



Home of the Tualatin River National Wildlife Refuge

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. CITIZEN COMMENTS
5. NEW BUSINESS
 - A. Approval of March 21, 2024 Committee meeting minutes
 - B. Discussion of Charter and Potential Revisions
6. OTHER
7. ADJOURN

MEETING AGENDA

Charter Review Committee

April 23, 2024, 6:00 pm

Sherwood City Hall
22560 SW Pine Street
Sherwood, OR 97140

In the Community Room

This meeting will be live streamed at
<https://www.youtube.com/user/CityofSherwood>

How to Provide Citizen Comments and Public Hearing Testimony (remove if not applicable):

Citizen comments and public hearing testimony may be provided in person, in writing, or by telephone. Sign-up forms will be available at the meeting for anyone who wishes to provide comments in person. Written comments must be submitted at least 24 hours in advance of the scheduled meeting start time by email to cityrecorder@sherwoodoregon.gov. To provide comment by phone during the live meeting, email or call cityrecorder@sherwoodoregon.gov or 503-625-4246 at least 24 hours in advance of the meeting start time in order to receive dial-in instructions. In-person and telephone comments are limited to 4 minutes per person. Per Council Rules Ch. 2 Section (V)(D)(5), Citizen Comments, "Speakers shall identify themselves by their name and by their city of residence." Anonymous comments will not be accepted into the meeting record.

ADA Accommodations:

If you require ADA accommodations for this public meeting, please contact the City Recorder at 503-625-4246 at least 48 hours in advance of the scheduled meeting time. Assisted listening devices available on site and upon request.



Home of the Tualatin River National Wildlife Refuge

MEETING MINUTES

Charter Review Committee

March 21, 2024, 6:00 pm

Sherwood City Hall - Conference Room A

22560 SW Pine Street
Sherwood, OR 97140

1. CALL TO ORDER

City Attorney Ryan Adams, called the meeting to order.

2. ROLL CALL

Committee Members Present: Zana Mays (Senior Adv Board Rep), Paul Mayer (Budget Committee Rep), Deb Diers (Library Adv Board Rep), Chris West (Police Adv Board Rep), Rick Woidyla (Planning Commission Rep), Lisa Patterson (Safety Committee Rep), Joy Kuczer (Parks & Recreation Adv Board Rep), Neil Shannon (Citizen at large), Dave Grant (Citizen at large), and Council Liaison Keith Mays. Michelle Nedwek (Cultural Arts Commission Rep) arrived at 6:15 pm. Mark Cottle (Citizen at large) was absent.

Staff Present: City Attorney Ryan Adams, Assistant City Manager Kristen Switzer, Duputy City Attorney Michelle Teed, and City Recorder Sylvia Murphy.

3. SELECTION OF CHAIR

City Attorney Adams addressed this topic and asked for nominations. With no nominations received, Dave Grant offered to chair the committee. All present committee members voted in favor of Dave Grant as committee chair. (Michelle Nedwek was absent at the time of the vote.)

4. SELECTION OF VICE CHAIR

Chair Grant addressed this topic and asked for volunteers or nominations. Neil Shannon volunteered to be vice chair; no other nominations were received. All present committee members voted in favor of Neil Shannon as vice chair. (Michelle Nedwek was absent at the time of the vote.)

5. APPROVAL OF AGENDA

Chair Grant addressed this topic and asked for questions or a motion. Motion was received from Neil Shannon to approve the agenda, seconded by Paul Mayer. Motion carried with all present members voting in favor. (Michelle Nedwek was absent at the time of the vote.)

All meeting attendees introduced themselves.

6. CITIZEN COMMENTS

None.

7. NEW BUSINESS

A. Overview of Process and Review of Expectations (see record, Exhibit A)

A brief discussion regarding the meeting format occurred. Council Liaison Mays explained Council Rules regarding the convening of a Charter Review Committee. He explained that staff had not prepared charter amendment recommendations, as recommendations would be up to the committee. Liaison Mays indicated he was available for questions. He further explained that staff was available to help explain the charter sections and operations of the city. Chair Grant spoke of meeting format and suggested a walk-through of the charter sections. City Attorney Adams spoke regarding the role of staff to include research. Discussion occurred regarding charter amendments and how all amendments, no matter how small, must go before the voters. Discussion occurred regarding prior Charter Review Committee work within the past ten years and the resulting charter amendments and elections. Examples were provided included the reporting structure of the City Recorder, reading of ordinances occurring twice, and the 2% limit on fees and charges. Liaison Mays informed that the 2% limitation was imposed by an initiative petition and not a Charter Review Committee. The committee briefly spoke about the timeline of their work and making recommendations to the Council and targeting certain elections. Liaison Mays referred to the November 2024 election and staff being able to provide timelines for that election. Comments were received regarding the May and November elections, and which election charter amendments needed to occur. Liaison Mays commented regarding the charter provision that referenced fee increases, limitations of fee increases, and which election those needed to occur on based on the charter language. Attorney Adams commented that he needed to confirm amendments to the fee limitations, commented regarding all other charter amendments, and specific elections that amendments needed to occur within. Comments were received regarding charters of neighboring cities, (Tigard and Gresham) and their current proposed changes. Liaison Mays commented that many Oregon city charters modeled the League of Oregon Cities (LOC) model.

