

**CITY CHARTER REVIEW AD-HOC MEETING MINUTES****April 1, 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, April 1, 2021, in the Council Chambers of City Hall. Committee members present were Ken Hart, John Kirby, Sam Baker, Susann Mills, Jaime Taylor, Robert Wheatley, and Michael Miller.

Members of staff present were Adam Brown, Peter Hall, Tori Barnett, and Larry Sullivan.

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, MILLER seconded, to adopt the minutes of the March 8, 2021, Charter Review Committee Meeting. Roll call vote: Hart-yes; Kirby-yes; Baker-yes; Miller-yes; Mills-yes; Taylor-yes; Wheatley-yes. Motion carried 7/0/0.

RE-INTRODUCTIONS

Chairman Hart asked the Committee to reintroduce themselves because Mr. Miller was unable to attend the previous inaugural meeting, and also for those citizens who might be watching.

John Kirby stated he was a life-long resident of Ontario, graduating from Ontario High School, Treasure Valley Community College, then Portland State University. He'd been in business in Ontario about 55 years. He was currently a City Councilor and was anxious to see what the Committee could get done for the Charter.

Bob Wheatley was born and raised in Ontario, and returned to this area years ago, going into partnership with Bob Keele at Ontario Pharmacy. He was interested in the doings and the progress of Ontario. He was glad to sit on the Charter Committee.

Mike Miller stated his family moved to Ontario in 1958, where his father had been the manager of Albertson's around 45 years. He had attended TVCC, then on to Oregon. He returned to Ontario an insurance agent in the late 70s and had been writing insurance in Ontario for 40+ years. He was also glad to serve on this Committee.

Susann Mills moved to Ontario in 1977. Her family started their business, Mills Manor Apartments, in 1985, which was still active. She had been a City Councilor from 2006-2010. She, too, was glad to be on this Committee.

Sam Baker was born and raised in Ontario. He graduated from the University of Ontario in 1981. He was happy to be there.

Ken Hart was appointed as Chair of the Charter Review Committee. He was one of the three Councilors appointed by the Mayor to serve on the Committee. He had moved to Ontario 16 years ago. His wife had been born and raised here, and they decided this would be a great place to raise their family. He had a chance to work at TVCC, then Gentry Ford then the hospital, and was now at Valley Family as their CFO.

Jaime Taylor was born and raised in Ontario. She graduated from OHS in 1997, attended TVCC, and transferred to OHSU in Portland where she received her nursing degree. She returned to Ontario and was with the hospital for the past 18 years. She currently was with Heart-n-Home Hospice. She was proud to serve on this Committee.

BACKGROUND

Ken Hart stated when the resolution was passed by the City Council to form this Committee, they committed to at least one public hearing. He believed in the draft outline of the meetings they also included a second public hearing for May. The idea was that they needed to hear from the public as the Committee went through the process of looking at possibly amending the Charter for the City of Ontario. It had been noted that the Charter was last modified in 1985. There was a question asked as to what prompted the Council to look at the Charter, and there were two reasons. First, a former Councillor, Jackson Fox, approach the Council, submitting a petition asking the Council to look at putting the process used in deciding if the city would have a retail sales tax in Ontario, to put that in the Charter. Mr. Fox's request was that it go in the Charter and it would have to go to a vote of the people. In the past, it passed the Council, then there was a petition, and then it was ultimately voted down by the voters of Ontario. Secondly, he asked staff to do some analysis for him related to how Councillors were elected in Ontario. The process he reviewed showed that in the past 10 years where Councillors and Mayors had come from, there were pockets in the community that hadn't had representation on the Council. He thought that would be an interesting discussion as a Committee to determine if that were something that might have legs. Those were two of the ideas that he believed had merit, leading to the creation of the Charter Committee. It was presented in resolution form to the Council, and it was adopted.

Member Kirby stated he had some things he wanted to say that might give them a course to follow, but he wanted to hear from the public first.

PUBLIC HEARING

COMMITTEE SEEKING INPUT FROM CITIZENS REGARDING AMENDMENTS, CHANGES, ADDITIONS, OR DELETIONS TO THE EXISTING CITY CHARTER

Chairman Hart stated this public hearing, along with the public hearing in May, would be for the Committee to receive input from the public.

