



**City of Ontario**  
**City Charter Review Ad Hoc Committee**  
**Agenda**  
**May 27, 2021**  
**City Hall 6:00 pm**  
**[ZOOM](#)**

**1. Call to Order**

**2. Roll Call:** Ken Hart \_\_ John Kirby \_\_ Sam Baker \_\_ Jaime Taylor \_\_ Robert Wheatley \_\_  
Susann Mills \_\_ Michael Miller \_\_

**3. Others:** City Manager \_\_ Assistant City Manager \_\_ City Recorder \_\_ City Attorney \_\_\_\_

**4. Pledge of Allegiance**

**5. Adoption of Minutes:** May 13, 2021

**6. Public Hearing:**

Committee seeking input from citizens regarding amendments/changes/additions/deletions to the existing City Charter or any proposed changes by the Committee.

**7. Discussion Items:**

Summary of changes recommended by the Charter Review Committee

Items as requested

**8. Adjournment**



## CITY CHARTER REVIEW AD-HOC MEETING MINUTES May 13, 2021

The scheduled meeting of the Ontario City Charter Review Ad-Hoc Committee was called to order by Chairman Ken Hart at 6:00 p.m. on Thursday, May 13, 2021, in the Council Chambers of City Hall. Committee members present were Ken Hart, John Kirby, Sam Baker, and Susann Mills. Jaime Taylor and Michael Miller arrived at 6:03 p.m. Robert Wheatley was excused.

Members of staff present were Adam Brown and Peter Hall.

The meeting was recorded, and copies are available at City Hall.

Ken Hart led everyone in the Pledge of Allegiance.

### **ADOPTION OF MINUTES**

KIRBY moved, BAKER seconded, to adopt the minutes of the April 29, 2021, Charter Review Committee Meeting. Roll call vote: Hart-yes; Kirby-yes; Baker-yes; Miller-out; Mills-yes; Taylor-out; Wheatley-out. Motion carried 4/0/2.

### **OLD BUSINESS**

#### **Clarification of Issue**

Chairman Hart stated there was a question that staff would be researching regarding page 11 of 40. It appeared that the Committee had agreed to change the requirement that the City Manager live in the city to allow that position to reside within the 8C School District. He did not believe that was correct.

Mr. Brown stated he believed that was his error. The City Manager would be a resident within the city limits of Ontario.

Chairman Hart asked that the minutes be reviewed to ensure the correct language was in the document.

### **NEW BUSINESS**

#### **Section 6.4 Oath of Office: City Manager**

Chairman Hart stated this section stated the City Manager would be sworn into office, which was the current structure of the section.

Mr. Brown stated based on research of the other charters, only Eugene, Redmond, Woodburn, and Roseburg included the City Manager. All others were just the elected officers.

*(Chairman Hart asked that someone go open the front door to allow Members Jaime Taylor and Michael Miller to enter.)*

Member Mills liked the way it was currently written, that the City Manager be sworn into office, and it should remain that way.



Consensus to leave as written. The City Manager would be sworn into office.

### **Section 6.5(1)(c): Offices: Vacancies**

Chairman Hart stated this related to removal of a City Councilor or the Mayor. Current language read *"Conviction of a crime pertaining to the office, conviction of a felony, or conviction of a crime involving moral turpitude."* The suggested language by LOC read *"Conviction of a misdemeanor or felony crime"*. Submitted suggested language read *"Conviction of a crime pertaining to the office, conviction of a felony, or conviction of a crime involving moral turpitude, and conviction of a misdemeanor."*

Member Kirby clarified this was the Mayor or the City Manager, but it read *"for each elected officer"*, so all Sections under VI: Municipal Officers and Employees would apply.

Chairman Hart read Section 6.5(1) *"An office becomes vacant upon the incumbent's..."*

Mr. Brown asked if any of them wanted a definition of moral turpitude? Taken from a legal dictionary website, *"Crimes involving moral turpitude have an inherent quality of baseness, vileness, or depravity with respect to a person's duty to another, or to society in general. Examples include rape, forgery, robbery, and solicitation of prostitutes."*

Chairman Hart stated that was already written there. A crime involving moral turpitude, a conviction was already stated in the current charter. The item that was added was *"...and conviction of a misdemeanor"*. But, as Member Baker stated, misdemeanors could go pretty low as far as what classified as one.