Chair Grant commented regarding the committee's approach and meeting format and suggested staff address each section as there were no staff recommendations for amendments. Liaison Mays replied that from a functional standpoint, the citizen-initiated limitation on residential fees was becoming challenging. He recapped the charter provision regarding the 2% limitations on taxes, charges and fees and the effects on residents and said that this became a problem in a high-inflation time. He explained current city fees that appeared on utility bills, i.e. street fees and sidewalk fees, and the city controlling those. He explained that one area that was becoming problematic was the sewer and stormwater rates. He further explained capital investments, such as sewer infrastructure and how those fees were imposed. He spoke of the city's requirements to maintain infrastructure, adhere to Clean Water Services (CWS) requirements, and increasing costs to the city and residents. He explained that today, the city ran the risk of not having reserves to address replacement of aging pipes. He briefly spoke of the city needing to transfer funds and the Community Investment Fund. Chair Grant asked for staff to bring back more information and options to consider this issue and asked that the committee receive the information in advance of the next meeting so that they are prepared to discuss. Liaison Mays commented that the 2% limitation applied to residential only and commercial and industrial rates were increasing due to the shortfalls. He stated the city was pursuing federal grants to help fund sewer projects.

Brief discussion occurred regarding CWS's current project on Tualatin-Sherwood Road and the impacts to the city. City Attorney Adams commented regarding Council's prior conversations regarding the 2% limitation and indicated the committee could discuss and consider this topic. Attorney Adams spoke regarding the language that referenced a May or November election in Section 47 of the charter and

explained. Discussion followed. He informed the committee that staff would bring back an election calendar at the committee's next meeting. Chair Grant asked Attorney Adams to address each section of the charter and provide a summary for the committee to review.

B. Review of Charter and Suggested Discussion Items (see record, Exhibit B)

City Attorney Adams addressed Chapter 1 - Names and Boundaries and explained. Brief discussion occurred. Attorney Adams stated it was more than likely the effective date in this section would be updated. It was asked if Sherwood West would affect this section. Attorney Adams replied no, not at this time. He addressed and explained Chapter 2 - Powers and brief discussion occurred. He addressed and explained Chapter 3 - Council and brief discussion occurred. He addressed and explained Chapter 4 - Legislative Authority. Brief discussion occurred regarding a mayor's "veto" authority. Attorney Adams addressed Chapter 5 - Administrative Authority and explained. He addressed Chapter 6 - Quasi-Judicial Authority and explained. He addressed Chapter 7 - Elections and explained. Brief discussion occurred regarding councilor and mayor term limits, prior charter amendments, and elections. Discussion occurred regarding terms of other metro area cities, and the pros and cons of term limits. Attorney Adams addressed Chapter 8 - Appointive Officers and explained. Brief discussion occurred and comments were received regarding precincts and districts. Liaison Mays spoke regarding council liaison positions within city boards & committees. Attorney Adams addressed Chapter 9 - Personnel and explained the three employees that work for the Council and informed of the reporting structure of all employees. Comments were received regarding the current situation of the City Manager Pro Tem and authority of this position as it related to personnel. Mr. Adams recapped the recent appointment of the City Manager Pro Tem and explained the personnel authorities of the position. Attorney Adams recapped Sections 35 - City Attorney and Section 36 - Municipal Judge. He explained the functions of the municipal judge. Attorney Adams addressed Chapter 9 - Personnel and explained. Brief discussion occurred regarding Section 37 - Compensation. Member Chris West commented regarding Council compensation and asked if staff could bring back information from neighboring cities at the next committee meeting. Discussion occurred and staff confirmed information would be brought back to the committee. Liaison Mays commented that if there was a change to the compensation language, that the change should have a future effective date so as to not affect the currently seated elected officials. Attorney Adams addressed Chapter 10 - Public Improvements and explained. He addressed Chapter 11 - Miscellaneous and stated that this section modeled the League of Oregon Cities' (LOC). Liaison Mays explained who the LOC was and what they did. Attorney Adams addressed Section 41 - Debt and explained. Discussion occurred regarding the debt limits and examples of capital bonds. Attorney Adams informed the committee that it does not take a charter amendment to authorize indebtedness. He stated the city adopted the LOC model of their procurement code. Attorney Adams addressed Section 42 - Solid Waste Incinerators and Chair Grant provided brief background and history regarding incinerators in the area. Discussion occurred. Attorney Adams addressed Section 44 - Ordinance Continuation, Section 45 - Repeal and Section 46 - Severability and stated these sections were pretty much boilerplate. Attorney Adams addressed Section 47 - Vote required on Certain Taxes, Charges and Fees. Vice Chair Shannon commented regarding this charter provision being instituted through an initiative petition and asked if it could be changed through the charter review and an election process. Liaison Mays confirmed. Discussion occurred regarding the provisions of a majority vote and 50% of the voters. Attorney Adams provided an example of case law. Discussion occurred regarding special and general elections and the requirements of a 50% vote. Attorney Adams referred to Deputy City Attorney Teed and informed the committee that she was the former Deputy Director of Elections for the State of Oregon. Liaison Mays stated there were lots of challenges with this section. Member West referred to the language regarding a May or November election and discussion occurred. Liaison Mays informed the committee that a question raised in a Council work session was: should that provision be changed in the case of sewer and storm when the

city didn't have any control over those costs. Comments were received that if it was important enough to do a special election off year, you are guaranteeing that it will fail. Chair Grant stated the committee would discuss this further at the next meeting. Liaison Mays provided an example of the committee discussing this for 6 months and not making the November ballot. He stated the committee could ask the Council to put something on an election ballot to change the charter, and he was not aware of any charter provisions on when you could change the charter, so that provision could be changed any time in a special election. Chair Grant commented that he believed that we could get something in November to fix this.

Member Joy Kuczer asked if Sherwood Broadband fees applied to this section. Liaison Mays replied they did not apply as people had the option to impose the fee. Attorney Adams addressed and explained Section 48 - Vote Required for Sale of Certain Real Property and requiring a super-majority vote. He explained that a vote of 5 was a super-majority vote no matter how many were in attendance. Member Kuczer commented regarding different clauses that other cities had that could be considered by the committee. Liaison Mays replied there were miscellaneous provisions sometimes based on the area, such as coastal areas. Attorney Adams offered to compile information from other city charters. Liaison Mays referred to the City of Sisters and their charter referencing design standards. He referred to state law and some charters having unique features and provided an example of the City of Corvallis having a nine-member council, plus a mayor, all serving two-year terms and the mayor not having a vote. He stated that some cities have precincts. Discussion occurred regarding how charter provisions were usually driven by issues. Liaison Mays commented regarding annexations, a state ruling and home rule charters.