Eddie Theil stated she was there representing the Citizens Coalition of Ontario and Community. She was there to collect information, see where the Committee was going and what they were thinking, and then take that to her Coalition. One concern was the tax issue, which had been addressed. Another one was the concern of the duties of the Mayor and the City Manager, and what the Committee was going to do with that. For the ordinances, she read the Charter, but it had been a while, so she was there to hear where the Committee was going with it and she'd take that information back to her group. They'd see from there. They announced on their Facebook page that this was being done, and she was requesting that it be posted to their site so people could see it. If they weren't on the Coalition page, they should get on it because that was the community and they were the ones talking, and it wasn't always heard, but they were the ones who voted. Please keep that in mind.

Member Taylor stated she received comments from Jim Echanis, a community member. Mr. Hart had answered the first few questions about why the review now, and who had requested the review, and what were some of the Councillor's opinions of things that needed to be updated. The last portion related to Section 6.4, Oath of Office. Mr. Echanis believed that should remain as is. The City Manager needed to swear to an oath. Section 6.5(1)(c), leave Moral Turpitude in the language.

Adam Brown stated staff had reviewed what other communities had done and the process they had gone through. It was pretty standard to work through what a city currently had, comparing it to what the League of Oregon Cities model charter was. The matrix in the Committee's binder was the current city charter and the LOC model side-by-side. It was common for charters to look alike. After comparing the two, the Committee would make recommendations to the City Council, and the Council would place the action on the ballot. There would be a number of ways to place it on the ballot which should be worked out with the City Attorney. It could be an all or nothing question, or it could be individual questions. All or nothing would approve or deny all the recommendations proposed by the Charter Committee and the City Council or set apart issue by issue. That meant if someone supported some but not all of the proposed changes, they could vote on the issues accordingly. That should be considered as the Committee deliberated through the process. He was asking for Committee input to staff, if they wanted alternative language prepared, or to provide research on something.

Chairman Hart stated he wanted to hear from the public, and he thanked those in attendance for expressing their views. The next meeting, April 15th, would be a regular working session. He had already sent submissions to staff. He wanted the Committee to get their ideas to staff.



Member Kirby stated the areas he wanted to address were regarding the sales tax, then a quorum and voting. Being in such an electronic age, it was not mentioned in the Charter, and it might be covered in Oregon Rules, but he would prefer it be addressed in the Charter. Was there a quorum or not if there were two members in house and four on electronic media? At some point, that might be challenged. He wanted their legislative body to mention that attending electronically was or was not acceptable for maintaining a quorum. Next, as the Council had given some consideration to the quasi-judicial authority they were vested with, and they had an administrative law judge, they had talked about having a local court again, but the question was if they had members of the City Council, the Mayor, or administration, who had been ticketed, such as the Mayor had been, he wanted to see that kicked up to the next legal authority and get it out of the city's domain. It would either go to the Justice of the Peace or to the Circuit Court immediately. That would eliminate questions of authority and any rulings. Next, regarding Section 6.5 or 7.8, depending on which Charter was being read, on issues brought forward by Councilor Rodriguez, he wanted to see, because currently the Council had no authority to do anything, but that could help define authority. In his business, he received comments on that all the time. Since there was none, maybe they needed to create some, or maybe not. Regardless, it needed to be discussed.

Member Wheatley stated his main objective was to get an idea of what areas they were most concerned about reviewing. He assumed most of the Charter was in compliance, and had been well worked out in the past, but he was interested to know if there were specific areas that had conflicts or changes that had occurred that would require them to discuss and review possible changes. He didn't want to spend all their time looking at all the small things in the wording, but he did want to know what specific areas they should be zoning in on so at the next meeting they could get to the meat of some things. Another issue was based on the idea submitted by Chairman Hart regarding the districting idea; did he want to discuss that now or wait until another time?

Chairman Hart stated it was at the discretion of the Committee. It definitely needed some thought and some time for consideration.

Member Wheatley asked if everyone was familiar with Chairman Hart's email about districting.

Chairman Hart stated other cities had done this, and he believed in Idaho the Idaho legislature passed a law requiring the City of Boise and the City of Nampa, or cities over a certain population, to elect Councilors by district as a way to ensure broad representation from the community. Ontario was no where near that size, and a concern he'd heard was Ontario was only 12-13,000, so how would they even do districts. However, when he got this idea initially, when they received the election results from 2020, Ontario had districts. They were not all equal in size, but there were different districts. In reviewing that, it was telling that different Councilors who won, won different districts. It wasn't the same percentage for each one. Different candidates might have a different appeal depending on the location in Ontario. The study that staff had done did not say that people from those districts didn't run, but who actually won and was actually seated over the past ten years. Every two years, the citizen voted for three Councilors, and two of those seats would be for one of the four districts, and the third at large. The Mayor position would be at large. That would ensure there was representation from all parts of the community.