Member Baker stated speeding anything over 85 miles an hour was a misdemeanor.

Member Kirby stated it also read conviction of, not an allegation.

Mr. Brown stated that along with what Member Baker said, the conviction of a misdemeanor lowered the standard because it was for something like a speeding ticket, whereas the moral turpitude was a higher type of crime, a criminal conviction.

Chairman Hart stated the suggested addition to the language was only *"and conviction of a misdemeanor"*.

Member Miller suggested they just move on.

### **Section 6.5(1)(i): New Language Added Requiring Continued Residency by Elected Officials**

Chairman Hart stated this related to elected officials. There was not anything currently in the charter that required after an election that an elected official continued to reside within the city limits. The proposed language would read that one of the reasons for removal from office would be *"ceasing to reside in the city"*. That language was also in the LOC model charter. It was not a current requirement written in the current Ontario charter.

KIRBY moved, MILLER seconded, **THAT ON SECTION 6.5(1)(i) THE WORDS "CEASING TO RESIDE IN THE CITY" BE ADDED TO THE DOCUMENT.** No vote.

Member Mills asked for better clarification on what they were voting on.

Chairman Hart stated it currently read that an office becomes vacant upon the incumbent's, then there was a list, so the seat became vacant if they died, they were adjudicated as incompetent, they had a conviction, they resigned, were recalled, or ceased to possess the qualifications for office, but it did not specifically

read that they ceased to reside in the city. This would clarify that. It would read that if an elected official ceased to reside in the city, that seat could be called vacant.

***RETYPE MOTION:***

KIRBY moved, MILLER seconded, **THAT ON SECTION 6.5(1)(i) THE WORDS “CEASING TO RESIDE IN THE CITY” BE ADDED TO THE DOCUMENT.** Roll call vote: Hart-yes; Kirby-yes; Baker-yes; Miller-yes; Mills-yes; Taylor-yes; Wheatley-out. Motion carried 6/0/1.

**Section 6.5(1)(j): New Language Added for Declaring a Seat Vacant**

Chairman Hart stated the new language would read *“When a super majority of the Council believes a Council member to be unfit to continue holding office.”* A super majority would be five out of the seven members of the Council. This was currently not in the charter.

Member Kirby stated if there was someone elected by the people, this meant the seated body could disqualify that person from holding that office. He questioned the legality of that action. There was already the ability for a recall.

Chairman Hart stated staff had researched this issue, and a number of the other cities had it in their charter. The language he had thought appropriate read *“The Council shall have the power by a 2/3 affirmative vote to expel a member of the Council for disorderly conduct in Council, or inattention to duties. No Council member shall be expelled without notice and a hearing by the Council.”* There had to be reasons associated with it, and there had to be a hearing.

Member Miller stated his agreement with adding the 2/3 majority because they didn't want any Councilor to cause issues and problems, or dissention. They were supposed to work for the betterment of the city, and if there was anyone causing issues, they had to deal with it and remove them. If the facts were there and they were not qualified for any reason, they should be removed.

Member Mills stated she liked the change but liked it even better with the clarity on having to have a hearing. There had be more involvement with that, depending on the situation.

Member Miller stated his agreement. There had to be a process. It couldn't just be a hatchet job. Something had to run orderly through the system and conducted properly before making such a decision.

TAYLOR moved, MILLER seconded, **TO ADOPT THE WORDING: THE COUNCIL SHALL HAVE THE POWER BY A 2/3 AFFIRMATIVE VOTE TO EXPEL A MEMBER OF THE COUNCIL FOR DISORDERLY CONDUCT IN COUNCIL, OR INATTENTION TO DUTIES. NO COUNCIL MEMBER SHALL BE EXPELLED WITHOUT NOTICE AND A HEARING BY THE COUNCIL.** No vote.

Member Baker voiced his concern that this might open them up to a legal issue. Who was going to mandate what qualified a removal.