Attorney Adams explained Home Rule and cities having the rights to set their own rules. He stated it was important for the committee to think about what they have the ability to affect. He stated if there were things that were preempted by the state, he would let the committee know. He stated a lot of this was wide-open and the state had cracked-down a bit on design standards and what's considered middle-housing, but for the most part, home rule was still alive and well. Liaison Mays provided examples of preemptions, referred to property taxes, and the Oregon land use system. Discussion occurred regarding annexations and Attorney Adams referred to HB 1517 and provided an example from the City of Corvallis' charter provision being similar to Sherwood's, and the language of, "unless required by state law". He reminded the committee that state law could change at any time. Liaison Mays suggested looking at the LOC and if they had any new base-language and their home rule standing. Attorney Adams replied this would also be good information to bring back to the committee. Liaison Mays replied he was not a fan of special districts and referred to a situation involving Tualatin Valley Water District and the City of North Plains and Hillsboro. He spoke of charter options to block special districts from entering the city, other than the ones that are already here. Attorney Adams replied he would do some research and bring back information. Vice Chair Shannon asked about provisions requiring Council approval and Attorney Adams and Liaison Mays replied anything required approval. Discussion followed regarding special districts and the work of Clean Water Services was provided as an example.

Member West commented regarding the work of the Police Advisory Board on Police Department policies and having a service where when the legislature changed laws, the service updated policies, the proposed amendments were reviewed by the board, and the board's recommendations were submitted to Council for consideration. He referred to the LOC's knowledge of future legislative actions that the committee could consider. Attorney Adams replied he would look into that.

C. Next Steps & Review Calendar

Chair Grant addressed the committee meeting schedule and reminded the committee to forward any amendment recommendations to Attorney Adams. Chair Grant spoke of the committee's future meetings and schedule to be able to provide recommendations to Council. Deputy City Attorney Michelle Teed spoke of election requirements and specific deadlines and the committee working towards a July completion for the November ballot. She explained elections requirements, procedural steps, and how a ballot title encompassed a caption, a question, and a summary. She explained public noticing requirements and the electors challenge period of the ballot title. She referred to filing deadlines with the County. She stated there were hard deadlines at the State level and recommendations from staff in respect to timing. Chair Grant commented regarding the timeline of the committee's work and providing a recommendation to Council by June. Discussion occurred.

D. Schedule for Future Meetings

Chair Grant asked staff to prepare a doodle poll for April and May and send it to the committee members. City Attorney Adams added that staff would also send out meeting calendar invitations for future meetings. Member Kuczer confirmed that the committee should review information and provide comments back to Attorney Adams. Mr. Adams confirmed and reminded of public meetings laws. Liaison Mays thanked the committee members for their volunteered time.

E. Other Items

None.

8. ADJOURN

Chair Grant adjourned at 7:32 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Dave Grant, Chair

Sylvia Murphy

From: Ryan Adams
Sent: Tuesday, April 16, 2024 11:32 AM
To: Charter Review - 2024
Cc: Keith Mays; Kristen Switzer; Sylvia Murphy; Craig Sheldon
Subject: Charter Review Materials - 4/23
Attachments: Mayoral.Councilor Stipend Comparison.pdf; All City Comparison.pdf; CRC section 47 discussion.pdf

Members,
Please see the attached materials for discussion next Tuesday. Look forward to seeing you all again, in the interim, please reach out to Kristen or me with any questions.

Ryan

Ryan Adams
City Attorney
City of Sherwood

503.625.4235

adamsr@sherwoodoregon.gov

www.sherwoodoregon.gov



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| Council Compensation | | | | | |
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| Sherwood | King City | Newberg | Tualatin | Wilsonville | Tigard |
| <p>Chapter IX 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.</p> | <p>ARTICLE 4 Section 4.07 Compensation for Councilors. A. Elected officers shall receive no compensation for service in an official capacity of the City. Actual and necessary expenses incurred in the performance of their duties of office shall be paid.</p> | <p>Chapter IX Section 37. – Compensation. The council must authorize the compensation of city employees and city officers, including council members, as part of its adoption of the annual city budget. The council shall establish a procedure for implementing the compensation of its members.</p> | <p>Chapter III Section 11. – Salaries. The compensation for the services of each City officer and employee shall be the amount fixed by the Council.</p> | N/A | <p>Chapter III Section 11. Salaries. The compensation for the services of each City Officer and employees shall be the amount fixed by the Council.</p> |

MISCELLANEOUS PROVISIONS COMPARISONS

| Debt | | | | | |
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| Sherwood | King City | Newberg | Tualatin | Wilsonville | Tigard |
| <p>Chapter XI Section 41. - Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness</p> | <p>ARTICLE 10 Section 10.01. Debt. The City's indebtedness may not exceed debt limits imposed by state law. A city officer or employee who creates or officially approves indebtedness in excess of this limitation is jointly and severally liable for the excess. A charter</p> | <p>Chapter XI Section 42. - Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.</p> | <p>Chapter X Section 41. – Debt Limit. Except as authorized by State law, the City shall not issue and sell general obligation bonds unless authorized by consent of a majority of the voters at an election. All City officials and employees who create or officially approve any indebtedness</p> | <p>Chapter X Section 39. DEBT LIMIT. Except by consent of the voters, the city's voluntary floated indebtedness shall not exceed ten percent of the current budget, nor its bonded indebtedness exceed that as may be set by Oregon law. For purposes of calculating the</p> | <p>Chapter X Section 41. – Debt Limit. Except by consent of the voters, the City's voluntary floating indebtedness for general city purposes shall not exceed the limits of state law. All City Officials and employees who create or officially approve any indebtedness in</p> |

