



City of Ontario
City Charter Review Ad Hoc Committee
Agenda
April 29, 2021
City Hall 6:00 pm
ZOOM

- 1. Call to Order**
- 2. Roll Call:** Ken Hart ____ John Kirby ____ Sam Baker ____ Jaime Taylor ____ Susann Mills ____
Robert Wheatley ____ Michael Miller ____
- 3. Others:** City Manager ____ Assistant City Manager ____ City Recorder ____ City Attorney ____
- 4. Pledge of Allegiance**
- 5. Adoption of Minutes:** April 15, 2021
- 6. Old Business:**
 - A. 3.8 Council President: Appointment and Removal
 - B. 4.2 City Manager Vacancy
 - C. 5.2 Municipal Judge
- 7. New Business:**
 - A. Proposed New Section 5.5 City Attorney
 - B. Proposed New Section 5.6 Police Chief
 - C. Further Matrix Review Beginning at Section 6: Municipal Officer & Employees
- 8. Adjournment**

**CITY CHARTER REVIEW AD-HOC MEETING MINUTES
April 15, 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 15, 2021, in the Council Chambers of City Hall. Committee members present were Ken Hart, John Kirby, Sam Baker, Susann Mills, Jaime Taylor, and Robert Wheatley. Michael Miller arrived at 6:22 p.m.

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, MILLS seconded, to adopt the minutes of the April 1, 2021, Charter Review Committee Meeting. Roll call vote: Hart-yes; Kirby-yes; Baker-yes; Miller-out; Mills-yes; Taylor-offline; Wheatley-yes. Motion carried 5/0/2.

CHARTER REVIEW

Chairman Hart stated he had asked Jackson Fox to appear to discuss the proposal he made to the Council regarding the sales tax.

Jackson Fox, Ontario, stated: *I have no prepared comments, thanks. My whole issue was with the 1% sales tax, and I went to the Council and asked them to look at the City Charter and I would like to see it to where any sales tax that is proposed for the City of Ontario should go in front of the voters. And the reason was seven people on the former Council did that, just seven people. I'm really happy to see now a committee that this current Council is reaching out to the community because it was really a hard thing. We had to gather money, form a non-profit PAC, and gather enough signatures in order to get it in front of the voters and it did get in front of the voters and everyone knows, it got voted down as soon as the people got their voice heard. I even had to sue the City of Ontario. That's not enjoyable at all. It's the second time I've had to do that, and I don't like doing it. But I won each time. So, anyway, like I say, I'm really happy that this Council is reaching out to the community, formed a committee of community members, and is asking for input.*

Member Mills stated she agreed that it should go out for a vote, and she was hearing that from a lot of people in the community. Any type of sales tax, if ever brought back on the agenda to be voted on, that it definitely go to the city for a vote, not just the Council.

DISCUSSION ITEM**Charter Matrix Review**

Chairman Hart expressed his appreciation for the hard work that had gone into pulling the information together for their side-by-side. He noted there were some additional hand-outs with notes on them and asked if they were already incorporated into the matrix or were they additional items.

Adam Brown, City Manager, stated staff had received comments through that day, so everything should be included in the new set of sheets except for the last hand-out, with the highlighted portion. The two-page document he had tried to incorporate into the matrix, but there were some questions and commentary included, so it was easier to print that out for them to read as opposed to putting it on the matrix. On the matrix, where committee members wanted to discuss a section, he had highlighted those rows in yellow.



Chairman Hart suggested they all just begin reviewing it line by line and stop at the areas that there were suggestions made for a particular section.

3.1 through 3.3: Council Membership, Council Election, Mayor Election

Chairman Hart stated this section discussed districts in the city versus being elected at large.

Mr. Brown presented some information for the different routes to go with elections. There was "at large", but there were two variations of that. For the city currently, the top votes for the number of seats open were declared the winner. The other "at large" forum was where the seats were numbered, so a particular person or a seat would be challenged. Voting by wards, districts, or however it was established, there were single seat wards or multi seat wards. For those, by ward, the seat was only elected by members in that ward. There were also at large elected by wards. For example, running for a seat in the third ward, but would still be voted on by the entire city.

Chairman Hart stated this was his proposal. He had heard two views in the community: one, this might be a way for the city to get more regional diversity on the Council. In the past there were areas in the community that had not had representation on the Council for at least the past ten years. Secondly, however, he had heard concerns about the size of this community, being small, and districts would be fairly small. Ontario might not be the right size yet to implement something like this.

Member Kirby stated he had heard from three people on this subject, and they all felt Ontario hadn't grown into that position yet. As the city population increased, it might be an idea to consider, but not yet. All were against the suggestion.

Member Mills asked how the candidates were selected now? And what if no one was qualified or stepped up from a particular district, then what?

Chairman Hart stated that in looking at past elections, different members who won from the most recent election, were from different zones in the city. Clearly, not everyone voted the same. The concept he had was that in the next cycle, there would be different zones, so zone one and zone three would be electing a Councilor, with one voted on at large. A person would have to pick if they were running in a zone or at large. For example, he and Councilor Braden would have had an issue because they lived near each other. They'd either run against each other, or one or both could run at large. The first few elections could cause issues because there would be incumbents that could be in one area. But, a few years later, different zones would be voting for their member with one at large. The Mayor would remain at large. Given Ontario's population of voters, around 5-6,000, there would only be 1,500 in a district, and there would have to be someone from that district. If no one ran from a specific area, the Council would have to appoint someone, but it would have to be an appointment from that area. It could get complicated fairly fast. Historically, the city could get candidates running from all areas of the community, but they were not winning the position.

Mr. Brown stated Member Taylor was having difficulty hearing the meeting, so she was writing comments in the chat section. Mr. Hall would be reading those as they came in.

Peter Hall, Assistant City Manager, stated: *Jaime says – I believe where we are at is too far ahead to break it into districts. I do think it is a good idea for the future as we are growing quickly. I think a little much right now, though. I also believe that might limit the amount of good candidates that might live in the same area to run for office at this time. We need more people engaged to get this going.*

Member Kirby asked if they were going to have a motion per section, and then move on to the next section?

Chairman Hart wasn't quite sure how they wanted to process that. However, he knew they needed to change Section 1.1 to read: This Charter would now be referred to as the 2021 Ontario Charter. His concern was that, because there were more meetings to be held, if something came at him, he wanted to be able to address it. He wanted to vote on each item and move it over. He didn't want to have to reverse a vote at the next meeting.

Member Kirby stated until this was passed by this Committee and the City Council, that could happen.

Chairman Hart stated he wanted to rescind his idea about forming districts. He appreciated all the comments and input, but it appeared he didn't have the votes and he wasn't sure if the city was ready to do that.



Section 3.5: Council Quorum

Member Kirby stated this section discussed the quorum requirements. Because they held virtual meetings now, he wanted it mentioned in the Charter how they would accept a quorum. Currently, it required four to have a quorum, but if others participated virtually, was that a legal quorum.

Larry Sullivan, City Attorney, stated the Oregon Public Meetings Law authorized cities to achieve a quorum through virtual meetings as long as everyone could communicate with each other at the same time. He didn't disagree with having that in the Charter as long as it didn't create the impression that if at some time Oregon law changed, the city might not have to follow that law anymore. Over the past year, everyone recognized that for health and safety, there were good reasons everyone was not gathering live for every meeting. He didn't see that changing. Having it in the Charter may lay to rest questions about the appropriateness without having to ask the City Attorney every time if it was alright. The language would read something like meetings could be held electronically and or telephonically, or any means that allowed immediate communication between the Council members and the ability to record minutes and record votes.

Member Kirby stated he would feel better about the recording of votes and authorizing the city to move forward on projects. It had been 35 years since the Charter was written and that capability hadn't existed then.

Mr. Sullivan stated focusing on the word "meeting" could create the impression that a meeting was someplace that people actually "met" in the same location, but the definition of "meeting" had been expanded so that it no longer had the common meaning of the phrase. If the Committee believed it would be beneficial to have it spelled out in the Charter, there was nothing wrong with doing that.

Member Kirby stated he'd like to ensure people were aware it was a legal meeting and could not be challenged in court.

Mr. Sullivan stated they could write it to read that a meeting may be held by any means that was legal under Oregon law, or something similar, and they wouldn't have to go into much more detail than that. He wasn't sure if there was anything in the Charter that would force anyone to conclude that they had to have a meeting in one location only, or that they couldn't have people participating electronically.

Chairman Hart asked Mr. Brown if he had seen any examples from the other Charters that might have addressed the issue?

Mr. Brown stated he would research that.

Section 3.7: Mayor Functions

Mr. Brown stated multiple people had asked for the same change, both at the previous meeting and in the comments that had been received.

Member Mills stated this was presented to her by a citizen to eliminate the Mayor appoints and has the consensus of the Council for committees.

Chairman Hart stated an issue he noted that when trying to align with the model charter, the way the city had it structured mirrored the LOC model, in that the Mayor appointed committee members and the Council then provided consensus.

Mr. Brown stated there was one issue that could be broken into two discussion. First, there were comments about wanting the Mayor and Council to appoint committee members by consensus, not just a Mayoral appointment. The other issue was the ability to remove committee members by a majority vote. Same for the Council President. Based on his research of over 60 Charters, he hadn't found many that had the Council and the Mayor approving Committees; almost all had the Mayor appoint with Council ratification.

Mr. Sullivan stated 3.7 as it currently stood under the Charter, the Council had no say in overruling the Mayor's decision, whereas under the model rule, the Mayor still had to have a majority of the Council supporting someone he was appointing. Under the proposed change, the Mayor would have no priority in appointing, and it would have to be a consensus of the Council. There was a shift in power between those three models.



Chairman Hart stated taking no action would leave the Section as it stood.

Section 3.8: Council President

Chairman Hart stated it had been suggested that the Council have the ability to change the Council President at any time during the year.

Member Mills stated she had that comment made to her, too, but added it also indicated that the Council shall have the ability to appoint and remove the President from that position, but not remove the Council President from the Council itself.

Member Kirby asked if they had requested cause for removal?

Member Mills stated yes, within reason.

Member Kirby asked if cause would go back towards 6.5 or 6.6, etc., regarding turbidity and that type of thing. Did they have to have an established cause, or could it be for just whatever?