Member Mills asked who would be present at a hearing? Would there be an attorney, or attorneys?

Chairman Hart stated he was winging this issue because the City Attorney was not currently present. He believed it could be added to an Agenda and then a vote. There would have to be a discussion, a hearing, to discuss the facts and give the person the opportunity to respond. He was not sure if there would be legal counsel present. If this were passed at the committee level, it still had to be presented to the Council, and they could get further clarification. Other cities currently had it in their charters, but maybe it had never been acted on.

Member Miller stated someone had probably researched this issue before putting it in their charter. But he agreed that they should receive input from the City Attorney.

Chairman Hart suggested a friendly amendment that Member Taylor made that would adopt the proposed language subject to legal review by the City Attorney before moving to Council for a vote, if it was passed by the committee.

Member Taylor agreed with the amendment.

Member Miller also agreed.

Mr. Hall stated the samples shown were from three different cities: Beaverton, Ashland, and Monmouth.

Chairman Hart stated there were a number of reasons they could claim a seat vacant, as stated earlier, but nothing to where the Council itself could take any action that would remove a Councilor. This section would clarify that action.

Member Kirby asked for consideration that maybe there was a Councilor who got a little out of hand, and hold a hearing, resulting in censuring someone for unacceptable behavior. If they did not comply, then use the super majority to unseat them.

Member Mills stated she liked how Ashland's charter read. Were they adding "*with legal counsel present*"?

Chairman Hart stated no, it was that it would go to the Ontario City Attorney for review before coming to the Council for further action. The committee didn't want to propose adding something to the charter that was not legal. Another option was to insert "*The Council shall have the power by a 2/3 affirmative vote to censure or expel any member of the Council for disorderly conduct...*" That gave censure. They'd have a hearing but might not be ready to go to full expulsion, but after the hearing they could vote to censure. It was a form of rebuke towards a member of the body.

Member Baker just wanted to make sure it was all reviewed by the City Attorney for legality.

KIRBY moved, MILLS seconded, **TO AMEND THE MOTION TO ADD THE WORDS "CENSURE OR"**. Roll call vote: Hart-yes; Kirby-yes; Baker-yes; Miller-yes; Mills-yes; Taylor-yes; Wheatley-out. Motion carried 6/0/1.

Chairman Hart stated with the amendment, the motion would be: *The Council shall have the power by a 2/3 affirmative vote to censure or expel any member of the Council for disorderly conduct in Council, or inattention to duties. No Council member shall be expelled without notice and a hearing by the Council.*

*Retyped motion with amendment:*

TAYLOR moved, MILLER seconded, **TO ADOPT THE WORDING: THE COUNCIL SHALL HAVE THE POWER BY A 2/3 AFFIRMATIVE VOTE TO CENSURE OR EXPEL A MEMBER OF THE COUNCIL FOR DISORDERLY CONDUCT IN COUNCIL, OR INATTENTION TO DUTIES. NO COUNCIL MEMBER SHALL BE EXPELLED WITHOUT NOTICE AND A HEARING BY THE COUNCIL.** Roll call vote: Hart-yes; Kirby-yes; Baker-yes; Miller-yes; Mills-yes; Taylor-yes; Wheatley-out. Motion carried 6/0/1.

### **Section 10.7: New Language Added for Sales Tax**

Chairman Hart asked for the results of staff research.

Mr. Brown stated 58 of 65 cities made no mention of taxes in their charter. Bend and Umatilla specifically restricted all sales tax measures to ballot; three cities restricted taxation for certain services such as light



rail, groceries, and transit. One city had a cap of 2%. The example was from Bend, which read in part *"Direct sales taxes imposed by the city shall not become effective unless approved by the majority of the votes cast at a citywide election."*

Chairman Hart stated he had proposed the language. The additional verbiage he added was that it would occur in a US Congressional election year, so it could not happen during an off year. The reason for that was to ensure it was not the only thing on the ballot done in May when there was generally a low voter turnout.

Member Kirby stated the words *"any proposal"*, in making the assumption that it started with the City Council, there could also be an Initiative filed. Could an Initiative petition be governed by the same type of law?