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| | amendment is not required to authorize city indebtedness. | | contrary to this provision shall be jointly and severally liable for the excess. | limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess. | excess of this limitation shall be jointly and severally liable for the excess. |
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Ordinance Continuation

| Sherwood | King City | Newberg | Tualatin | Wilsonville | Tigard |
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| Chapter XI Section 44. - Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed. | ARTICLE 10 Section 10.02. Continuation of Ordinances. Insofar as consistent with this charter, all ordinances in force when this Charter takes effect shall remain in effect until amended or repealed. | Chapter XI Section 43. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed. | Chapter X Section 43. – Existing Ordinances Continued. All ordinances of the City consistent with this Charter and in force when it takes effect shall remain in effect until amended or repealed. | Chapter X Section 41. EXISTING ORDINANCES CONTINUED. All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed. | Chapter X Section 43. Existing Ordinances Continued. All ordinances of the City consistent with this Charter and in force when it takes effect shall remain in effect until amended or repealed. |

Time of Effect

| Sherwood | King City | Newberg | Tualatin | Wilsonville | Tigard |
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| Chapter I Section 1. – Title, Effective Date and Review | ARTICLE 10 Section 10.04. Time of Effect of the Charter. This Charter shall take | Chapter XI Section 46. Time of Effect. This charter takes effect January 1, | Chapter X Section 44. – Time of Effect of Charter. This | Chapter X Section 43. TIME OF EFFECT OF CHARTER. This charter shall take | Chapter X Section 44. – Time of Effect of Charter. This |

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| <p>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.</p> | <p>effect upon certification of an affirmative vote of the people of King City.</p> | <p>2007. This charter was amended November 7, 2017 and May 16, 2023.</p> | <p>Charter shall take effect July 1, 1967.</p> | <p>effect January 1, 1987.</p> | <p>Charter shall take effect July 1, 1963.</p> |
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| <p align="center">Willamette River Water</p> | | | | | |
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| <p align="center">Sherwood</p> | <p align="center">King City</p> | <p align="center">Newberg</p> | <p align="center">Tualatin</p> | <p align="center">Wilsonville</p> | <p align="center">Tigard</p> |
| <p>Chapter XI Section 43. - Repealed. Res. No. 2019-087 § 1, adopted December 3, 2019, amended the Charter by repealing former § 43, which pertained to Willamette River drinking water, and derived from Res. 05-008, § 1.</p> | <p>N/A</p> | <p>N/A</p> | <p>Chapter X Section 46. – Willamette Water – Vote Required. The City of Tualatin shall not use Willamette River water as a drinking water source for its citizens unless the following question is submitted to the voters and is approved by the affirmative majority (greater than 50%) of the total number of legal votes cast on such measure and entitled to be counted thereon. The question shall read: "Shall treated Willamette River water be used</p> | <p>Chapter X Section 44. USE OF WILLAMETTE RIVER. The City of Wilsonville shall not use Willamette River water as a drinking water source for its citizens unless the question of so using the Willamette River water as a drinking water source has received the affirmative majority of the total number of legal votes cast on such measure and entitled to be counted thereon.</p> | <p>Chapter XI Section 51. The City of Tigard shall not use the Willamette River as a drinking water source for its citizens unless the question of using the Willamette River as a drinking water source has been approved by not less than fifty percent (50%) of voters voting in a City wide election.</p> |

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| | | | as drinking water by the citizens of Tualatin?" The vote shall take place after the effective date of this amendment. | | |
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Repealing Previously Enacted Provisions

| Sherwood | King City | Newberg | Tualatin | Wilsonville | Tigard |
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| N/A | N/A | Chapter XI Section 44. Repeal. All charter provisions adopted before this charter takes effect are repealed. | Chapter X Section 44. - Repeal of Previously Enacted Provision. All Charter provisions of the City enacted prior to the time that this Charter takes effect are hereby repealed. | Chapter X Section 42. REPEAL OF PREVIOUSLY ENACTED PROVISIONS. All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed except those charter amendments giving authority for the issuance of general obligation bonds which shall remain in full force and effect. | N/A |

Severability

| Sherwood | King City | Newberg | Tualatin | Wilsonville | Tigard |
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| Chapter XI Section 46. – Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not | ARTICLE 10 Section 10.03. Severability. The terms of this Charter are severable. If a part of this charter is held invalid, that invalidity does not | Chapter XI Section 45. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not | N/A | N/A | N/A |

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| affect any other part of the charter. | affect another part of the charter, except as the logical relation between the two parts requires. | affect any other part of the charter. | | | |
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| Public Transit | | | | | |
|----------------|--|---------|--|-------------|--|
| Sherwood | King City | Newberg | Tualatin | Wilsonville | Tigard |
| N/A | <p>ARTICLE 10 Section 10.05.</p> <p>A. The King City City Council may not authorize the use of city resources for the financing, design, construction or operation of any public rail transit system, including, but not limited to, the extension of an existing public rail transit system operating outside the city limits, without first obtaining the approval of city voters at an election on an authorization ordinance. "City Resources" shall include any public funds, staff time, lobbying agreements, property interests or other tangible or intangible city assets,</p> | N/A | <p>Chapter X Section 47. – Voter Approval to Use City Resources for Public Rail Transit System.</p> <p>(a) The Tualatin City Council may not authorize the use of city resources for the financing, design, construction or operation of any public rail transit system, including, but not limited to, the extension of an existing public rail transit system operating outside of the city limits, without first obtaining the approval of city voters at an election on an authorization ordinance. "City resources" shall include any public funds, staff time, lobbying agreements,</p> | N/A | <p>Chapter XI Section 52. The City of Tigard shall not increase a current tax or fee or impose a new local tax or fee for construction costs to build or expand light rail transit line infrastructure without voter authorization. If the City desires to increase or impose a new local tax or fee for construction costs to build or expand light rail transit line infrastructure, it will first call an election and state the amount of new or additional taxes or fees that would be used for construction costs to build or expand light rail transit line infrastructure. The voters of the City of Tigard would</p> |