Member Mills believed the discussion was that it would have to be for cause, and not something that a committee would have to bring forward. It was a discussion within the Council itself if something came about that the Council President was not deemed suitable or if something occurred that would cause that person to not hold that position. She assumed it was that they wanted the Council to have that power if a situation arose, how it would be determined what the issue was, how it would be voted on.

Member Kirby stated he was just seeking anything constructive on this issue. It was saying a majority vote, or a super majority, but he was looking to see if there had to be cause. The way it was now, the Council President was elected for two years. If the change were done, would there be cause associated with it.

Member Wheatley stated his agreement with Member Kirby. Without pinning it down more specifically, they would need to see the legal aspects of it. The Council could be setting themselves up for a lawsuit unless they addressed the legal side of the issue and make sure the specifics were in place to make sure that didn't happen.

Mr. Hall read Member Taylor's comment: *Adding Section 6.5(l)(c) leave moral turpitude in the language.* He asked her if she was speaking specifically for Section 3.8 or if she meant 6.5.

Chairman Hart stated this would be related to the appointed role as Council President, not their Council seat.

Mr. Sullivan stated if a majority of the Council had the right to appoint, the cleanest language would be language that gave a majority of Council the right to revoke. If the Council got into a discussion where they had to have an objective standard to remove a Councilor authority as Council President, they also had the possibility of that being challenged through something like a Writ of Review. Anytime there was a decision based upon criteria that was established by the city, that decision could be challenged in court. For that reason, it would be less controversial if there was no cause language in the Charter. It could still be challenged, but there would have to be proof.

Mr. Hall read Member Taylor's comment: *Just not taking out 6.5 and it would lead to help with any concerns with 3.8 as evidenced by what is currently going on.*

Mr. Brown stated he had not seen any examples in his research.

Chairman Hart stated they now just had an idea. Would the Committee like staff to draft legal language that they could potentially vote on, or did they even want to spend the time on it? Was there a desire to move forward on this?

Mr. Sullivan stated another possibility was that the Council President might exercise no authority during their term if the Mayor was present at all the meetings. There might be situations where the Mayor had to recuse himself, then the Council President would sit in his place. The Council didn't even have to have the Council President be a Charter position. Just have an ordinance that read that in the absence of the Mayor, the Council may appoint a Council President to preside at any meeting.

Member Wheatley liked that idea. That was something they should consider. He didn't see the necessity of it.



Chairman Hart stated where it did come up when the Mayor had to step down because of a conflict. Every time the Mayor had to step down, the Council would need to determine who would be the acting Mayor during that time. He saw value in having a designated person lined up when the Mayor couldn't preside over a meeting.

Member Mills stated when the Mayor was absent and the Council President couldn't preside, then who followed that.

Tori Barnett, City Recorder, stated the City Recorder would step in at that point, open the meeting, and the first action item would be to appoint a Councilor to run the meeting on behalf of the Mayor.

Mr. Brown stated he believed there was an item in the Charter about the Councilor President becoming the Mayor pro tem should the Mayor leave before his term was completed.

Member Kirby stated this was a time when the city voters were involved in the Council's decisions, especially due to the issues surrounding Councilor Rodriguez, so in looking at the issue as it currently stood, the Charter would be a living document that stood for another 35 years. This wouldn't be voted on until the end of the year, so it shouldn't be looked at as a "now" issue.

Chairman Hart stated Mayor Hill made a comment at the previous meeting about the research he had done reviewing other Charters, and it was obvious what the hot button of the day was based on the Charter at the time. He hoped the Ontario Charter revisions would stand the test of time and it wasn't obvious that "something" was going on. He'd like to move forward on this with one of three options: 1) Leave it as it was; 2) Amend it to read a majority would allow for removal; or 3) To remove the Council President position.

Mr. Sullivan reiterated there would be nothing wrong with removing the Council President position in the Charter and having it as an ordinance so there would be authority to appoint somebody as the Council President in the Municipal Code Book, or to remove them by an amendment to the Code. The advantage of having it done by ordinance was that it would only take a majority of the Council to make a change to an ordinance. Ordinances were more capable of responding to immediate circumstances, which could be good or bad.

Peter Hall, on behalf of Member Taylor: *I would like language added to 3.8 about the Council having the ability to revoke the President if a scenario necessary were to arise.* She then added: *Amend it so majority would allow for removal is my vote.*

Chairman Hart stated if everyone agreed, they'd hold this over to next meeting where they would vote on one of the three options: Leave it; Allow removal by majority; or Remove the position.

Section 4.1: City Manager – Appointment and Qualifications

Chairman Hart stated in the current Charter, it read the City Manager could be removed by a 2/3 vote of the entire Council, and he proposed that they align Ontario's Charter with the LOC model, which read a simple majority was required if a decision was needed to remove the City Manager.

Member Kirby stated where they had been trying to get department heads as residents in the city, he wanted to remove....

Chairman Hart stated this was not about the residency issue. He was focusing on removal of the City Manager by majority vote, not the 2/3 vote. He wanted to do the sections one at a time.

Mr. Brown stated based on his review of the various Charters, the majority was standard language.

Mr. Hall for Member Taylor: *I agree with Ken's approach.*

MILLER moved, MILLS seconded, **TO AMEND SECTION 4.1 TO READ THAT THE REMOVAL OF THE CITY MANAGER WOULD BE DONE BY MAJORITY VOTE.** Roll call vote: Hart-yes; Kirby-yes; Baker-yes; Miller-yes; Mills-yes; Taylor-yes; Wheatley-yes. Motion carried 7/0/0.



Chairman Hart stated currently, the City Manager promptly had to reside within the city. He was proposing here, and not just for the City Manager position but for all department heads, which had been noted earlier there was an ordinance now (sic/resolution) already on the books that all department heads must reside in the city or the 8C School district.

Mr. Brown stated as written now was that department heads live in the city, and everyone else within the 8C School District boundaries.

Chairman Hart stated that whatever residency they agreed to would be aligned so the City Manager and the department heads, by Charter, all would have that requirement. Was the city the 97914 zip code, or the 8C School District boundary.

Member Wheatley asked if the police and fire personnel were required to live within the City of Ontario? Not department heads, but the actual officers and firemen.

Mr. Brown stated it was a requirement that the department heads lived within the city, but all other employees lived within the school district boundaries. The thinking behind that was that there were those who enjoyed living the county lifestyle, but they still had the 97914 zip code.

Member Miller verified an employee for the police or fire departments couldn't live in Fruitland.

Mr. Brown stated as of 2018 and moving forward, no. There were legacy employees. While he would probably have staff that would disagree with his next comment, he did think the City Manager should live in the city. He also agreed the department heads should live within the city. Overall, he wanted all the city employees to live in Oregon. The Oregon laws and statutes that set the compensation and benefits of the employees, so if the employees were going to benefit from those laws, with the city having to compare themselves with other cities across the state for collective bargaining issues, they should be required to live in the state.

Member Mills read a comment from one statement she had received: *I believe that all our staff that we hire should live in the city. This should be set forward and not required for employees that area already on the payroll.* This person also believed it should be from now on. Did all the department heads and employees currently live within the city limits?

Mr. Brown stated all the department heads lived within the city. Any other employees hired after 2018 were required to live within the city.

Member Mills continued with the citizen comment: *I do not know the legalities of the unions and their present contracts and how that would work, but it should be all staff and not just for some, so if a contract can't be changed then I do not think it should be enforced for any staff with the exception of department heads. All department heads should be required to live within the city.*

Chairman Hart stated currently in the Charter the only person who had to live in the city was the City Manager, and by ordinance (sic/resolution) that was passed in 2018, department heads had to live in the city, and staff had to live within the 8C School District. It also allowed the City Manager to appear before Council if a staff member wanted an exception. Reading from the resolution, it stated: *...any hiring of a Department Head position not living in the 97914 zip code or who is unable or unwilling to obtain residency may be hired only upon approval by the City Council at the request of the City Manager.*

Mr. Brown asked which resolution Chairman Hart was referencing.

Chairman Hart stated it was #2018-112.

Mr. Brown stated that was the most recent resolution about residency. It had been added to the union contracts, and while painful during the process, it had been accepted.

Member Wheatley asked if they could put that in there as a condition of employment for any applicant? If they wanted to work for the city, they had to live in the city. Was that legal?

Mr. Sullivan stated the residency requirement could be imposed.



Mr. Brown stated he did not know if the Charter was the appropriate place to have that language, but that was their decision.

Mr. Sullivan stated having it in the Charter gave the least amount of flexibility. Did they want to remove the ability and discretion of the Council to modify it? There could be those who would want it to be a rule that every City Manager had to live within the city limits, and anyone who applied would know that and they shouldn't apply for the position if they weren't willing to abide by that rule.

Mr. Brown stated in looking at city management as a whole, Ontario was large enough community to attract and demand that the City Manager live in the community.

Member Wheatley asked for verification – it was his understanding that the current situation required the City Manager and department heads to live within the city; all other employees had to live within the 8C School District boundaries.

Chairman Hart stated there was one caveat. The City Manager's requirement was in the Charter; everyone else was an ordinance (sic/resolution). The ordinance (sic/resolution) could be changed by a majority vote of the Council at any time; the Charter was a big deal to change.

Member Wheatley stated he saw no reason to change the status of what was there.

Member Miller stated his agreement with Member Wheatley. The way it was structured currently seemed the right way to go. Changing it would create more issues as opposed to solving anything.

Member Baker asked if there had been a City Manager in recent history who had not lived in the city limits?

Member Mills stated that Henry Lawrence had not lived in the city limits.

Member Kirby stated there had also been a case many years ago where the home of the City Manager was a flag lot. It was surrounded by property that was in the city limits, but that particular parcel had not been annexed. That piece had to be rezoned and annexed so he could meet the requirement for residency.

Chairman Hart stated his suggestion was that the City Manager need not be a resident of the city or state at the time of appointment, but promptly thereafter shall become and remain a resident of the 8C School District while in office. That would broaden it. The current language was that they had to live in the city.

KIRBY moved **THAT THE LANGUAGE INDICATE THE CITY MANAGER MUST LIVE WITHIN THE CITY LIMITS.**

Chairman Hart stated that was the current language. Motion died for lack of second, so the language remained as currently written.