Member Mills stated when the city had the 1% sales tax passed, it was passed by the City Council only., but a petition was filed to retract that.

Chairman Hart stated the request was to put the action on the ballot.

Mr. Brown stated yes. The petitioners obtained enough signatures to put it on the ballot. The proposed language for the charter would require such action go to a vote of the citizens and not allow the Council to approve it themselves.

Member Kirby asked if that meant that Council action would make it automatically refer to a vote of the people on a Congressional year. If it were an Initiative, it would go on the ballot according to when the petition was filed with the county.

Chairman Hart verified a group could gather enough signatures to put an Initiative on the ballot for a vote of the citizens. That could be done in an off year. His proposal was only related to Council action. If the Council wanted to impose a sales tax, it could only be on a Congressional election year.

Member Miller asked for clarification- if the Council wanted to implement a sales tax, it still had to go before the voters of Ontario, correct?

Chairman Hart stated not currently.

Member Miller confirmed that currently, the City Council could implement a sales tax?

Chairman Hart stated yes, and they had done that, but a group formed...

Member Miller stated it was stopped because of the petition?

Chairman Hart stated yes. It was then sent to the voters, where it failed

Member Miller stated he did not believe a sales tax should be imposed by six or seven people, or the Mayor. It had to go to the voters of Ontario and let them decide. No Mayor or Council should have the right to make that decision.

Chairman Hart stated that was the spirit of the proposal before them currently.

TAYLOR moved **TO ADOPT THE LANGUAGE CHAIRMAN HART PROPOSED.**

Chairman Hart asked staff to wordsmith the proposed language to accomplish what they were trying to do.



Member Miller asked if they were speaking about Section 40, Sales Tax?

Member Kirby stated no, it was the written proposal on page 40 of 40, under Sections 10.7 and 10.8.

Member Taylor stated her motion was to use Chairman Hart's wording, not the wording on the Bend sample. If they wanted to try and blend that together, fine, but she liked what had been proposed by Chairman Hart and how it pertained to the city.

TAYLOR moved, MILLER seconded, **THAT ANY PROPOSAL TO IMPLEMENT OR INCREASE A CITY SALES TAX SHALL BE REFERRED TO THE VOTERS BY THE ONTARIO CITY COUNCIL AND THAT REFERRAL TO THE VOTERS SHALL OCCUR IN NOVEMBER OF A US CONGRESSIONAL ELECTION YEAR.** Roll call vote: Hart-yes; Kirby-yes; Baker-yes; Miller-yes; Mills-yes; Taylor-yes; Wheatley-out. Motion carried 6/0/1.

### **Section 10.8: New Language Added for Fees**

Chairman Hart stated this proposal was provided by him. Only one city in the 65 charters surveyed mentioned fees. Sherwood restricted fees to a maximum of 2%. The language he was proposing read *"Any proposal to implement or increase fees or other local taxes (except for a retail sales tax which is governed separately in this charter) must be affirmed by a 2/3 vote of the entire Council and shall not go into effect until the following year after the next election of Councilors."* This added a 2/3 requirement in addition it could not go into effect...if they did it now, it could not go into effect until 2023, which would be after those that voted on it stood for reelection.

Mr. Brown stated the city currently had in excess of 100 different fees. Chairman Hart's proposal would be extremely onerous to change, for example, the fee to purchase a cemetery plot. It would have to pass by a super majority approval and then wait for two years for it to be enacted. This took away a lot of authority from the Budget Committee and the City Council. There was currently a fee list that was approved by the Council every year. It ran the challenge of whether the City Councilors were a delegate or a trustee. The trustee part was where the public trusted them to learn more about the issue than the average citizen wanted to learn. Staff conducted analysis on cemetery fees, to determine if it was high or low. That was shared with the Council, but the rest of the public might not be interested, in that one, or any number of the over 100 fees currently set through the Council. His personal recommendation was that they not go to this extent, and allow the Council to set fees.