Member Wheatley stated he was not opposed to the idea if the majority believed that was something that needed to be addressed, but he wondered if they, as a city, were to that point where they needed to look at districting. His fear was that if they went to something like that, instead of having each Councilor, essentially a member at large representing the whole city, if it was broken down into districts, then maybe there might be political infighting and representing such and such, and to get reelected, they better pay attention to the needs of a set group even if it didn't meet the needs of the city. There was concern with that. There might be a couple ways to address it. Maybe when reviewing the Charter, instead of waiting 30 years to redo it again, there was a section added that read the Charter needed to be reviewed every five or seven years, whenever. As the population grew and the need arose, it would be timelier to address it. Another issue was that at this point, would it make sense for the City Council to have a city-wide committee of interested citizens and they could almost look at that like a districting thing and have one or two people from different areas of the city who would be fact finders, get opinions of the people of those they lived around, and to funnel that information to the Council.

Member Miller stated he agreed with Member Wheatley. The City Manager had stated the Charters were fairly standard, and they needed to get target points on certain items in the Charter they needed to discuss. He had read through it, and they needed to determine the areas that needed improvements, or adjustments, or let alone, and then go from there. Regarding districting, he didn't think the city was large enough for that type of issue. But, also, if someone didn't run for the district, then what? They needed to determine the most and least important, and what was standard across the state.



Member Mills stated that Chairman Hart stated that Jack Fox brought this petition before the Council and that was how this Charter Committee was developed, so she was surprised that Mr. Fox was not at the meeting to talk to the Committee to explain his concerns. She wanted to be more educated on that, other than to just update the Charter. She would like to invite Mr. Fox to attend a meeting. Regarding the districting, she had done some reading on that and while Ontario was small, it was growing fast, so it needed to have more research done. It seemed like everyone had the right to submit their name to run for Council, meeting the qualifications, but putting in certain districts needing a person to represent them might be difficult in trying to get someone who truly wanted to put forth the time. It really took considerable time and effort to do a good job on the Council. She wanted to study that more before commenting on how she felt about that. She read through the Charter and made some notes but wanted more time to check on things.

Member Baker stated he somewhat agreed with the districting, and saw where it was headed, but he would want to review the demographics on it before he could get 100% behind it. As others had mentioned, Ontario was 13,000 people, and it might not do what they wanted it to do. If they were at 24-30,000, even 40,000, that was a wonderful idea. But he was not against it, either. Ontario was in a unique position, sitting on the border with Idaho. Not being sure how far outside the box they could go, but regarding the suggestions from LOC, but there were things Ontario might need to do that definitely pertained to this area.

Member Taylor stated after reviewing the Charter, and comparing it to other Charters, there were some sections within the LOC model that should be added. Specifically, 6.5-7.8, which had been discussed, she believed that a lot of the Council's time was taken up with things that were not necessarily Council items, and they could focus more on the city's items if they could get more specific within the Charter. She had not given much thought yet to the districting options but would review that. That was something that in future they would lean towards, especially if they mirrored other cities around Ontario.

Riley Hill stated there was one thing the city needed to look at. In the Charter, it read that that a person had to be a citizen of Ontario for a certain period of time to run for election, but it did not say after a person was elected, that they had live in the city.

Member Kirby stated it was Section 6.5.

Mr. Hill stated that needed to be reviewed. To answer Member Baker's questions, he had read 8 or 9 City Charters that were from 11,000 to around 17,000 to get an idea of what they had done. Most had been updated, although one had not been since 1984 or '85. Most had been updated from 2010, maybe 2014. When Member Baker made the "outside the box" comment, it was obvious when some Councilor got irritated with what was going on, so they went outside the box and specifically called for certain things. For example, out of the blue, in one Charter, it read that they would only have so many police per 1,000 people. He was not advocating that, but was giving an outside the box example, and there were a lot of things outside the box if they studied those Charters.

Member Mills stated she had notes about reviewing people serving on Committees or serving the people here, about being a resident. That was a very important point. She hoped for more discussion on that.

