e) The manager must:

- (1) Attend all council meetings unless excused by the mayor or council;
 - (2) Make reports and recommendations to the mayor and council about the needs of the city;
 - (3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
 - (4) Appoint, supervise and remove city employees, except the municipal judge, municipal judges pro tem, the city attorney, and city attorney office 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 in alignment with council policies, goals, and objectives;
 - (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.