Chairman Hart stated for clarification, the Council set the fees. Fees did not go to the voters. It set a higher bar of 2/3. The fees did not go into effect, however, until those Councilors stood for reelection. It didn't take anything away from the Council, but it did delay the implementation sometimes over a year. But, as he drafted it, it really said if he thought they should be raising fees, he knew he'd have to go before the voters before those could go into effect. It would cause a lot more planning for staff. He agreed it was onerous.

Mr. Brown stated for those of them that owned a business, if they could only set prices on things that wouldn't take effect for two years, it would be difficult to run a business that way.

Member Kirby stated they were entering into an inflationary period, and every merchant was raising prices, including him. If they didn't, they wouldn't be here in a year. He liked Chairman Hart's intent, but was wondering, especially if this went through the budgetary process, there might be a better way to do this. He didn't care for willy-nilly fee increases, but the city had to have the chance to take care of itself, especially for something that might be out of their control. There might be a vendor supplying them who was raising their prices, which were covered by fees, but if there was no way to respond in a timely manner, they'd be running a deficit operation.



Chairman Hart asked if his primary concern was related to the delay of the implementation or the voting? He proposed a 2/3 vote to enact any increase vs the current simple majority.

Mr. Brown stated another example was the water and sewer rates. There had been an eleven-year period where they were not increased at all, and the city found themselves behind and going into a deficit position. The city had to make a large increase in 2017 to correct the funds. Now, the city used the CPI each year. In that interim five-year period, the city provided a detailed analysis of the needs for over the next ten years to forecast what the rate needed to be that year. The city was trying to get away from doing a carte blanche CPI and it was now focused more on the actual needs of the fund. It could go up or it could go down.

Member Kirby stated that was a great example. One of the major factories that produced liquid chlorine burned down. If someone owned a swimming pool, you better get your chlorine tablets now because they were limited. That could backfire on the city for chlorinated water and prices would be increasing.

Member Mills verified that adding in this language would be just for increasing fees and other taxes beyond a sales tax.

Member Taylor stated she liked how it read, but what held her back was the effective date of the following year after the next election. If they were to strike that...she wasn't sure what wording to use unless they said it would just go immediately in effect after being voted on.

Chairman Hart said that was what it did now. Staff brought an increase in fees to the Council, it was voted on by the Council in a meeting, and if there was a simple majority, it would become effective. If that were stripped, it would be instead of a simple majority vote, it would require a 2/3 vote to increase any other fees or taxes.

Member Kirby stated if they needed an immediate way to respond, if there was an emergency, they could limit the increase to 2% until the next budget cycle. They could see if things responded, and they could have the entire Budget Committee respond, or maybe there would be other ways to fund the increase rather than a fee increase.

Chairman Hart stated he was fine with pulling the time restriction. What he was hearing from staff made sense. It could hurt them to delay it for that period of time. He suggested just a change from a simple majority to a 2/3 vote. It could be a 5% or 10% increase, but it would take a 2/3 vote, not just a simple majority, to increase anything.

Chairman Hart restated the language: *Any proposal to implement or increase fees or other local taxes (except for a retail sales tax which is governed separately in this charter) must be affirmed by a 2/3 vote of the entire City Council. and shall not go into effect until the following year after the next election of Councilors.*

Mr. Brown stated staff began the Master Fee Schedule years ago when he accepted the City Manager position. There had not been one prior to that. The schedule was currently about six pages in length.

Chairman Hart asked how the debate or votes on fees had historically gone? Were they contentious or usually unanimous?

Mr. Brown stated there had not been many no votes over the years.

Member Miller asked how many fee adjustments were reviewed in a typical year? Were there a lot of fee changes?



Mr. Brown stated the major ones were in water, sewer, storm fees, and the utility capitalization fund. The others were sometimes reviewed only at the request of a Councilor. The cemetery was difficult because there were perpetual maintenance fees attached to the purchase of a plot, but the cost for that was never going to cover 50 years of lawn maintenance. There were some that were more difficult, but it was helpful to look at the neighboring communities and comparing private vs public run. The city prided itself on having low building permit fees. Sometimes the city was higher, sometimes lower, but the goal was to be accurate. There was a lot that went into fee setting.