Section 4.2: City Manager - Vacancy

Mr. Brown stated this issue arose based on a comment Member Mills had received, as well as a comment made in a Council meeting a few meetings back. The LOC Model Charter explained the intent of it. The way it was currently written was that if the City Manager left town, the Council had to establish a City Manager pro tem. As noted in the model charter, that was not what was intended. If the City Manager left or had an extended period of absence, or the Council was seeking another Manager, that was when the Council would appoint a City Manager pro tem. The practice in his profession was that if the City Manager left town, he would appoint an acting City Manager. In the case here, it depended upon how long he was going to be gone, and what might arise. He liked to give the other department heads an opportunity to sit in his shoes for a day or two. He had rotated around the with the Fire Chief, the Police Chief, the City Recorder, the Community Development Director, to give them experience. He'd like to continue that practice. He had never heard anything like it had been interpreted in the current Charter.



Chairman Hart stated the current city Charter noted that if the City Manager was absent. The model charter did not speak to that. It was more centered on the City Manager becoming disabled or if the position became vacant. It was more permanent. Ontario's also currently read that the pro tem Manager could only remove a department head with a 2/3 vote of the entire Council; however, the model Charter read that the Manager may appoint or remove employees only with Council approval. He assumed that meant a simply majority.

Mr. Brown stated that section was in the model charter, just located in another area, 8.1(h). It was pretty standard that only the Council could approve removal of a department head when operating under a Manager pro tem.

Chairman Hart stated the city's Charter currently read it would take a 2/3 vote of the entire Council, so there was a difference.

Member Kirby stated because this was for a more permanent change in the position, if they were going to have something that addressed a temporary absence, it should be placed in 4.2(5), an addendum for a temporary absence for things like vacations, attendance at trainings, that type of thing. Put that in a separate paragraph.

Chairman Hart asked if Member Kirby was suggesting the City Manager would need to bring that to the Council for approval? Currently, he did that, but it was just to make them aware and then naming who would be in charge in his absence.

Member Kirby agreed, but this question had been raised before because of that existing paragraph. Did they want to leave it in the existing paragraph or set it out.

Mr. Brown stated that would depend on if they wanted to bifurcate the issues or were okay with the model charter. One challenge he was aware of was in announcing his absence. That had resulted in homes being robbed because people knew he was out of town. That had not happened to him personally. The intent of the model charter was that if the City Manager left, the Council would choose the Manager pro tem. He didn't get top appoint it as he walked out the door.

Chairman Hart stated he had not issue with the City Manager temporarily appointing a pro tem manager. If he made a wrong choice, he'd be held accountable.

Mr. Sullivan stated the problem with the current draft was the language that read "...is absent from the city." Physically absent could mean in Fruitland, or anywhere outside of the city. The narrow reading of that phrase was giving rise to a lot of the questions. What did it mean to be absent from the city? Many people were able to function well because it was easy to communicate. If someone was gone for a week, but were still able to monitor what was going on at City Hall, it might be possible to not have anybody officially appointed if the Manager was still able to carry on his day-to-day functions even without being in town. There might be a way to address that ambiguity. Maybe by stated "...is absent from the city and is unable to perform the day-to-day functions of the City Manager", something like that. Define it more carefully to eliminate some of the ambiguity.

Mr. Brown state had been gone last year at a state campground, and he was out of cell phone range. However, he was confident that being gone on Thursday through Saturday hadn't been an issue and he hadn't been worried. Most times he was within cell range.

Member Wheatley stated he agreement with Chairman Hart and Member Kirby. With Member Kirby's point of being absent for vacation or trainings was a separate issue from what 8.1 was addressing. And, Chairman Hart was on point when he stated what they should be looking at was if they wanted to change from a 2/3 vote to a majority vote. They seemed to be discussing two different issues and it was becoming confusing.



Chairman Hart stated it made sense for the committee to adopt the model charter in this case, which would remove that ambiguity related to temporary absences. It read "...When the manager is temporarily disabled from acting as manger or when the office of the manger 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 manger may appoint or remove employees only with Council approval." That removed the super-majority and it removed the absence language.

Mr. Brown stated it would also remove that 2/3 requirement.

Member Mills stated she liked the LOC model charter definition, but maybe keep the last sentence from the current Ontario Charter. Keep "the term of office of the city manager pro tem ends when the city manager returns to the city or takes office." That piece should stay.

Mr. Hall for Member Taylor: *I move with that change.* She clarified the change Chairman Hart just spoke of.

Chairman Hart stated Member Mills had brought up a sentence that would add to the model charter, the term of office of the city manager pro tem ends when the city manager returns to the city. Was that due to a vacation or was it more towards an actual absence. If they were temporarily disabled or vacated the position, they would not be returning.

Mr. Sullivan suggested changing it to read the term of the office of the City Manager pro tem ends when the City Manager resumes office; just take out some of those words.

Chairman Hart stated "...or was replaced by an appointed City Manager?"

Mr. Sullivan stated then the former City Manager would have had to be officially terminated.

Chairman Hart suggested "...the term of the office of the City Manager pro tem ends when the City Manager resumes their duties."

Mr. Sullivan agreed, the City Manager's duties.

Chairman Hart stated the two big changes they were making would be, if they agreed, would be getting rid of the temporary absence for vacation and the 2/3 majority vote to concur with removal of employees during that time. *When the Manager was 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 the Manager except that a pro tem Manager may appoint or remove employees only with Council approval. The term of the office of the City Manager pro tem ends when the City Manager resumes the City Manager duties.* Thoughts?

Member Baker asked if that verbiage cover the City Manager quitting?

Chairman Hart stated he believed so. If the City Manager resigned, the Council would be required to appoint a Manager pro tem and that person would be in that slot until...the other difference maybe was that the LOC model charter referred to the Manager and the city said City Manager. When the City Manger was temporarily disabled. Wherever it read Manager, they should say City Manager.

Member Mills verified they were removing the word "temporarily", correct?

Chairman Hart said no, it would be "temporarily disabled" so that would remain. He reminded the Committee there was a motion on the floor. Was there anything further from Member Taylor?

Mr. Hall for Member Taylor: *No changes.*

Chairman Hart asked if Member Taylor was okay with the friendly amendments to her motion.



Mr. Hall for Member Taylor: Yes please. Thanks!

BAKER seconded the motion.

Mr. Sullivan stated if they read the first sentence of the model charter, it dealt with two separate situations. One, temporary disability; second, where the office of the Manager became vacant. If the office of the Manager became vacant, the Manager was never going to be coming back again. If they added the second sentence, the one being taken from the current Charter, that needed to be changed to read that when the City Manager resumed taking office or a new City Manager was appointed. That would deal with both situations where the city might need a pro tem. If the Committee read the first sentence of the model Charter, there were two

Chairman Hart asked for clarification on that statement.

Mr. Sullivan stated if the Committee read the first sentence of the model Charter, there were two circumstances in which a pro tem could be appointed. One, where the City Manager was temporarily disabled, or second, where the office of the Manager became vacant. The office of the Manager was going to become vacant only if there was no longer a City Manager. The City Manager had quit or been fired. That had happened before, and that's when the city appointed a City Manager pro tem. It might be alright to have that language in there as discussed, but the last sentence of the current Charter except that only dealt with the situation in which the city had the City Manager temporarily disabled. It didn't deal with the situation where a new City Manager was being hired. The question was if they wanted to have that added to that last sentence, so they were dealing with the same two situations in which the pro tem was originally appointed. Either the City Manager has come back permanently, or the City Manager was gone, and a new City Manager was appointed.

Member Mills asked if it could read "when or if the City Manager returns?"

Mr. Sullivan stated there were many ways to deal with it. He was just raising the issue that the first sentence in the model charter had two distinct situations in which the pro tem could be appointed. If they wanted to deal with those two situations with the last sentence.

Chairman Hart stated Member Baker had an idea. If the Motion (by Member Taylor) and the second (by Member Baker) would rescind the action, then the Committee could ask staff to draft what he believed was the consensus by the Committee for review. At the next meeting, similar to what they were going to do with regard to the Council President section, they'd be ready for a vote on it.

Mr. Hall for Member Taylor: *I withdraw my motion.*

Member Baker withdrew his second to the motion.

Mr. Sullivan stated he would be able to draft the language they were asking for.

Section 5.2: Municipal Judge: Appointment

Chairman Hart asked who brought this Section forward? The question was should the selection of the municipal judge stay the same? Term of four years and number of terms limited, such as two years maximum.

Member Mills stated the person who presented the question to her wondered since the Mayor and Council had terms, should the Municipal Judge also have terms. Was it the county or the state who dictated when the Judge's term was expired?

Mr. Sullivan stated cities had the authority to determine whether or not they wanted a Municipal Judge or what their terms would be. That was not done by state law.



Member Mills stated the comment to here was “should selection of the Municipal Judge stay the same? Term of four years, review and reelect, and number of terms limited, like two terms maximum. They were seeking more clarity on how long the Judge was in that position.

Member Kirby stated Mel Walters, a local attorney, had served in that capacity for a number of years. He had the credentials to perform the duties. The term “Municipal Judge” challenged him, and the scope of practice should be of concern. The city would expect a lot from that individual. They had solved that dilemma by giving the authority to the Justice Court, who worked on the city’s behalf. However, the current Justice refused to hear some of the city’s cases. It was the overall process that he questioned.

Mr. Sullivan stated the current Charter language made it discretionary with the Council as to whether or not to appoint a Municipal Judge. That was also outlined in the LOC model charter. It was not mandated that there even be a Municipal Judge.

Chairman Hart asked Member Kirby what he was asking the Committee to do.

Member Kirby stated he wasn’t sure. The present way it was being operated, didn’t fit the current description. In his opinion, the city didn’t currently have a Municipal Judge, and hadn’t since Mel Walters.

Chairman Hart suggested skipping it. He hadn’t heard any comments about terms. If the city had a Municipal Judge, it would be appointed by the Council, and the Council would also remove them.

Member Wheatley asked what the alternative would be to having a Municipal Judge.

Mr. Sullivan stated there was currently an attorney challenging the city’s ability to have Hearing’s Officers because that attorney was claiming that only Municipal Judge’s could impose fines. He personally disagreed with that, but that was an issue that was going to be before the Circuit Court. The language in the current Charter allowed a Municipal Judge to be appointed, but it did not require it. Traffic citations went to the Justice Court, and there was a contract that had been signed in the early 2000s with a former Justice of the Peace that was approved by the county, to allow city citations to go through Justice Court and when that happened, the Justice of the Peace was acting at the Municipal Judge. That had been in place since 2002. There was a Municipal Judge that handled citations on behalf of the city under this long-standing contract between the county and the city.