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| | <p>and the right to direct or permit the use of such resources. This subsection does not apply to the use of city resources to respond to or prevent a public safety concern caused by the operation of a public rail transit system.</p> <p>B. Any authority extended to the King City City Council by an election held under section (A), shall be strictly limited to the parameters of the authorization ordinance. An authorization ordinance submitted to voters under section (A) must provide sufficient public notice of the authority conveyed and shall not be effective unless the following parameters are specified:</p> <ol style="list-style-type: none"> 1. The types of city resources to be authorized; 2. The permissible uses of such resources | | <p>property interests or other tangible or intangible city assets, and the right to direct or permit the use of such resources. This subsection does not apply to the use of city resources to respond to or prevent a public safety concern caused by the operation of a public rail transit system.</p> <p>(b) Any authority extended to the Tualatin City Council by an election held under subsection (a), shall be strictly limited to the parameters of the authorization ordinance. An authorization ordinance submitted to voters under subsection (a) must provide sufficient public notice of the authority conveyed and shall not be effective unless the following parameters are specified:</p> <ol style="list-style-type: none"> (1) the types of city resources to be authorized; | | <p>authorize or decline to authorize the spending of the new or additional taxes or fees. This Charter Section will automatically expire ten years after its effective date. This Charter Section became effective on December 3, 2012 (date determined as specified in Resolution No. 12-33, Section 6; Measure 34-203, November 6, 2012 election).</p> |
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| | <p>3. The estimated cash value of any authorized resources and any associated personnel costs; and, 4. The duration of the authority extended</p> <p>Sufficient public notice for an authorization ordinance under this subsection is provided to city voters if the certified ballot title accurately summarizes the authorized parameters and provides a link to a detailed description hosted on a city website. If sufficient public notice cannot be accomplished in the manner above, the city shall provide such information to voters by mail at least 21 days in advance of the election.</p> | | <p>(2) the permissible uses of such resources; (3) the estimated cash value of any authorized resources and any associated personnel costs; and (4) the duration of the authority extended.</p> <p>Sufficient public notice for an authorization ordinance under this subsection is provided to city voters if the certified ballot title accurately summarizes the authorized parameters and provides a link to a detailed description hosted on a city website. If sufficient public notice cannot be accomplished in the manner above, the city shall provide such information to voters by mail at least 21 days in advance of the election.</p> | | |
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Torts

| Sherwood | King City | Newberg | Tualatin | Wilsonville | Tigard |
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| N/A | N/A | N/A | Chapter X Section 42. – Torts. In no event shall the City be liable in damages for any injury to person, damage to property, or a death for an amount greater than that authorized by applicable State law. The claimant shall provide the City with notice as required by State law. | Chapter X Section 39. TORTS. Except by consent of the voters, the city's voluntary floated indebtedness shall not exceed ten percent of the current budget, nor its bonded indebtedness exceed that as may be set by Oregon law. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess. | N/A |

Public Parks

| Sherwood | King City | Newberg | Tualatin | Wilsonville | Tigard |
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| N/A | N/A | Chapter XI Section 41. Use of Public Parks. Notwithstanding any | CHAPTER XI - Protection of City Owned Parks and Open Spaces | N/A | N/A |