Member Miller stated if staff saw a need for a change in a fee, that would be placed on the docket for the Council to review, discuss, and take action.

Chairman Hart stated that was correct, but this would make it a 2/3 vote vs a simple majority for passage.

Member Miller asked what the benefit of that was.

Chairman Hart stated that made sure there was strong support on the Council. Instead of four to pass an action, it would take five.

Mr. Brown stated the fee schedule was passed annually, by resolution.

Chairman Hart stated he was highlighting that whenever a fee was increased for the taxpayer, they needed to ensure strong support on the Council.

Member Miller asked if staff had any problems with the proposal.

Mr. Brown stated it was a Council decision, so he'd keep his personal preference to himself.

Member Miller stated he did not see where one extra vote would make a lot of difference.

Chairman Hart restated the motion: *Any proposal to implement or increase fees or other local taxes (except for a retail sales tax which is governed separately in this charter) must be affirmed by a 2/3 vote of the entire City Council.*

Member Mills asked if there was any particular reason this proposal was added? She was concerned with how many fees there were and how they could be increased. It might be a good thing, but she did question some of it, as to what it might entail or what it might cost the citizens with regard to the amount of the fees to be added or increased on certain things.

Chairman Hart stated it was one of the first things he submitted to the group. To clarify, that's what staff could currently do. His proposal was that instead of a simple majority vote, there would be a higher bar, requiring a 2/3 vote to increase fees. His concern was that whenever they increased fees on the citizens there needed to be a strong majority.

Member Baker stated the motion as it currently read was without the two-year time limit.

Chairman Hart stated that was correct.

Member Miller asked if staff was having issues with the current fees.

Mr. Brown stated the contention was probably over the Public Safety Fee and Street Maintenance Fee. Or maybe to Chairman Hart it was more overall. One thing he really enjoyed about his job was all the services provided, from water to police to fire to parks. For example, there were fees for renting a park pavilion; there were just so many things being done. Many times, doing a cost analysis from an outside source when

looking at building fees, but then you had to weigh the public good in, and how much of that was public good vs personal benefit to the renter or lessor of the service, or was it particularly beneficial to that person only so they should pay 100%. There was a lot that went into rate setting.

Chairman Hart addressed Councilor Rodriguez who was sitting in the audience. At an earlier meeting which the Mayor attended, he was extended the courtesy of speaking. Did Councilor Rodriguez wish to speak?

Councilor Rodriguez stated the Chairman Hart said that by moving to a 2/3 vote of the Council, it would be potentially raising the bar for Council to increase taxes. As a citizen who didn't personally face many of the fees, what determined that the bar was too low?

Chairman Hart stated he was not a fan of taxes or fees, so he, personally, wanted to ensure that if they were going to increase taxes or fees it was done by more than a simple majority of the Council to do that. Referencing back to the sales tax – he was not a fan of the sales tax when it was passed. It had passed unanimously so in this case it would have still been passed by the Council. The Council believed that it was important to do; however, a majority of the citizens put it on the ballot, and it was defeated. It was important – certain things they did as a Council – he believed, needed to have a higher bar. Anytime they increased fees or taxes it should be a higher bar. There was no right answer.

Councilor Rodriguez stated he was essentially trying to fix something that wasn't broken.

Chairman Hart stated he believed it could be broken if they got to the point where they had excessive fees being passed and it was not a clear majority of the Council. It was just a proposal.

TAYLOR moved, BAKER seconded, **THAT ANY PROPOSAL TO IMPLEMENT OR INCREASE FEES OR OTHER LOCAL TAXES (EXCEPT FOR A RETAIL SALES TAX WHICH IS GOVERNED SEPARATELY IN THIS CHARTER) MUST BE AFFIRMED BY A 2/3 VOTE OF THE ENTIRE CITY COUNCIL.** Roll call vote: Hart-yes; Kirby-yes; Baker-yes; Miller-yes; Mills-yes; Taylor-yes; Wheatley-out. Motion carried 6/0/1.