Chairman Hart stated for any ideas, please submit them to staff so staff could populate the chart. If the members had the side-by-side, there was the current Charter, the LOC model, then recommendations. He would like them to populate the right-hand side with ideas and ultimately go through them all, debate them all, and then vote on each item. Ultimately, if the group proposed any changes to the Charter, it would go before the Council for debate and action. If the Council decided to move forward, it would go before the voters of Ontario to be voted upon. It was a long process, but the Committee's duty was to debate those items, so anything put before the Council it was hoped they would accept and present to the voters. Part of the Committees purview as to vet those. He was a political science guy, so his idea about districting stemmed from there, to at least debate it, to see if it were something they could try. However, just because it was an idea didn't mean it was ready to be acted on or that voters were ready for it. Another item he had thought about related to residency, which came up to reappointment on committee assignments. The Council had not reappointed someone because they were not living in Ontario. Staff said if that was something the Council was going to do going forward, they might want to pass a resolution. There were resolutions that could be passed that were binding as long as the next Council didn't want to change it. What went in the Charter, however, was more like the Constitution. It was there and it couldn't be changed until it was before the voters. There were some things that should be at the Council level, and others that should be at the citizen, or Constitution, level. Councils before him had debated on issues related to the Police Department in their contract of having their contract of having a residency



requirement for the Police Union and very specific language. The language, he believed, in that contract was the 8C School District.

Mr. Brown stated yes, it was the 8C School District for all employees except Department Heads. They had to live in the city limits.

Chairman Hart stated that might be something they had a residency requirement for; they did have one for the City Manager. Something to consider was did they apply that to their department heads throughout the organization. How important was it for them?

Mr. Brown stated he thought the Fire Chief and Police Chief were in the Charter to be residents.

Chairman Hart asked if it was by Charter or by ordinance?

Mr. Brown stated he thought it was by Charter. If he was wrong, they'd find that out!

Chairman Hart stated asking that the city's leadership live within the community as something he had been thinking about. The reason that Mr. Sullivan was in with this group was because he was the City Attorney, and he would let them know if what they were doing was legal or violated any laws.

Member Kirby asked if they could, so they'd have some guidance, go through page 16 or page 17, to be ready to handle all the issues discussed that night in those first pages as their mandate for the next meeting. Then take from page 17 on....

Chairman Hart verified that 16 pages out of the 27, the side-by-side?

Member Kirby stated yes. They might flounder unless they gave themselves some firm guidance to go on. They had already brought up several items that night that he hoped Tori could maybe consolidate those so they had those before them for discussion if they were within the first 15 or 17 pages those could be highlighted at the next meeting and the meeting after that take the balance of the remaining Charter.

Chairman Hart asked if the document was public already? Was it something that could be put out somewhere on social media?

Peter Hall stated there was a webpage already established that had the Charter, the LOC model charter, and he'd verify the side-by-side was also out there. It would also have all the agendas, minutes, and packets for the meetings.

Mr. Brown stated staff, like the Committee, wanted to have as much information out there as possible so people could participate at whatever level they deemed appropriate.

Chairman Hart stated he feared that if they got past page 16 and then another member ran into someone who brought up something from page 2, he wasn't going to restrict anybody from bringing that forward in trying to set a cadence for them so they could get it done.

Member Kirby agreed, but he thought they needed to have something that they could move forward on or they'd never get it done. They should task themselves to work the first 15 pages or something along those lines.

Chairman Hart stated he would ask all of them that as soon as they had anything, please get it to staff, and be respectful of their time, so they had the chance to research it if necessary, and then get it loaded into the document for them. Then, his intent was to open it up and start on page 1 and move through the document. They were doing this on a quicker timeline than other cities, but if they were going to do it, he wanted to get it done.

Member Kirby stated he would also ask if Mr. Sullivan had a chance to review the document, but if Larry saw legal issues that the Committee should be aware of in moving forward, please note those.

Mr. Sullivan agreed to do that. Personally, he was looking at simplification in the Charter. He believed Tori would be very happy if they simplified the ordinance adoption language, which was currently very convoluted. That was something that tripped up staff regularly. The language in the model charter dealing with adoption of ordinances was much cleaner than what was in the city's current Charter.

Chairman Hart asked that any staff recommendations be brought to the next meeting. He would appreciate that.

ADJOURN

MILLS moved, BAKER seconded, **THAT THE MEETING BE ADJOURNED.** Roll call vote: Hart-yes; Kirby-yes; Baker-yes; Miller-yes; Mills-yes; Taylor-yes; Wheatley-yes. Motion carried 7/0/0.

ACCEPTED:

ATTEST:

Ken Hart, Chairman

Tori Barnett, MMC, City Recorder