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| | | <p>other provisions of this charter, all areas now or hereafter dedicated to the city for public park purposes are reserved forever to the use of the public; and no such area shall be sold or otherwise disposed of, or used for other than public park and recreation purposes, unless approved by a prior vote of the electorate, except that the council, after a public hearing, may permit a portion of a city park to be used for public improvements as long as such use does not significantly impact the park's viability.</p> | <p>Section 48. - Purpose. The purpose of this Chapter XI of the Charter is to prevent the transfer, sale, vacation or major change in use of city parks without first obtaining an approving vote of the legal voters of this city; to preserve the natural beauty, ecological integrity and recreational value of the city's parks from incompatible and non-park development; to protect the public park uses and purposes for which city parks are established, acquired or dedicated, and to prevent conversion or development of parks or parts thereof to non-park or incompatible uses.</p> <p>Section 49. - Definitions. The following definitions apply to this Chapter XI. (a) The "city" means the City of Tualatin, its city council, city</p> | | |
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| | | | <p>departments and city employees acting within their official capacities.</p> <p>(b) A "major change" is a change in use of a park, or part thereof, from a recreation or preservation use to non-park use unrelated to public recreation or preservation. "Major change" includes the development of roads, bridges, utility facilities, parking lots and buildings in a city park that are unrelated to the park uses for which the park was established, acquired or dedicated.</p> <p>(c) "Parks" are parcels of real property owned by or dedicated to the City of Tualatin for purposes of public recreation, preservation of open space, riparian greenway, natural wildlife or other habitat values, or the preservation of historic or cultural resources. The term "park"</p> | | |
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| | | | <p>encompasses all such properties owned by or dedicated to the city whether held in fee or as an easement.</p> <p>(d) To "vacate" park property, or a portion thereof, means to dispose of land owned by or dedicated to the city through the procedures of ORS chapter 271 or comparable procedures in city code or ordinance. (Charter Amendment adopted at a special election held March 8, 2011).</p> <p>Section 50. - Approval by Voters. The city shall not do, or allow to be done by others, any of the following listed acts with regard to any city park or part thereof without first obtaining approval of the legal voters of the city:</p> <p>(a) To sell, lease or otherwise transfer city park property,</p> <p>(b) To vacate or otherwise change the ownership or legal</p> | | |
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| | | | <p>status of any city park, or part thereof, except that the city may grant easements for underground utilities and uses that do not cause or constitute a major change in use of the park or some part thereof.</p> <p>(c) To cause, undertake or allow any development or construction in a city park that causes a major change in the use of the park or some part thereof.</p> <p>(d) To construct or allow to be constructed or expanded in a city park any street, road, parking lot or permanent above ground structure, including buildings, power lines, motor vehicle or utility bridges and power lines, other than streets, roads, parking lots or structures needed to serve primarily the purposes for which the park was established, including park maintenance and</p> | | |
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| | | | <p>operations. In no event shall below ground structures or buried utilities be allowed in a city park without an approving vote of the legal voters if the below ground structure or buried utility affects or limits above-ground park uses. Any street, road, parking lot or above ground structures existing in a city park on the date of adoption of this Chapter that do not comply with its provisions, are excepted from its requirements, but any subsequent additions or alterations thereto must comply with this Section.</p> <p>This section is not intended to prevent or require an approving vote to allow temporary structures, tents, shelters and the like to be erected in a city park for commercial or non-recreational or preservation uses so</p> | | |
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| | | | <p>long as these temporary structures are erected and used in conjunction with a community based event or park use of the park. Furthermore, this section is not intended to control or override adopted park management and operations that do not otherwise constitute or cause a major change in the use of the park or part thereof. (Charter Amendment adopted at a special election held March 8, 2011).</p> <p>Section 51. - Parks Designated. The following city parks, natural areas and greenways, in their current configuration and size and as may be enlarged subsequently, are city parks as defined herein and are subject to the provisions of this Chapter XI. Parks: - Atfalati Park, 660 SW Sagert Street</p> | | |
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| | | | <ul style="list-style-type: none"> - Brown's Ferry Park, 5855 SW Nyberg Lane - Ibach Park, 10455 SW Ibach Street - Jurgens Park 17255 SW Jurgens Avenue - Lafky Park, 9655 SW Siletz Drive - Little Woodrose Nature Park, 21045 SW 90th Avenue - Saarinen Wayside Park, 20535 SW 86th Avenue - Stoneridge Park, 19489 SW 68th Avenue - Sweek Pond Natural Area Park, 8700 SW Sweek Drive - Tualatin Commons, 8325 SW Nyberg Street - Tualatin Commons Park, 7880 SW Nyberg Street - Tualatin Community Park, 8515 SW Tualatin Road <p>Natural Areas:</p> <ul style="list-style-type: none"> - Johnnie and William Koller Wetland - Victoria Woods Natural Area - Sweek Woods Natural Area | | |
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| | | | <ul style="list-style-type: none"> - Sequoia Ridge Natural Area - Hedges Creek Natural Area <p>Greenways:</p> <ul style="list-style-type: none"> - Chieftain/Dakota Greenway - Hedges Creek Greenway - Hi-West Estates Greenway - Indian Meadows Greenway - Nyberg Creek Greenway - Nyberg Creek (South) Greenway - Saum Creek Greenway - Shaniko Greenway - Tualatin River Greenway <p>Section 52. - Later Acquired and Expanded Parks. Existing parks may be expanded and additional parks may be created, acquired, dedicated or designated by the city for park purposes. Whenever any real property is designated as a city park, it shall be subject to all of the</p> | | |
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| | | | provisions of this chapter XI, except that the city's initial acquisition of a parcel of real estate may include portions of property and improvements that are not appropriate or intended for city park purposes. Nothing in this Chapter shall prevent or require an approving vote to dispose of non-park portions of such a property that is acquired for park purposes, so long as the city disposes of the non-park portion(s) within two years of acquisition or dedication of the larger property. | | |
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| Property Tax Limitation | | | | | |
|--------------------------------|------------------|---|-----------------|--------------------|--|
| Sherwood | King City | Newberg | Tualatin | Wilsonville | Tigard |
| N/A | N/A | Chapter XI Section 47. Property Tax Limitation. The purpose of this Section is to reduce the ad valorem property tax rate authorized to be levied by the City to | N/A | N/A | Chapter XI Section 48. Any urban renewal plan or amendment thereof hereafter proposed or adopted shall require that the plan, including the method of financing same, |

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| | | <p>reflect the amount the City will no longer spend on fire, emergency medical and ambulance services if the City is within the Tualatin Valley Fire and Rescue District (District).</p> <p>(a) Except as provided in subsection (b) the City Council is prohibited from levying more than \$2.50 of the City's permanent ad valorem property tax rate against any property within the District.</p> <p>(b) Commencing with fiscal year 2019/2020, and each year thereafter, the City Council may increase the tax rate limit established under subsection (a) by 3% of the prior year's limit. Council also may levy in excess of the limit specified in subsection (a), as increased under this subsection, if</p> | | | <p>shall be approved by the voters at a regular or special City election in May or November, if such plan or amendment permits the City or the Agency to impose additional property taxes on properties outside the urban renewal area to pay the debts or obligations to be incurred in carrying out the plan. Notwithstanding the foregoing, separate approval at an election is not required for:</p> <p>(1) Expenditures by the City, as distinguished from the urban renewal agency, which have been duly identified and included in a duly adopted City budget; or</p> <p>(2) Issuance of Bancroft bonds (ORS 223.205 to 223.295) in connection with assessments for local improvement districts, if such</p> |
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| | | <p>authorized by a measure approved by the voters.</p> <p>(c) This Section shall apply commencing with the City's 2018/19 fiscal year and continue in effect as long as the City remains within the boundaries of the District.</p> <p>(d) A local option or bond levy approved by the voters will neither be affected by, nor affect, this Section.</p> | | | issuance is otherwise authorized by law. |
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| City Hall Building Construction | | | | | |
|---------------------------------|-----------|---------|----------|--|--------|
| Sherwood | King City | Newberg | Tualatin | Wilsonville | Tigard |
| N/A | N/A | N/A | N/A | <p>Chapter X Section 45. REQUIRES VOTER APPROVAL BEFORE CITY EXPENDS RESOURCES TO CONSTRUCT ANY NEW CITY HALL BUILDING. "The city shall not expend resources on the construction of a new City Hall Building without first obtaining approval of a majority of voters casting</p> | N/A |