### **Section 10.9: New Language Added for Charter Review Schedule**

Member Mills stated she had someone ask her that since it was back in 1985 when this charter was reviewed, should there be something in the charter stating it should be updated and/or reviewed every five or ten years?

Mr. Brown stated they could do that. There were examples of that in the other charters reviewed. Most had been done within ten to fifteen years.

MILLS moved, MILLER seconded, **THAT THE COUNCIL APPOINT AN ADHOC COMMITTEE TO REVIEW THE CITY CHARTER EVERY TEN YEARS FROM THE ADOPTION OF THE CURRENT CHARTER.** Roll call vote: Hart-yes; Kirby-yes; Baker-yes; Miller-yes; Mills-yes; Taylor-yes; Wheatley-out. Motion carried 6/0/1.

### **NEXT ACTION**

Chairman Hart reminded the committee that in two weeks it would be the final public hearing on this item. If anything came out of the hearing that raised an issue of concern or needed changing, if the committee could stay after to review and finalize the document, the committee would be done. The recommendations would be forwarded to the Council for review and vote.

Member Baker confirmed it would be May 27, 2021.

Chairman Hart stated that was correct.



Councilor Rodriguez asked what the majority vote was on the Ad Hoc Committee. Was it 2/3?

Chairman Hart stated no, simple majority.

Councilor Rodriguez asked how many City Councilors were on the committee?

Chairman Hart stated it was three out of the seven.

Councilor Rodriguez stated so it was currently one vote away from being a complete Council vote. Was that correct.

Member Kirby stated there was not a quorum of Councilors.

Councilor Rodriguez stated by being only one vote away, they were essentially sending it to themselves.

Chairman Hart stated there would be no more interaction with the audience.

**ADJOURN**

MILLER moved, MILLS seconded, **THAT THE MEETING BE ADJOURNED.** Roll call vote: Hart-yes; Kirby-yes; Baker-yes; Miller-yes; Mills-yes; Taylor-yes; Wheatley-out. Motion carried 6/0/1.

**ACCEPTED:**

**ATTEST:**

\_\_\_\_\_  
Ken Hart, Chairman

\_\_\_\_\_  
Tori Barnett, MMC, City Recorder



## **Summary of Changes Recommended by the City Charter Review Committee**

### **Section 3.8 – Council: President.**

#### Recommendation:

Add the following: “By majority vote, the council can remove the Council President as President and appoint another.

### **Section 4.1 – City Manager: Appointment and Qualifications.**

#### Recommendation:

Changes the voting requirement for council to remove the City Manager from a two-thirds vote to a majority vote.

### **Section 4.2 – City Manager: Vacancy.**

#### Recommendation:

Replaces the current section with the following: “When the manager is temporarily disabled from acting as manager or when the office of the manager 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.

### **Section 5.2 – Municipal Judge: Appointment.**

#### Recommendation:

Replaces the current section with the following: “A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.”

### **New Sub-Section Under Section 5 – City Attorney.**

#### Recommendation:

Currently, there is no section regarding the City Attorney. The following will be added as section 5.5: “The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the city attorney’s office.”

### **Section 6.5 – Offices: Vacancies.**

#### Recommendation 1:

Creates an additional point under 6.5(1) which outlines the circumstances under which an office becomes vacant. The language added states: “Ceasing to reside in the city.”

Recommendation 2:

Additionally, 6.5 would include the process by which a two-thirds majority of the Council could expel a member of Council for disorderly conduct in Council or inattention to duties. This action would require notice and a hearing by the Council.

The detail of this recommendation requires additional research and consultation from the City Attorney.

**New Section – Sales Tax**

Recommendation:

Would add the following language: “Any proposal to implement or increase a city sales tax shall be referred to the voters by the Ontario City Council and that referral to the voters shall occur in November of a U.S. Congressional election year.

**New Section – City Fees**

Recommendation:

Would add the following language: “Any proposal to implement or increase fees or other local taxes (except for a retail sales tax which is governed separately in this Charter must be affirmed by a two-thirds vote of the entire Council.

**New Section – Future Charter Revisions**

Recommendation:

Adds language which requires the Council to have an ad hoc committee review the City Charter every 10 years.