Chairman Hart asked if that was covered under Section 5.4: Municipal Court, Transfer of Power? It read *the Council, by majority vote, may provide for the transfer of powers and duties of the Municipal Court to the appropriate court for the State of Oregon.* Had that been done by a past Council?

Mr. Sullivan stated it was reading that it could be transferred to another court, so yes, that was what happened. The duties of the Municipal Court had been transferred to the Justice Court with respect to traffic citations.

Member Wheatley asked if the city currently had a Municipal Judge?

Mr. Sullivan stated the Justice of the Peace was performing the duties of Municipal Judge. The city also had Hearings Offices who handled some types of cases that could result in the imposition of fines. Those were not handled through the Justice of the Peace.

Chairman Hart stated the current language didn’t preclude the city from bringing on a Municipal Judge. It read that if the city had a Municipal Judge, the Council would appoint them.

Member Wheatley stated that was a good idea. Maybe they’d get some things done in the city that needed to be done.



Riley Hill asked Mr. Sullivan if there wouldn't be a differentiation between a land use decision, which Mike Pratt was handling before, as opposed to a violation? Land use decisions were a completely different area. That clarification needed to be made.

Mr. Sullivan stated that was correct. Many cities, even those who had Municipal Courts, had Hearings Officers as for land use issues. Those were complex enough that a lot of lawyers wouldn't be able to perform that function. The city often used Dan Cummings as the Hearings Officer even though he was also head of the Planning Department because he was the person in the city who knew the most about land use issues. However, he had made decisions that had been challenged in court. It wouldn't make sense to have a Municipal Judge be the Hearings Officer for most planning and zoning cases because they wouldn't normally have the credentials to be making those type of decision. It was pretty specialized law.

Chairman Hart stated the issue that had been raised by Member Mills on behalf of a citizen, it didn't appear to be an issue, so he'd suggest removing that. Was Member Kirby advocating to strip it out from the Charter, leave it as it stood, or to make changes to the existing language?

Member Kirby stated he was trying to move from where the city currently was and into the future. Trying to see if they could clean up the Charter and make it better for the city. It wasn't going to change anything that was occurring currently. He was looking to the professionals to see if the LOC addressed it differently. Maybe there was clearer thinking somewhere.

Chairman Hart stated at the next meeting, the Committee would address the two issues discussed earlier: clarification on Council President and the issue related to the temporary vacancy of the City Manager position. Then they'd start on the matrix with the discussion on the City Attorney.

ADJOURN

MILLS moved, MILLER 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:

Ken Hart, Chairman

ATTEST:

Tori Barnett, MMC, City Recorder



Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
	I. INTRODUCTORY PROVISIONS				
1.1	Title. This enactment shall be referred to as the Ontario Charter of 1985	1.1	Titles. This charter may be referred to as the 2021 Ontario Charter.		Titles. This charter may be referred to as the 2022 Ontario Charter.
1.2	Corporate Name of City. The municipality of Ontario, Malheur County, Oregon, shall continue to be a municipal corporation with the name "CITY OF ONTARIO."	1.2	The City of Ontario, Oregon, continues as a municipal corporation with the name [City of Ontario]		Corporate Name of City. The municipality of Ontario, Malheur County, Oregon, shall continue to be a municipal corporation with the name "CITY OF ONTARIO."
1.3	Boundaries The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified pursuant to law. The custodian of City records shall keep an accurate, up-to-date description of the boundaries and make copies of this Charter and the boundary descriptions available for public inspection.	1.3	Boundaries The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries.		Boundaries The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified pursuant to law. The custodian of City records shall keep an accurate, up-to-date description of the boundaries and make copies of this Charter and the boundary descriptions available for public inspection.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		2.3	Distribution [Section 2.3 in Model] The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.		
II. POWERS			POWERS		
2.1	Except as this Charter provides to the contrary, all power of the City is vested in the Council, the representative legislative body of the City.		Powers The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.		Except as this Charter provides to the contrary, all power of the City is vested in the Council, the representative legislative body of the City.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
2.2	The City has all powers that the constitution or laws of the United States or of this state expressly or impliedly grant or allow cities, as fully as if this Charter specifically stated each of those powers.		Construction. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.		The City has all powers that the constitution or laws of the United States or of this state expressly or impliedly grant or allow cities, as fully as if this Charter specifically stated each of those powers.
2.3	In this Charter no mention of a particular power may be construed to be exclusive or to restrict the scope of the powers that the City would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the City have all powers necessary or convenient for the conduct of its affairs, including all powers that cities may assume under state laws or the provisions of the state constitution regarding municipal home rule.		Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.		In this Charter no mention of a particular power may be construed to be exclusive or to restrict the scope of the powers that the City would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the City have all powers necessary or convenient for the conduct of its affairs, including all powers that cities may assume under state laws or the provisions of the state constitution regarding municipal home rule.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
	III. CITY COUNCIL AND MAYOR	III.	COUNCIL		
3.1	Council Membership The Council of the City shall be composed of a mayor and six councilors elected from the City at large.		Council. The council consists of a mayor and six councilors nominated and elected from the city at large.	The council consists of seven members who shall be elected as provided in this charter. A mayor and two councilors shall be elected by the city at large. Four councilors, one residing from each of the four districts, shall be elected by the city at large.	Council Membership The Council of the City shall be composed of a mayor and six councilors elected from the City at large.
3.2	Council: Election. All elections for purposes of electing a mayor and/or councilors shall be conducted on a non-partisan basis. Each councilor shall be elected for four years and shall hold office until a qualified successor is elected or appointed. The first election of councilors shall take place in 1986 at which time an election will be held to fill the vacancies of the three existing councilors whose terms will expire December 31, 1986. At each subsequent biennial general election, three councilors shall be elected, each for a term of four years.		Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors LOC Model Charter for Oregon Cities will be elected for four-year terms.	[if by district, changes will need to be made to this section]	Council: Election. All elections for purposes of electing a mayor and/or councilors shall be conducted on a non-partisan basis. Each councilor shall be elected for four years and shall hold office until a qualified successor is elected or appointed. The first election of councilors shall take place in 1986 at which time an election will be held to fill the vacancies of the three existing councilors whose terms will expire December 31, 1986. At each subsequent biennial general election, three councilors shall be elected, each for a term of four years.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
3.3	<p>Mayor: Election At the biennial general election held in 1986 and every fourth year thereafter a mayor shall be elected for a term of four years. The term of office of the mayor incumbent at the time this Charter is adopted shall continue until the beginning of 1987.</p>	7.2	<p>Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term.</p>	District elections 4 districts, two at large plus mayor	<p>Mayor: Election At the biennial general election held in 1986 and every fourth year thereafter a mayor shall be elected for a term of four years. The term of office of the mayor incumbent at the time this Charter is adopted shall continue until the beginning of 1987.</p>
3.4	<p>Council : Meetings The Council shall prescribe times and places for its meetings. It shall meet regularly at least once each month. At a meeting it may adjourn to the next succeeding regular meeting or to some specified time prior thereto. The mayor or a majority of the councilors may call special meetings of the Council in accordance with the laws of the State of Oregon.</p>	3.5	<p>Meetings. The council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with the rules and laws of the state of Oregon.</p>		<p>Council : Meetings The Council shall prescribe times and places for its meetings. It shall meet regularly at least once each month. At a meeting it may adjourn to the next succeeding regular meeting or to some specified time prior thereto. The mayor or a majority of the councilors may call special meetings of the Council in accordance with the laws of the State of Oregon.</p>
3.5	<p>Council : Quorum A majority of the councilors constitute a quorum for the transaction of Council business, except that a lesser number may meet and compel the attendance of absent members. A quorum may also compel the attendance of absent members. The mayor shall be deemed a councilor for the purpose of constituting a quorum.</p>	3.6	<p>Quorum. A majority of the council members is a quorum to conduct business. In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules.</p>	<p>Request staff to see if there is other language about virtual meetings. Staff research found no mention of digital, virtual, or electronic meetings in 60 charters reviewed. State Law allows virtual attendance by video, telephone, and electronic participation.</p>	

