



**AGENDA REPORT
OLD BUSINESS
February 16, 2021**

To: Mayor and City Council
FROM: Adam J. Brown, City Manager
THROUGH: Adam J. Brown, City Manager
SUBJECT: CHARTER AMENDMENTS
DATE: February 8, 2021

PROPOSED MOTION:

I MOVE THE COUNCIL ESTABLISH A CHARTER REVIEW COMMITTEE AND ADVERTISE FOR THE PUBLIC MEMBERS AS RECOMMENDED BY STAFF.

OR

SUBMITTED BY COUNCILOR HART

THE ONTARIO CITY CHARTER HAS NOT BEEN MODIFIED SINCE 1985.

I MOVE THAT THE ONTARIO CITY COUNCIL SHALL ESTABLISH AN AD HOC CITY CHARTER COMMITTEE CONSISTING OF THREE CITY COUNCILORS AND TWO ONTARIO CITIZENS, APPOINTED BY THE MAYOR, TO STUDY POSSIBLE CHANGES IN THE CITY CHARTER INCLUDING A POSSIBLE CHANGE RELATED TO THE IMPOSITION OF A LOCAL SALES TAX AS REQUESTED BY A WRITTEN CITIZEN PETITION PRESENTED TO THE COUNCIL ON JANUARY 19, 2021 BY JACKSON Q. FOX.

THE AD HOC CHARTER COMMITTEE SHALL BEGIN MEETING NO LATER THAN MARCH 15, 2021 AND SHALL REPORT OUT TO THE COUNCIL NO LATER THAN JULY 20, 2021.

THE AD HOC CITY CHARTER COMMITTEE SHALL CONDUCT AT LEAST ONE PUBLIC HEARING TO GATHER FEEDBACK FROM THE VOTERS OF ONTARIO ON THE PROPOSED CHARTER REVISIONS.

IN ADDITION, THE ONTARIO CITY COUNCIL DIRECTS STAFF AND LEGAL COUNSEL TO ASSIST THE AD HOC CITY CHARTER COMMITTEE IN RESEARCHING AND DRAFTING OF POSSIBLE

CHANGES TO THE CHARTER. THE CHARTER REVISIONS, IF APPROVED BY THE ONTARIO CITY COUNCIL, WOULD BE FORWARDED ON FOR A VOTE OF THE CITIZENS OF ONTARIO.

SUMMARY:

A City Charter represents the constitution of a local government. As "creatures of the state" local governments are granted authority to act from the state by incorporating and having a charter. During their strategic planning session, the City Council requested that staff look at a process for a charter review and return their findings for discussion at the February work session.

BACKGROUND:

The City Charter and incorporation are the establishing elements which grants the City its power, authority, and structure. The charter was last revised in 1985, which means it has not changed in the last 36 years. The League of Oregon Cities has a model charter for use by its members who wish to align their charters with best practices throughout the state.

The City Council asked us to look at and propose a procedure for reviewing the charter and if warranted amending it. The Charter can only be amended the way it was established, which is by a vote of the people of the City of Ontario.

CURRENT SITUATION:

The Council asked that we find a method for reviewing the City Charter. After conducting some research on other local governments who have revised their charter recently, staff has a model that we believe would serve Ontario well.

We recommend a charter review committee be established by the Council which would be comprised of two city council members, 7 public appointees, and two ex-officio members namely the City Attorney and City Manager. City staff would provide administrative support to the committee.

We recommend that the committee review the charter section by section comparing the existing charter with the model charter. After review and discussion of each section, the committee could recommend 1) keeping what currently exists, 2) going with the model charter, or 3) coming up with their own language. See the table below as an example.

Section #	Existing Language	Model Charter	Proposed Change
1	Existing	Model	Existing
2	Existing	Model	Model
3	Existing	Model	New

Lastly, the committee would make a recommendation to the city council. The city council would then revise and/or endorse the recommendations of the committee and put the revisions on the ballot. It is reasonable to expect that the City Council would take some time to review the proposals themselves since the council has the authority to put it on the ballot.

ANALYSIS:

- A. **STRATEGIC PLAN** Ideally, the charter should not restrict the City from accomplishing its strategic plan. The charter, as currently written, does not hold us back from achieving the goals of Beatification, Lifestyle, Growth, Education, and Desirability. The strategic plan; however, is not the only consideration for amending the charter.
- B. **FINANCIAL** We can accomplish the review of the charter with the committee without imposing much expense. The largest expense in the review will be for the City's attorney, which should hold an essential advisory support to the committee.

The other expense for amending the charter will be to have a special election. If we need a special election in which there would not already be an election of city voters, then we would be expected to cover the additional costs for an election. If it is planned for a general election, we can avoid special election costs.

This will require a considerable amount of additional staff time on top of what is already a heavy workload shared by few. Staff; however, will do as the council directs. It would not be unreasonable to expect that some things may not get done or may be delayed as a result of this additional workload.

- C. **TIMING** Creating the review committee, going through the process and then coming back to council could take easily at least 6 months. Realistically it just depends on the frequency the committee is willing to commit to the process. It's not unreasonable to expect that the entire process could take the better part of a year to go through each section with the ideal amount of research conducted to prepare for each committee meeting. Then, the Council would take time to deliberate the recommendations of the committee.
- D. **POLICY/LEGAL** Only the voters can approve charter amendments. It is the council's responsibility to approve proposed amendments to be put on the ballot.

ALTERNATIVES:

Take No Action: With no action, the City Charter will remain as is without change.

RECOMMENDATION:

Having worked under the current charter, I can say it has not hindered the city in making visible improvements for its residents. Checks and balances are built into the charter and state law that allow the citizens to hold the city accountable. As City Manager, I am not opposed to reviewing the charter, but I would really like to spend time and resources in helping the city be

more desirable, beautiful, growth oriented, focused on improving lifestyle, and supporting education. I'm not sure reviewing the charter helps us in any of those areas. Nonetheless, I will defer to the direction of the City Council, and staff will support the council in whatever direction they choose to go.

ATTACHMENTS:

1. ModelCharterUpdate03-15-19