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| | | | | <p>ballots during a regularly scheduled City election. A regularly scheduled city election shall be defined as the general election held on the first Tuesday after the first Monday of November in even numbered years or such special election called by the City council for a statutorily scheduled county election date in March, May, September or November. Any ballot proposal seeking such approval must include the total cost of completing the construction project in its title caption. The total cost of construction must be detailed in a proposal summary and shall include principal construction costs, infrastructure costs, the commercially zoned market value of any land acquired or appropriated for the project, the maximum cost of paying interest on any bonded</p> | |
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| | | | | indebtedness attached to the project, and an estimate of any other costs necessary to complete the project. The term 'City Hall Building' includes any significant structure housing one or more chief administrative functions of the city." Spending necessary to determine costs is not restricted. | |
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City Resources for Homeless Encampments

| Sherwood | King City | Newberg | Tualatin | Wilsonville | Tigard |
|----------|-----------|---|----------|-------------|--------|
| N/A | N/A | <p>Chapter XI Section 48. Use of City Resources for Homeless Encampments.</p> <p>(a) City resources may not be used to subsidize the construction or operation of a homeless encampment located within 1500 feet of a Newberg school.</p> <p>(b) City resources may not be used to subsidize the construction or</p> | N/A | N/A | N/A |

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| | | <p>operation of a homeless encampment unless approved by a Voter Authorization Measure subject to the following conditions:</p> <p>(1) The Voter Authorization Measure allowing the use of city resources for a specific homeless encampment must be in the form of a City ballot measure approved by a majority of votes at a primary or general election.</p> <p>(2) The ballot title of the Voter Authorization Measure must identify the location or proposed location of the homeless encampment using the physical address(es) of associated property and list the distance between the encampment and the three closest Newberg schools.</p> | | | |
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| | | <p>(3) The ballot title of a Voter Authorization Measure must identify the maximum total value of the city resources that may be authorized to support a specific homeless encampment. Duration of an encampment's authorization may not exceed the time period proposed under the measure and may not exceed ten years.</p> <p>(c) Definitions. As used in this Section: (1) "City resources" means the specific allocation of monies or property, over which the City exercises discretion, that could be allocated for uses other than homeless encampments, or, any significant allocations of city staff time, equipment and/or supplies with an aggregate value of \$25,000 or more during a single</p> | | | |
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| | | <p>budget year. The limitations on the use of “city resources” within this section do not apply to the use or delivery of any emergency or public safety services, the delivery of other services to any person camping at least 1500 feet from a school, the conduct of routine city operations that impose obligations upon or provide incidental benefits to an existing homeless encampment or to a proposed homeless encampment, or to any costs arising from an election for a Voter Authorization Measure.</p> <p>(2) “Homeless encampment” means any property approved for use as an outdoor living space where tents, yurts, automobiles, recreational vehicles, or any housing structures lacking a foundation or modern indoor plumbing</p> | | | |
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| | | <p>facilities used for transitional housing more than 90 days, or any section of public right of way where camping is allowed for purposes of temporary housing. This definition shall not apply to any properties or structures used to house persons physically displaced by fire, flood, natural disaster, or any other temporary, non-recurring emergency.</p> <p>(3) "Newberg school" means the grounds and buildings regularly and primarily used by any educational institution that offers at least six months of onsite curricula for the advancement of thirty or more K-12 students toward an Oregon diploma operating within Newberg city limits. If a Newberg school commences operations after an election for a Voter</p> | | | |
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| | | <p>Authorization Measure is called, or after such measure is enacted by voters, that school's proximity shall not preempt the election called nor prohibit the use of city resources so approved for a homeless encampment.</p> <p>(d) Any ballot measure submitted for authorization under this section must comply with state law. If information required by this measure cannot be lawfully included within the ballot title of a measure, it shall be included in the explanatory statement for the measure or by written notice mailed to every voter no more than one week prior to mailing of ballots.</p> <p>(e) The district attorney or any city taxpayer may file suit to enforce these</p> | | | |
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| | | <p>provisions against any public official who expends, or authorizes the expense of, moneys in excess of the amounts authorized by voters or for purposes not so authorized. A prevailing claimant may recoup, on behalf of the City, misspent moneys from any public official found to be personally responsible for unauthorized expenditures. Consistent with ORS 30.285, the City shall defend all public officers from any such suit, however, no city resources may be used to indemnify a public official from liability for any expenditure constituting malfeasance in office, or willful or wanton neglect of duty.</p> <p>If any portion of this section is held to be unenforceable as a</p> | | | |
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| | | matter of law by a court of competent jurisdiction, it shall be severed only to the degree necessary to correct the deficiency and shall not alter the remaining provisions. | | | |
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| Amendments | | | | | |
|------------|-----------|---------|---|-------------|--------|
| Sherwood | King City | Newberg | Tualatin | Wilsonville | Tigard |
| N/A | N/A | N/A | <p>Chapter X Section 41a. – Amendments.</p> <p>(a) The City Council of the City of Tualatin, Washington County, Oregon, is hereby authorized, empowered and directed to issue and sell general obligation bonds in the sum or sums not to exceed \$200,000. Said bonds are to be issued for the purpose of providing funds with which to acquire, construct, reconstruct, alter, enlarge, renew, replace, operate and maintain the City water distribution and the City sewage collection system. Said bonds shall bear interest at the rate not</p> | N/A | N/A |