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
3.6	Council: Record of Proceedings The Council shall keep a record of its proceedings. Except where exempted by state law, the Council's deliberations and proceedings shall be public and its records available for inspection during business hours.	3.8	Record. A record of council meetings must be kept in a manner prescribed by the council rules and the laws of the state of Oregon.		
3.7	Mayor: Functions The mayor shall preside at Council meetings and shall have a vote on all matters before the Council. The mayor shall have authority to enforce the rules of the Council and determine the order of business under those rules. The mayor shall appoint the Council committees provided by the rules of the Council. The mayor shall have no veto power and shall sign all ordinances passed by the Council. The mayor shall function as councilor unless specifically designated otherwise within the sections referencing "mayor."	3.2	Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council and has no veto authority.	Mayor: Functions The mayor shall preside at Council meetings and shall have a vote on all matters before the Council. The mayor shall have authority to enforce the rules of the Council and determine the order of business under those rules. <u>The mayor shall appoint the Council committees provided by the rules of the Council.</u> <u>The mayor and council shall appoint or remove committee members by majority vote.</u> The mayor shall have no veto power and shall sign all ordinances passed by the Council. The mayor shall function as councilor unless specifically designated otherwise within the sections referencing "mayor." The	Mayor: Functions The mayor shall preside at Council meetings and shall have a vote on all matters before the Council. The mayor shall have authority to enforce the rules of the Council and determine the order of business under those rules. The mayor shall appoint the Council committees provided by the rules of the Council. The mayor shall have no veto power and shall sign all ordinances passed by the Council. The mayor shall function as councilor unless specifically designated otherwise within the sections referencing "mayor."
		3.2(a)	With the consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution.		
		3.2(b)	The mayor must sign all records of council decisions.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		3.2(c)	The mayor serves as the political head of the city government.		
3.8	Council : President At the first meeting of the Council each odd-numbered year or as soon thereafter as practical, the Council shall choose one of its members to preside over the Council and perform the duties of mayor in the absence of the mayor from the City or in case of the mayor's inability to act as such. In functioning as mayor while the mayor is absent from the City on leave granted by the Council or after the mayor is absent from the City for 30 days or physically unable to function as mayor for 30 days, the president of the Council has the legal powers, and is subject to the legal limitations of the mayor.	3.3	Council President. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.	Council : President At the first meeting of the Council each odd-numbered year or as soon thereafter as practical, the Council shall choose one of its members to preside over the Council and perform the duties of mayor in the absence of the mayor from the City or in case of the mayor's inability to act as such. In functioning as mayor while the mayor is absent from the City on leave granted by the Council or after the mayor is absent from the City for 30 days or physically unable to function as mayor for 30 days, the president of the Council has the legal powers, and is subject to the legal limitations of the mayor. <u>By majority vote, the council can remove the Council President and appoint another.</u>	
3.9	Council: Vote Required Except as this Charter otherwise provides, a concurrence of a majority of the members of the Council (including the mayor) present at a Council meeting shall be necessary to decide any question before the Council.	3.7	Vote Required. The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council.		Council: Vote Required Except as this Charter otherwise provides, a concurrence of a majority of the members of the Council (including the mayor) present at a Council meeting shall be necessary to decide any question before the Council.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
3.10	Council: Conflict of Interest No councilor or mayor may vote upon any contract, the expenses of which are to be paid by the City or upon any subject in which pecuniarily interested, and shall declare publicly the conflict of interest.				Council: Conflict of Interest No councilor or mayor may vote upon any contract, the expenses of which are to be paid by the City or upon any subject in which pecuniarily interested, and shall declare publicly the conflict of interest.
3.11	Council and Mayor: Immunity No councilor or mayor may be held liable, or questioned in any other place, for words uttered in any meeting of the Council, its subcommittees, commissions and boards.				Council and Mayor: Immunity No councilor or mayor may be held liable, or questioned in any other place, for words uttered in any meeting of the Council, its subcommittees, commissions and boards.
3.12		3.4	Rules. The Council must by resolution adopt rules to govern its meetings.		
IV	CITY MANAGER	8.1	City Manager [Under Section 8 in model Ordinance]		CITY MANAGER
		8.1(a)	The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.	City Manager: Appointment and Qualifications The Council shall appoint a city	City Manager: Appointment and Qualifications The Council shall appoint a city

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
4.1	<p>City Manager: Appointment and Qualifications</p> <p>The Council shall appoint a city manager for an indefinite term who shall hold office during the pleasure of the Council and may be removed at any time with or without cause by two-thirds vote of the entire Council. The city manager shall be chosen without regard to political considerations and solely on the basis of executive and administrative qualifications. The city manager need not be a resident of the City or state at the time of appointment, but promptly thereafter shall become and remain a resident of the City while in office. No councilor nor mayor may be appointed city manager until one year after the expiration of his or her service in the office of councilor or mayor.</p>	8.1(b) 8.1(c) 8.1(d)	<p>A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.</p> <p>The manager need not reside in the city. [Alternate language - "but must become and remain a resident of the city while manager."]</p> <p>The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.</p>	<p>manager for an indefinite term who shall hold office during the pleasure of the Council and may be removed at any time with or without cause by a majority vote of the entire Council. The city manager shall be chosen without regard to political considerations and solely on the basis of executive and administrative qualifications. The city manager need not be a resident of the City or state at the time of appointment, but promptly thereafter shall become and remain a resident of the 8C school district while in office. No councilor nor mayor may be appointed city manager until one year after the expiration of his or her service in the office of councilor or mayor.</p>	manager for an indefinite term who shall hold office during the pleasure of the Council and may be removed at any time with or without cause by a majority vote of the entire Council . The city manager shall be chosen without regard to political considerations and solely on the basis of executive and administrative qualifications. The city manager need not be a resident of the City or state at the time of appointment, but promptly thereafter shall become and remain a resident of the 8C school district while in office. No councilor nor mayor may be appointed city manager until one year after the expiration of his or her service in the office of councilor or mayor.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
4.2	<p>City Manager: Vacancy If the office of city manager becomes vacant or if the city manager is absent from the City or disabled, the Council may designate a city manager pro tem. The city manager pro tem shall perform the duties of city manager but may appoint or dismiss a department head only with a two-thirds vote of the entire Council. The term of office of the city manager pro tem ends when the city manager returns to the City or takes office.</p>	8.1(h)	<p>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.</p>	<p>City Manager: Vacancy 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.</p>	[City Attorney recommends going with the LOC language] 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.
4.3	<p>City Manager : Powers and Duties The city manager shall be the chief administrative officer of the City government and shall be responsible to the Council for the proper performance of his or her duties. The city manager shall:</p>	8.1(e)	The Manager Must:		<p>City Manager : Powers and Duties The city manager shall be the chief administrative officer of the City government and shall be responsible to the Council for the proper performance of his or her duties. The city manager shall:</p>
4.3 (a)	<p>City Manager : Powers and Duties The city manager shall be the chief administrative officer of the City government and shall be responsible to the Council for the proper performance of his or her duties. The city manager shall:</p>	8.1(e)(1)	Attend all council meetings unless excused by the mayor or council;		<p>City Manager : Powers and Duties The city manager shall be the chief administrative officer of the City government and shall be responsible to the Council for the proper performance of his or her duties. The city manager shall:</p>
4.3 (b)	Keep the Council advised of the affairs and needs of the City.				Keep the Council advised of the affairs and needs of the City.
4.3 (c)	Make annual reports, or more frequently if requested by the Council, about the affairs and departments of the City.	8.1(e)(2)	Make reports and recommendations to the mayor and council about the needs of the city;		Make annual reports, or more frequently if requested by the Council, about the affairs and departments of the City.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
4.3 (d)	See that all ordinances are duly enforced.		Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits and other city decisions;		See that all ordinances are duly enforced.
4.3 (e)	See that all franchises, leases, contracts, permits and privileges granted by the City are observed.	8.1(e)(3)	Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits and other city decisions;		See that all franchises, leases, contracts, permits and privileges granted by the City are observed.
4.3 (f)	Appoint and remove all appointive officers and employees except as otherwise provided by this Charter.	8.1(e)(4)	Appoint, supervise, and remove city employees;		Appoint and remove all appointive officers and employees except as otherwise provided by this Charter.
4.3 (g)	Generally supervise and control appointive officers and employees in their work.				Generally supervise and control appointive officers and employees in their work.
4.3 (h)	Organize and, as necessary, disband and reorganize the various City departments, investigate the affairs of the City or any departments thereof.	8.1(e)(5)	Organize city departments and administrative structure;		Organize and, as necessary, disband and reorganize the various City departments, investigate the affairs of the City or any departments thereof.
4.3 (i)	Prepare the annual budget for transmittal to the Council.	8.1(e)(6)	Prepare and administer the annual city budget;		Prepare the annual budget for transmittal to the Council.
4.3 (j)	Supervise the operation of all city-owned public utilities and city-owned property.	8.1(e)(7)	Administer city utilities and property;		Supervise the operation of all city-owned public utilities and city-owned property.
		8.1(e)(8)	Encourage and support regional and intergovernmental cooperation;		
		8.1(e)(9)	Promote cooperation among the council, staff and citizens in developing city policies and building a sense of community;		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
4.3 (k)	Perform such other duties as the Council directs, not inconsistent with the City Charter, City Law or ordinance.	8.1(e)(10)	Perform other duties as directed by the council; and		Council directs, not inconsistent with the City Charter, City Law or ordinance.
		8.1(e)(11)	Delegate duties, but remain responsible for actions of all subordinates.		
		8.1(f)	The manager has no authority over the council or over the judicial functions of the municipal judge.		
4.4	City Manager : Council Meetings The city manager and such other officers of the City as the Council designates may sit with the Council but may not vote on questions before the Council. The city manager may take part in all Council discussions, but shall have no control over the Council.	8.1(g)	The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.		City Manager : Council Meetings The city manager and such other officers of the City as the Council designates may sit with the Council but may not vote on questions before the Council. The city manager may take part in all Council discussions, but shall have no control over the Council.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
4.5	<p>City Manager : Interference in Administration</p> <p>No member of the Council shall directly or indirectly, by suggestion or otherwise, attempt to coerce the city manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies; or attempt to exact any promise relative to any appointment from any candidate for manager; or discuss directly or indirectly with him the matter of specific appointments to any City office or employment. Nothing in this section shall be construed, however, as prohibiting the Council while in open session from fully and freely discussing with or suggesting to the city manager anything pertaining to City affairs or the interests of the City.</p>	8.1(i)	<p>No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.</p>	<p>City Manager : Interference in Administration</p> <p>No member of the Council shall directly or indirectly, by suggestion or otherwise, attempt to coerce the city manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies; or attempt to exact any promise relative to any appointment from any candidate for manager; or discuss directly or indirectly with him the matter of specific appointments to any City office or employment.</p> <p><u>Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing.</u></p> <p>Nothing in this section shall be construed, however, as prohibiting the Council while in open session from fully and freely discussing with or suggesting to the city manager anything pertaining to City affairs or the interests of the City.</p>	<p>City Manager : Interference in Administration</p> <p>No member of the Council shall directly or indirectly, by suggestion or otherwise, attempt to coerce the city manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies; or attempt to exact any promise relative to any appointment from any candidate for manager; or discuss directly or indirectly with him the matter of specific appointments to any City office or employment. Nothing in this section shall be construed, however, as prohibiting the Council while in open session from fully and freely discussing with or suggesting to the city manager anything pertaining to City affairs or the interests of the City.</p>

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
V.	MUNICIPAL COURT AND JUDGE	8.3	MUNICIPAL COURT AND JUDGE		
5.1	Municipal Court : Creation and Jurisdiction The Council may continue the court known as the municipal court and prescribe the time and place the court shall transact judicial business. The jurisdiction and proceedings of the municipal court are governed by the general laws of the state for justices of the peace and justice courts except as City ordinance prescribes to the contrary. The municipal court has original jurisdiction over all offenses defined and made punishable, and over all actions to recover or enforce forfeitures or penalties defined or authorized, by the ordinances of the City.	8.3 (d)	The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.		
5.2	Municipal Judge : Appointment The Council may appoint a municipal judge and such pro tem judges as it deems necessary to serve for indefinite terms to hold office at the pleasure of the Council and may remove any of them any time, with or without cause, by a majority vote of the entire Council.	8.3 (a)	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.	[should selection of the municipal judge stay the same? Term of 4-years (review/re-elect) & number of terms limited, such as 2 terms maximum]	
		8.3 (b)	All proceedings of this court will conform to state laws governing justices of the peace and justice courts.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		8.3 (c)	All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.		
		8.3(e)	The municipal judge may:		
		8.3(e)(1)	Render judgments and impose sanctions on persons and property;		
		8.3(e)(2)	Order the arrest of anyone accused of an offense against the city;		
		8.3(e)(3)	Commit to jail or admit to bail anyone accused of a city offense;		
		8.3(e)(4)	Issue and compel obedience to subpoenas;		
		8.3(e)(5)	Compel witnesses to appear and testify and jurors to serve for trials before the court;		
		8.3(e)(6)	Penalize contempt of court;		
		8.3(e)(7)	Issue processes necessary to enforce judgments and orders of the court;		
		8.3(e)(8)	Issue search warrants; and		
		8.3(e)(9)	Perform other judicial and quasi-judicial functions assigned by ordinance.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
5.3	Municipal Judge : Vacancy If the office of municipal judge becomes vacant or if the municipal judge is absent from the City or disabled, the City Council may appoint an acting municipal judge. The acting municipal judge shall perform the duties of municipal judge. The term of acting municipal judge shall end when the municipal judge returns to the City or takes office.	8.3(f)	The council may appoint and may remove municipal judges pro tem.		
5.4	Municipal Court : Transfer of Power The Council, by majority vote may provide for the transfer of powers and duties of the municipal court to the appropriate court of the State of Oregon.	8.3(g)	The council may transfer some or all of the functions of the municipal court to an appropriate state court.		
5.5 Proposed		8.2	City Attorney 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.	City Attorney 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.	

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
5.6 Proposed				Chief of Police The office of Chief of Police is appointed and removed by a majority of the city council. The Chief of Police may appoint, supervise, and may remove any employees who work in and for the police department in accordance with collective bargaining agreements for members of the Police Officers Association.	
		VI	QUASI-JUDICIAL AUTHORITY		
		6.1	Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Ontario orders as follows:"		
		6.2	Order Approval		
		6.1(a)	Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.		
		6.1(b)	Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		6.1(c)	After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.		
		6.1(d)	After approval of an order, the city custodian of records must endorse it with the date of approval and the custodian's name and title.		
		6.3	Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.		
VI. MUNICIPAL OFFICERS AND EMPLOYEES					
6.1	Qualifications:				
6.1.(1)	No person may hold an elective City office unless a legal elector under the laws and constitution of the state, a resident of the City for one year immediately before being elected or appointed to the office, a resident of the City when nominated, elected or appointed and assuming the office and receiving the highest number of the votes cast for candidates for the office at the election at which the office is to be filled.	7.4(a)	The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
6.1.(2)	(2) No elective office holder of this City may be employed by the City in a position that is not substantially volunteer in nature. Any question about whether employment is substantially volunteer in nature shall be made by the Council.				
6.1.(3)	(3) No person may be a nominee for the offices of mayor and councilor at the same election.	7.4(b)	No person may be a candidate at a single election for more than one city office.		
6.1.(4)	(4) Except as otherwise provided in subsection (2) of this section, the Council is the final judge of the qualifications and election of its own members.	7.4(c)	Neither the mayor nor a councilor may be employed by the city.		
		7.4(d)	The council is the final judge of the election and qualifications of its members.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
6.2	<p>Certificate of Election Immediately after the votes at a municipal election for filling an elective office have been canvassed, the City officer in charge of administering elections shall issue a certificate of election to each person declared by the canvassers to have been elected at the election. The certificate shall be prima facie evidence of the facts therein stated, but the Council shall be the judge of the election and qualifications of the mayor and councilors, and in case of a contest between two or more persons claiming an elective City office, the Council shall determine the contest.</p>				
6.3	<p>Terms The term of City elective offices shall commence on the first day in January following the officer's election.</p>				

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
6.4	Oath of Office: Each elective officer, the city manager and municipal judge, before entering upon the duties of office, shall take an oath or affirmation to support the constitution and laws of the United States and of the State of Oregon and to faithfully perform the duties of his or her office.	7.7	Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.	[Keep the City Manager as sworn in.]	
6.5	Offices: Vacancies	7.8	Vacancies		
6.5.(1)	An office becomes vacant upon the incumbent's:	7.8	Vacancies The mayor or a council office becomes vacant:		
		7.8(a)	Upon the incumbent's:		
6.5.(1)(a)	Death.	7.8(a)(1)	Death		
6.5.(1)(b)	Adjudicated incompetence.	7.8 (a)(2)	Adjudicated incompetence.		
		7.8 (b)	Upon declaration by the council after the incumbnet's:		
6.5.(1)(c)	Conviction of a crime pertaining to the office, conviction of a felony, or conviction of a crime involving moral turpitude.	7.8(b)(5)	Conviction of a misdemeanor or felony crime;	Conviction of a crime pertaining to the office, conviction of a felony, or conviction of a crime involving moral turpitude <u>and conviction of a misdemeanor.</u>	
6.5.(1)(d)	Unlawful destruction of public records.				
6.5.(1)(e)	Resignation.	7.8(b)(6)	Resignation from Office		
6.5.(1)(f)	Recall from office.	7.8(a) (3)	Recall from the office.		
6.5.(1)(g)	Ceasing to possess the qualifications for office.	7.8(b)(3)	Ceasing to be a qualified elector under state law		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		7.8 (b)	Upon declaration by the council after the incumbnet's:		
6.5.(1)(h)	Failure, following election or appointment to the office, to qualify for the office within ten days after the time for the term of office to commence.	7.8(b)(1)	Failure to qualify for the office within 10 days of the time the term of office is to begin.		
		7.8(b)(2)	Absence from the city for 30 days without council consent, or from all council meetings within a 60-day period;		
6.5.(1)(i)		7.8(b)(3)	Ceasing to reside in the city;	Ceasing to reside in the city;	
		7.8(b)(4)	Ceasing to be a qualified elector under state law;		
		7.8(b)(5)	Conviction of a misdemeanor or felony crime;		
		7.8(b)(7)	Removal under Section 8.1(i).[in LOC model charter]		
6.5.(1)(j)				When a supermajority of the council believes a council member to be unfit to continue holding office.	
6.5.(1)(i)	Violation of any provision of this Charter.				
6.5.(2)	The Council shall judge whan an office becomes vacant				

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
6.5.(3)	Vacant elective City offices shall be filled by appointment by a majority vote of the remaining members of the Council. The appointee's term of office begins immediately on appointment and continues throughout the unexpired term of the predecessor. During the temporary disability of an officer or during an officer's temporary absence from the City for any cause, the office may be filled pro tem in the manner provided for filling vacancies in office.	7.9	<p>Filling Vacancies</p> <p>A mayor or councilor vacancy will be filled by appointment by a majority of the remaining council members. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a council member from attending council meetings or a member is absent from the city, a majority of the council may appoint a councilor pro tem.</p>		
6.6	Compensation Councilors and the mayor shall be compensated for services in an amount to be fixed by the Council. No increase in the compensation of councilors shall take effect, however, until the first day of the odd-numbered year immediately following the first biennial general election after the increase is ordered.				

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		IX	PERSONNEL		
		9.1	Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.		
		9.2	Merit Systems. The council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.		
VII.	ELECTIONS				
7.1	Elections City elections, insofar as not governed by this Charter or City ordinances, shall be conducted as prescribed by state law governing popular elections, and shall be conducted on a non-partisan basis.	7.3	State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.		
7.2	Voter's Qualifications No person may vote at a city election who is not a qualified voter of the state and a resident of the City				
7.3	Nomination The Council shall provide by ordinance the mode for nominating elective officers, except that nomination shall be done by petition and such petition and such petition shall be signed by no fewer than 20 qualified electors.	7.5	Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation	
7.4	Commencement of Terms of Office The term of office of a person elected to a City office at a regular City election commences at the first Council meeting of the year immediately following the election.	7.6	Terms. The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.			
		V	ADMINISTRATIVE AUTHORITY			
		5.1	Resolutions. The council will normally exercise its administrative authority by approving resolutions. ³² The approving clause for resolutions may state "The City of Ontario resolves as follows:"			
		5.2	Resolution Approval			
		5.2(a)	Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.			
		5.2(b)	Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.			
		5.2(c)	After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.			
		5.2(d)	After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian's name and title.			

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		5.3	Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.		
VIII. ORDINANCES	IV LEGISLATIVE AUTHORITY				
8.1	Ordaining Clause The ordaining clause of an ordinance shall read: "The City of Ontario ordains as follows:".	4.1	Ordinances The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Ontario ordains as follows:".		
8.2	Passage	4.2	Ordinance Adoption		
8.2.(1)	Except as subsections (2) and (3) of this section provide to the contrary, before being put upon its final passage, every ordinance of the Council shall be read fully and distinctly in open Council meeting on two different days.	4.2(a)	Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings.		
8.2.(2)	Except as subsection (3) provides to the contrary, an ordinance may be enacted at a single meeting of the Council by a unanimous vote of the councilors present upon being read by title twice.				