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| | | | <p>to exceed six percent per annum and shall be issued in amounts and on such dates as the City Council may determine; provided, that no bonds issued hereunder shall bear a maturity date exceeding 25 years from the date of issuance.</p> <p>(b) The debt limitations as contained in the Charter of the City of Tualatin shall not apply to the bonds hereby authorized, nor shall any other provisions and limitations in said Charter apply.</p> <p>(c) The City Council of the City of Tualatin, Oregon, is hereby authorized, empowered and directed to issue and sell general obligation bonds in the sum or sums not to exceed \$300,000 and to levy and ad valorem property tax to retire said bonded indebtedness. Said bonds are to be</p> | | |
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| | | | <p>issued for the purpose of providing funds to acquire and construct a City water reservoir system. Said bonds shall bear interest not to exceed a net effective rate of seven percent per annum and shall be issued in amounts and on such dates as the City Council may determine; provided, that no bonds issued hereunder shall bear a maturity date exceeding 25 years from the date of issuance.</p> <p>(d) The debt limitations as contained in the Chart of the City of Tualatin shall not apply to the bonds hereby authorized, nor shall any other provisions and limitations in said Charter apply.</p> <p>(e) The authority of the City Council to issue and sell general obligation bonds under Subsection (c) above is subject to the City entering into a grant agreement with</p> | | |
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| | | | <p>the United States Department of Housing and Urban Development for the receipt of a sum not less than \$300,000 from said Department of Housing and Urban Development.</p> <p>(f) The City Council is hereby authorized, empowered and directed to purchase real estate by land sale contract to be used for park purposes and in connection with the City Community Center and incur indebtedness therefore in an amount not to exceed \$47,500 in addition to interest thereon. The real property shall be paid for out of government and private matching funds and shall not be paid for by local property taxation.</p> <p>(g) The City Council is hereby authorized and empowered by ordinance to impose and levy a tax not exceeding five percent on gross amounts of</p> | | |
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| | | | <p>money, credit or other things of value paid to or received for lodging by the owner or operator of any hotel, motel, apartment or lodging house, mobile home or trailer park or court, or any other place in the City where space designed or intended for lodging occupancy is rented by any person or persons for any period less than monthly. This tax shall not apply to hospitals, convalescent or nursing homes or public institutions, or permanent occupancy as defined by ordinance. The tax imposed shall be collected by the owner or operator of the rental space, in addition to the rental charge at the time of payment of rent. City revenues from such taxes shall be credited to the general fund of the City and used for general City purposes, as the Council may find appropriate.</p> | | |
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2024 Charter Review Committee City Charter Comparison Chart

Stipend/Reimbursement Comparison

| City | Population | Stipend or Reimbursement | Stipend Amount Mayor | Stipend Amount Council President | Stipend Amount Council | Stipend issued | Notes |
|---------------|------------|--------------------------|----------------------|----------------------------------|------------------------|----------------|---|
| Central Point | 19,702 | Stipend | \$250.00 | \$150.00 | \$150.00 | Monthly | Paid monthly, with limited taxes taken out. Also reimbursed for expenses incurred while on official City business, including lodging. City issues tablet of choice and city email address. |
| Forest Grove | 26,225 | Stipend | \$300.00 | | \$200.00 | monthly | \$800 for electronic device, plus \$20 per month; medical, vision and dental benefits (paid at 95%) and cost-of-living increase on July 1. Reimbursed for travel/training when expenses incurred. |
| Happy Valley | 22,553 | None | N/A | N/A | N/A | N/A | Reimbursed for travel/training when expenses incurred. |
| Junction City | 22,616 | None | N/A | N/A | N/A | N/A | City issues laptop/tablet and city email address if requested. |
| Keizer | 38,495 | None | N/A | N/A | N/A | N/A | Reimbursed for travel/training when expenses incurred. |
| Lake Oswego | 39,500 | Stipend | \$447.74 | N/A | \$198.95 | Monthly | Stipend increases annually on July 1 based on the CPI. |
| McMinnville | 35,159 | None | N/A | N/A | N/A | N/A | Reimbursed for travel/training when expenses incurred. |
| Milwaukie | 21,009 | Stipend | \$369.00 | N/A | \$307.00 | Monthly | Stipend is based on the CPI |
| Milwaukie | | Stipend | \$310.00 | N/A | \$260.00 | Monthly | Stipend is based on the CPI. Council receives Visa card for budgeted education/training (\$3,000 annually for council and \$5,000 annually for mayor). City issues laptop/tablet. |
| Newberg | 25,529 | Stipend | \$300.00 | N/A | \$200.00 | Monthly | Reimbursed for travel/training when expenses incurred. |
| Redmond | 36,000 | Stipend | \$300.00 | \$200.00 | \$200.00 | Monthly | |
| Roseburg | 23,701 | None | N/A | N/A | N/A | N/A | |
| Sherwood | 19,500 | None | N/A | N/A | N/A | N/A | Reimbursed for travel/training when expenses incurred. |
| Troutdale | 16,433 | Reimbursement | \$500.00 | N/A | \$50.00 | Monthly | City pays for all LOC conference expenses and any other expenses IF approved by Council. Plus MS Surface Pro for packets/city business |
| West Linn | 26,583 | Stipend | \$756.00 | N/A | \$473.00 | Quarterly | I divided their current number by 3 to get to a monthly number. |

CHARTER REVIEW COMMITTEE



Ryan Adams, City Attorney; Kristen Switzer, Assistant City Manager

23 APRIL 2024

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 of an even numbered year or November of any year.

Issue:

- The sewer fund is limited by section 47 of the charter
- Cannot afford to save for sewer replacement
- Inflation outpaces fees.
- Expenses outweigh ability to increase services to public
 - Water
 - Sewer
 - Streets
 - Storm

OPTIONS FOR DISCUSSION

- Remove “Sewer and Storm” from Section 47
- Tie increase to each utility’s financial plan
- Tie any increase to CPI or ENR
- Raise from 2% to 4%
- Repeal Section 47

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

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CHARTER REVIEW COMMITTEE



Ryan Adams, City Attorney; Kristen Switzer, Assistant City Manager

23 APRIL 2024