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
8.2.(3)	The readings of an ordinance shall be by title only if a majority of the Council members present at the meeting do not request to have the ordinance read in full or if a copy of the ordinance is provided for each councilor and three copies are provided for public inspection in the office of the mayor or city manager no later than one week before the first reading of the ordinance and if notice of their availability is posted at the City Hall or published once in a newspaper of general circulation in the City.	4.2(b)	The council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council, provided the proposed ordinance is available in writing to the public at least one week before the meeting.		
8.2.(4)	An ordinance enacted after being read by title alone, under the provisions of subsections (2) and (3) shall have no legal effect if it differs substantially from its terms as filed prior to the reading, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council. An ordinance may be amended at the time of enactment if the ordinance as amended deals with the same general subject.	4.2(c)	Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.		
		4.2(d)	d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
8.2.(5)	(5) Upon the passage of an ordinance, the City Recorder shall sign it and date it with the date of its passage.	4.2(e)	e) After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian's name and title.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
8.2.(6)	(6) An ordinance takes effect on the thirtieth day after its enactment. However, when the Council considers it advisable, an ordinance may provide a later effective date or, in an emergency, an ordinance may take effect immediately on enactment.	4.3	Section 4.3. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.		
IX.	Public Improvements				
9.1	Procedure		Procedure The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. ⁶⁶ A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.		
9.1.(1)	Except as provided in this section, the procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinances or, to the extent not so governed, by the applicable general laws of the state.	10.1			

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
9.1.(2)	Action on a proposed public improvement shall be suspended for six months on a remonstrance by the owners of two-thirds of the land to be specially assessed for the improvement. In this section "owner" means the record holder of legal title or, if land is being purchased under a land sale contract recorded or verified in writing by the record holder of legal title to the land, the purchaser.				
9.2	Assessments Unless otherwise provided by this Charter or the applicable general laws of this state, the procedure for levying, collecting, and enforcing the payment of special assessments for public improvements, City liens, or other services to be charged against real property shall be governed by general ordinance.	10.2	Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
9.3	<p>Liens</p> <p>The docket of City liens is a public writing, and the original or a certified copy of any matter authorized by ordinance to be entered in the docket shall have the force and effect of a judgment unless otherwise provided by this Charter or the applicable general laws of this state. From the time of the Council's authorization of an improvement on account of which an assessment is entered in the docket, the sum so entered is a lien against the property. The lien has priority over all other liens and encumbrances upon the property and may be enforced in the manner authorized by the Council.</p>				
9.4	<p>Condemnation</p> <p>A necessity of taking property for the City by condemnation shall be determined by the Council and declared by a resolution of the Council describing the property and stating the uses to which it shall be devoted.</p>				

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
	X MISCELLANEOUS PROVISIONS				
10.1	Revenue Bonds The Council may issue revenue bonds without voter approval only for commercial or industrial development or a municipal utility. Such bonds shall not constitute general obligations of the City and shall only be payable from the proceeds of the commercial or industrial development or the municipal utility.				
10.2	Indebtedness: Limits.				
10.2.(1)	Indebtedness of the City may not exceed the limits on City indebtedness under state law.	11.1	Debt City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.		
10.2.(2)	Approval by the voters of City indebtedness need not be in the form of a Charter amendment.				
10.3	Terms, Proceeds, and Retirement of Bonds Bonds issued by the City as evidence of indebtedness shall include such terms, the manner in which the proceeds from sale of the bonds shall be kept, invested, disbursed, and accounted for and the manner in which the indebtedness shall be retired as the Council prescribes. The prescription may not be changed for a particular bond after it is issued.				

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
10.4	<p>Presumption of Validity of City Action.</p> <p>In every proceeding in any court concerning the exercise or enforcement by the City or any of its officers or agencies of any power by this act given to the City or any of its officers or agencies, all acts by the City or any of its officers or agencies shall be presumed to be valid and no error or omission in any such act invalidates it, unless the person attacking it alleges and proves that he or she has been misled by the error or omission to his or her damage. The court shall disregard every error or omission which does not affect a substantial right of the person. Any action by this Charter committed to the discretion of the Council, when taken, shall be final and shall not be reviewed or called into question elsewhere.</p>				

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
10.5	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.	11.2	Ordinance Continuation All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.		
10.6	Repeal.				
10.6.(1)	All Charter provisions of the City enacted prior to the time that this Charter is approved by the voters are hereby repealed.	11.3	Repeal All charter provisions adopted before this charter takes effect are repealed.		
10.6.(2)	No repeal of a feature of the 1954 Charter or any amendment or addition thereto that has repealed an earlier such feature revives the earlier.				
10.6.(3)	No repeat of a feature of the 1954 Charter or an amendment or addition thereto affects the validity of an outstanding bond issued by the City or impairs the obligation of the City under the bond or the rights of the holders of the bond.				
		11.4	Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
10.7				<u>City Sales Tax</u> <u>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.</u> [Also comment received to allow the current process to proceed where it is referred to voters by petition]	
10.8				<u>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 and shall not go into effect until the following year after the next election of councilors.</u>	
10.9 10.7	Effective Date of Revision. This revised Charter takes effect on January 1, 1985.	11.5	Time of Effect. This charter takes effect _____, 20___.	Time of Effect. <u>This charter takes effect _____, 20___.</u>	



Staff Research by Topic

April 29, 2021





Councilor Structure Options

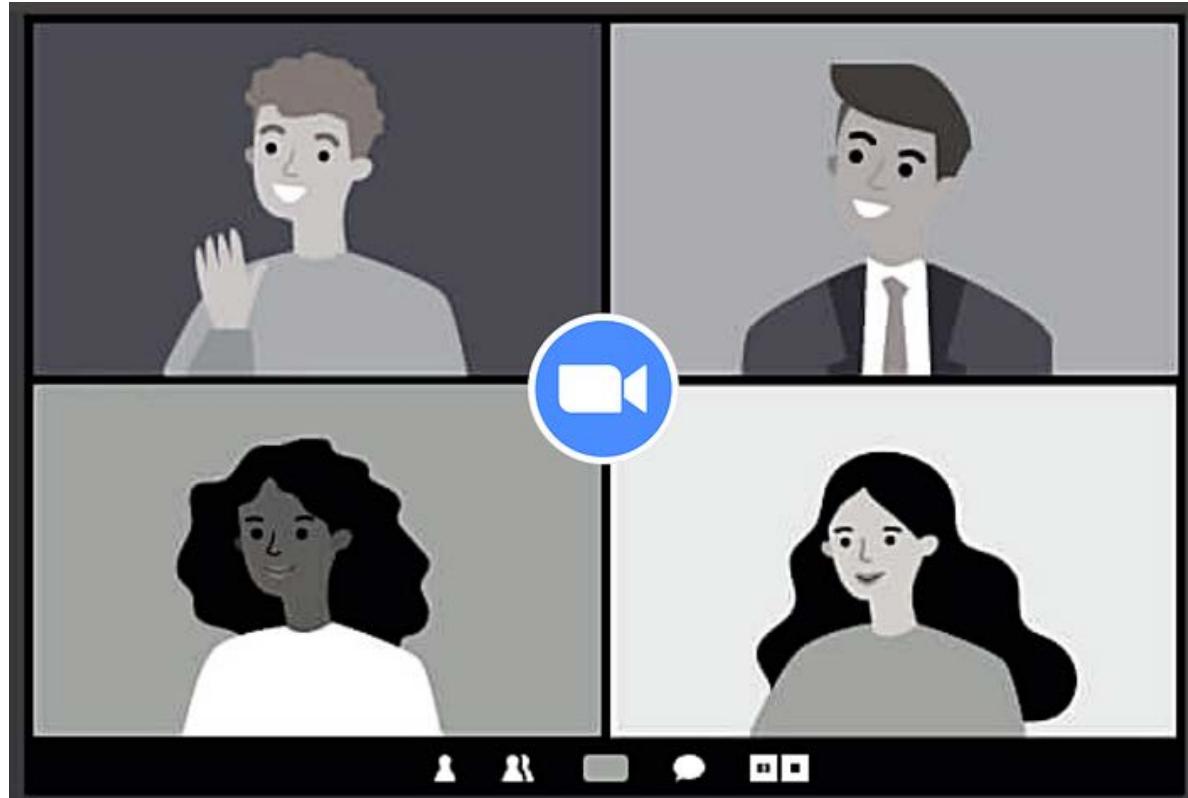
- At Large
 - Top Votes for number of seats open
 - Seats Numbered and specific seats are challenged
- By Ward
 - Single Seat Wards
 - Elected only by members of that ward
 - Elected at large
 - Multi Seat Wards (e.g., 2 seats per ward)
 - Elected by members of that ward
 - Elected at large





3.5 Digital Meetings

- No charters of the 65 we reviewed spoke about virtual, electronic, or digital meeting attendance.
- State Law already allows virtual attendance through video or telecommunication





3.8 Council President

- Three Options Presented by the Committee
 1. Leave as it is.
 2. Amend to read that a majority would allow for removal.
 3. Remove the Council President position.
- No language available in other charters.





5.2 Municipal Judge

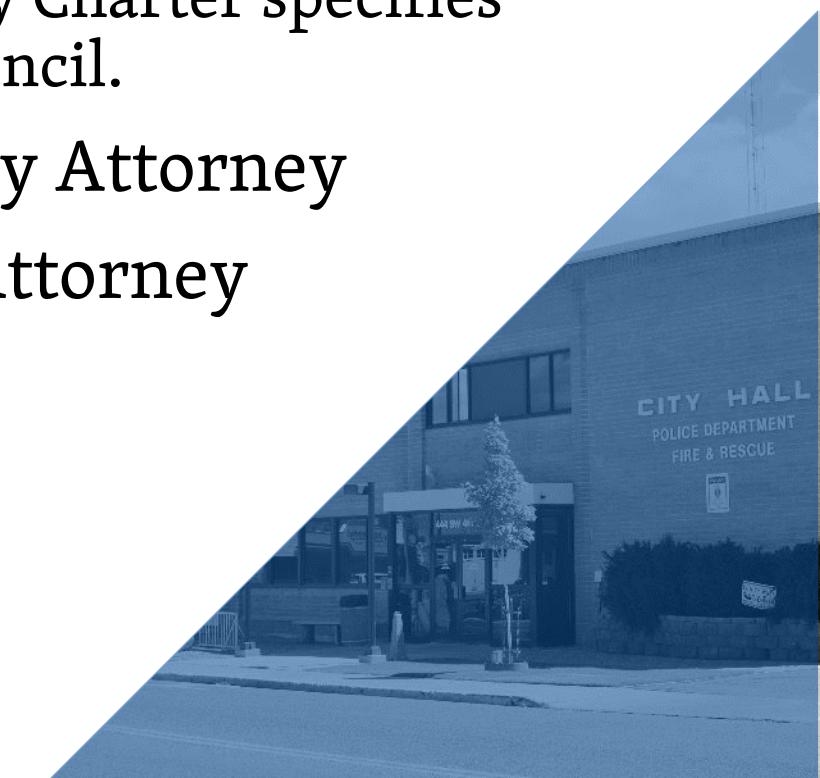
- Only 2 out of 65 cities had terms.
 - Medford - 3-year term appointed
 - Salem - 4-year term elected
- Most are appointed and removed by council decision
 - A few are appointed by the mayor with the consent of council





5.5 City Attorney Appointment

- Clarification Needed
 - Proposed language establishes an Office of the City Attorney – Is the intent to have a full-time attorney on staff? Or is the intent to continue to contract out the City Attorney. Either way, the City Charter specifies that the City Attorney is appointed by the City Council.
 - 37 Cities are under a Council appointed the City Attorney
 - 21 Cities have the City Manager hire the City Attorney





5.6 Police Chief

Police Chief Hiring and Removal

- 63 of 65 cities surveyed have the City Manager hire and terminate the police chief
 - 1 City can hire and remove Police Chief
 - 1 City can remove the Police Chief





6.4 Oath of Office

- Staff research
 - Majority of charters only include elected officers
 - Eugene, Redmond, Woodburn, and Roseburg include the City Manager



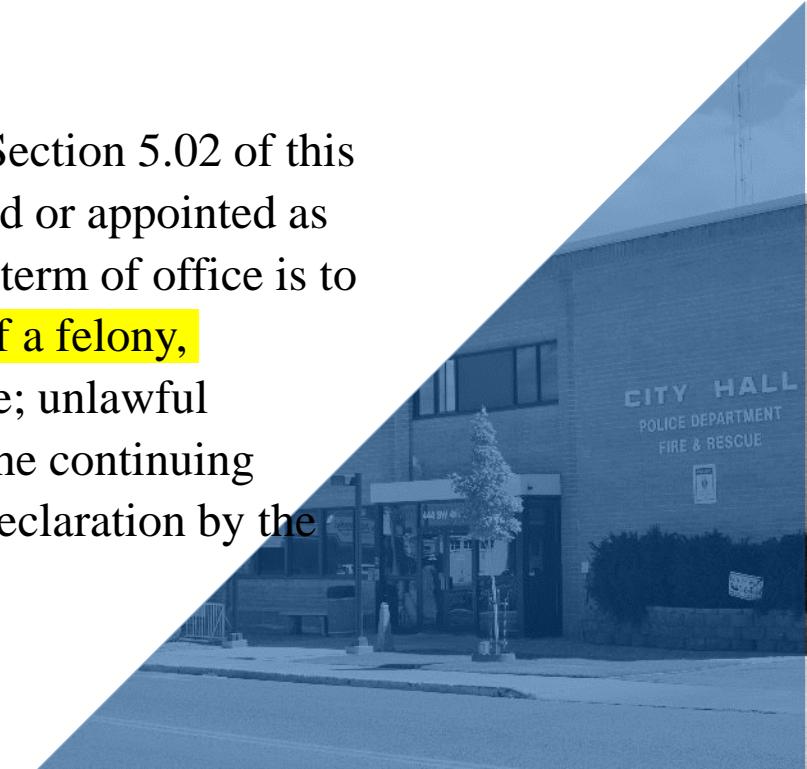


6.5 Council Vacancy Felony/Misdemeanor

- Staff research
 - 38 of 64 charters include felony as a reason for vacancy of a councilor.
 - Only Monmouth includes language for misdemeanors.

5.01 Vacancy; Forfeiture of Office; Creation of.

The office of an elected official shall, subject to the outcome of a hearing under Section 5.02 of this Article, if any, be deemed forfeited and vacant upon the failure of a person elected or appointed as an elected official to qualify for that office within 10 days after the time for their term of office is to commence; upon the incumbent's death; adjudicated incompetence; conviction of a felony, misdemeanor involving moral turpitude, or other offense pertaining to their office; unlawful destruction of public records; resignation; recall from office; ceasing to possess the continuing qualifications of office; or for other grounds for forfeiture of office, and upon a declaration by the Council of the vacancy.



6.5 Council Vacancy Based on Residency

- Many charters state that a vacancy is caused by a city councilor ceasing to reside in the City.
- Most specifically state that residency is required after taking office in addition to having residency prior to taking office.



Section 30 Vacancies.

Prineville, Oregon

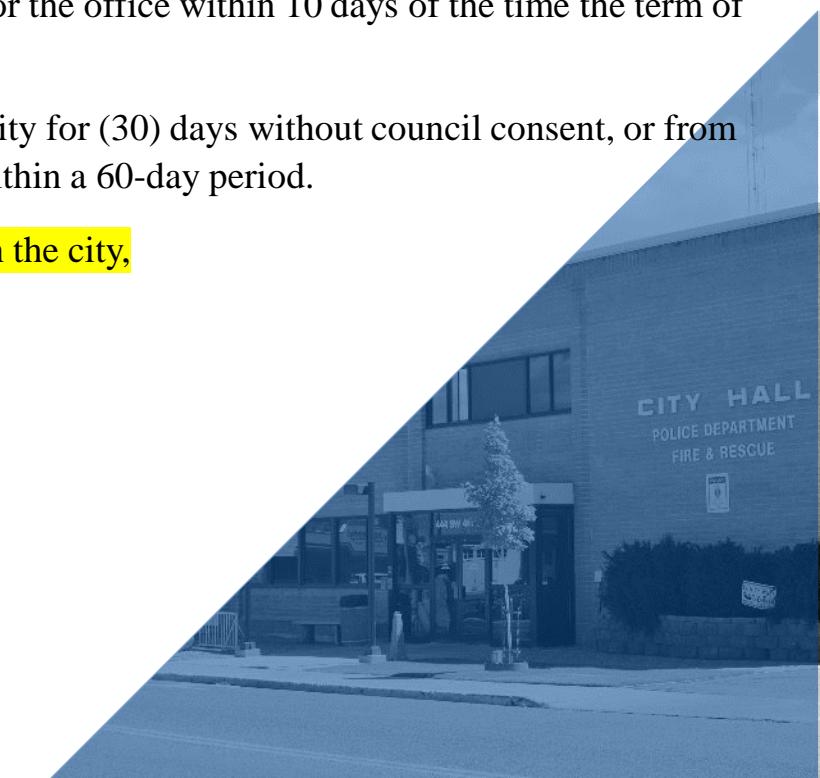
The mayor or a council office becomes vacant:

(b) Upon declaration by the council after the incumbent's

(1) Failure to qualify for the office within 10 days of the time the term of office is to begin.

(2) Absence from the city for (30) days without council consent, or from all council meetings within a 60-day period.

(3) Ceasing to reside in the city,





6.5 Council Power to Remove a Councilor

- Beaverton, Ashland, and Monmouth include language for removal of a councilor by the council.

3.10 Removal from Office.

In addition to censure and discipline, the council may remove a council member, after notice and an opportunity to be heard, if a minimum of five members of the council determines that the council member:

- (a) Is convicted of a crime punishable by a term of imprisonment;
- (b) Has violated any applicable rule of governmental ethics;
- (c) Fails to participate in at least one council meeting within a 60-day period without notifying the council;
- (d) Fails to qualify for the office within 30 days of the scheduled date of assuming office;
- (e) Coerces the city manager in violation of Section 3.4.

The Council shall have the power, by a two-thirds affirmative vote, to 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.

5.02 Judge of Qualifications.

The Council shall be the judge of whether the initial and continuing qualifications of elected officials are met, whether grounds for forfeiture of office exist, and whether an office is vacant. An elected official charged with failing to meet initial or continuing qualifications or with conduct constituting grounds for forfeiture of office is entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Decisions made by the Council under this section are subject to judicial review.



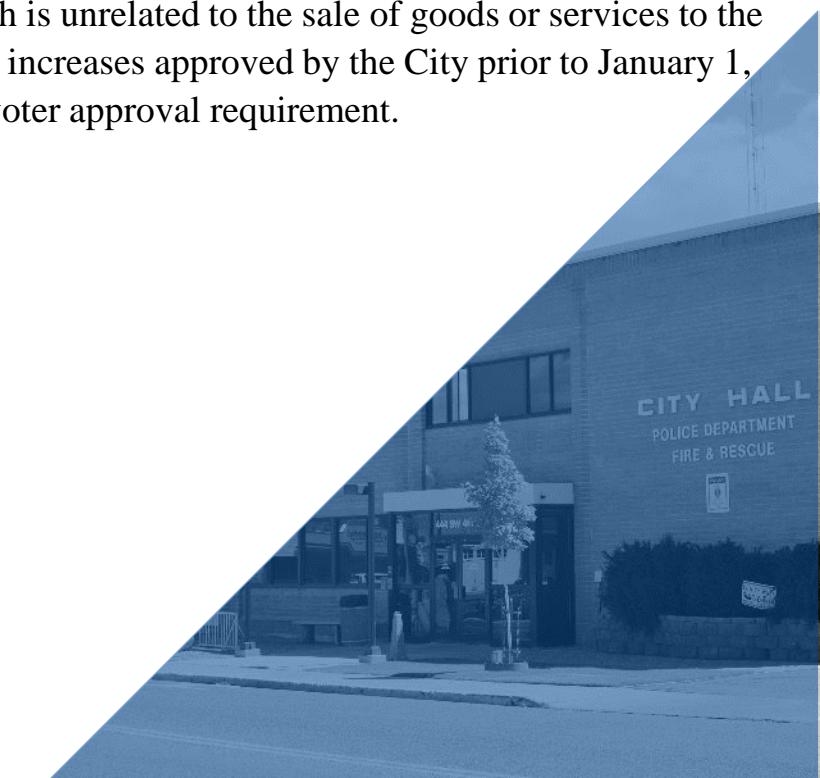
10.7 Sales Tax

- **58 out of 65 Cities make no mention of taxes in the charter and have no restriction.**
- Only Bend and Umatilla specifically restrict all sales tax measures.
- 3 cities (Medford, Tigard, & St. Helens) restrict taxation for certain services such as light rail, groceries, and transit.
- 1 City restricts with a cap of 2%

Section 40 Direct Sales Tax.

Bend, Oregon

Direct sales taxes imposed by the city shall not become effective unless approved by the majority of the votes cast at a citywide election. This requirement does not apply to fees or charges imposed by the City for services or products provided by the City; building permit charges or system development charges; franchise fees including but not limited to cable, utility and telecommunications franchise fees, and any other fee or charge which is unrelated to the sale of goods or services to the public by the City. Taxes and tax increases approved by the City prior to January 1, 2002 shall not be subject to the voter approval requirement.





10.8 Fees

- Only one city of the 65 surveyed mentions fees (Sherwood) which restricts increase in fees to a maximum of 2%.

