



CHARTER REVIEW COMMITTEE MEETING

Wednesday, February 7, 2024
Community Auditorium, 1915 Main Street

Isaac Echeverria
Bryan Dennis
Adolph Valfre
Elysha Johnson
Dale Thaler
LaAna Littlefield
Wolanda Groombridge

Tammi McLaughlin
Tacy Steele
Kate MacDonald
Vacant
Ashley Driscoll, City Attorney
Joyce Phillips, Staff Liaison

Zoom Webinar:

Link: <https://us06web.zoom.us/j/85346946177?pwd=vE1s3Pv5lDWbBMgrNWb6F39vFbgrvU.1>

Meeting ID: 853 4694 6177

Passcode: 402358

A. Call to Order

1. Roll Call

B. Public Comment: Time provided for anyone wishing to speak to City Council on an item not on the agenda or on the agenda but not scheduled for a public hearing. Comments are limited to 2 minutes unless additional time is granted by the Presiding Officer. The public comment period shall not exceed 30 minutes unless a majority of Councilors present vote to extend the time. Written comments must be submitted to CityCouncilors@forestgrove-or.gov by 3 p.m. the day of the meeting. **Zoom attendees:** may use the “Raise Hand” option to be called on.

1. Written Public Comment

C. Consent Agenda: Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Councilors who wish to remove an item from the Consent Agenda may do so prior to the motion. Any item(s) removed will be discussed and acted upon following the approval of the remaining item(s).

1. Approve Meeting Minutes

D. Additions/Deletions

1. N/A

E. Discussion Items

- 1.

- A. Consider amendments to Section 16(c) regarding substantive amendments to ordinances
- B. Consider and vote on the draft Charter
- C. Discussion and vote on the draft final report
- D. Discussion regarding publicizing the draft Charter and final report
- E. Discussion regarding the upcoming public hearing

F. Reports

- 1. Draft of Charter Review Committee Report for Council
Staff: Ashley Driscoll

G. Future Agenda Items

- 1. Public Hearings

H. Adjournment

Americans with Disabilities Act (ADA) Notice: The City of Forest Grove will make reasonable accommodations for participation in the meeting. Requests for assistance can be made by contacting the City Recorder's Office, 503-992-3235, mwoods@forestgrove-or.gov, at least 48-hours in advance of the meeting.



A place where families and businesses thrive.

**Charter Review Committee
Meeting Minutes**

**January 24, 2024
Zoom & Community Auditorium**

Minutes are unofficial until approved by CRC.

1. Called to Order

The meeting was called to order at 6:02 PM.

Present: Ashley Driscoll, City Attorney, Joyce Phillips (staff liaison), Tacy Steele, Elysha Johnson, Dale Thaler, LaAna Littlefield, Adolph “Val” Valfre, Tammi McLaughlin, Kate MacDonald, Bryan Dennis, Isaac Echeverria

Absent: Wolanda Groombridge

2. Public Comment: N/A

3. Consent Agenda: Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Committee members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the remaining Consent Agenda item(s).

1. Approve/review meeting minutes from the January 18, 2024 meeting – approved

4. Additions/Deletions: None.

5. Discussion Items – Meeting decorum was presented and reviewed. The CRC updated timeline was discussed. The next meeting dates of January 31 (canceled), and February 7 were mentioned regarding discussing the Final Report Draft.

a) 01.18.24 Meeting Recap

- Section 32 – Filling Vacancies Language
- How voting currently works in FG
- RCV – Single Winner & Proportional
- Implementation of RCV
- Oregon Ballot Measure 2004 (Nov. 2024)

b) CRC Conversation Timeline

- Substantive Areas to Cover: Ranked Choice Voting and Residency Requirements.
- The timeline was discussed to outline the meeting schedule:
 - o January 31 - **CANCELED**
 - o February 7 – FINAL REPORT DRAFT DISCUSSION
 - o March 13 & 20 (Public Hearings)
 - o March 27 – FINAL MEETING
 - o April – to Council

c) City Manager Residency

(a) Forest Grove language:

- The Manager need not reside in the City at the time of employment, but must within six months become and remain a resident of the City while appointed as Manager. A majority of the Council may modify the contract to extend the time to comply.

(b) LOC Model language:

- The Manager need not reside in the City ⁽⁵⁴⁾
- (54): If the city wants the charter to require the manager to live in the city, the following may be added: “but must become and remain a resident of the city while manager.” In the alternative, if a residency requirement is desired but is not practicable due to a housing shortage or other conditions, the following may be added: “but must live within 30 miles of the city.” Either requirement can be imposed more flexibly by ordinance or contract.

(c) Staff recommendation: Remove from Charter as this does not allow for flexibility; creates a barrier and very difficult to locate a candidate. Candidate should have expertise in policy management and execution.

(d) The current FG language was added to the Charter in 2009.

(e) A round table discussion ensued regarding CM residency requirement. Many current employees do not reside in the city. Other cities, do not make this requirement. Out of all the cities researched, Tualatin is the only city that requires their CM to live in the city.

(f) Motion to amend removing this requirement from the Charter – consensus, all participants yes.

d) Ranked Choice Voting - continued

- Four articles were provided in the meeting packet for review.

- Ashley discussed how Corvallis was able to manage to educate their voters with press releases, social media campaigns, and materials created in-house. Corvallis had no budget for this project.
- Forest Grove estimated voter education costs: \$25k-\$35K.
- Committee members discussed their thoughts on RCV.
- Consensus not to move forward with an RCV recommendation to the council.

e) Next Meetings

- Draft of Final Report
- Public Hearings
- Finalize report/last meeting

f) Meeting Schedule

- Every 2nd and 4th Wednesday at 6:00 PM
- Next meeting on February 7, 2024
- Upcoming Public Hearing dates: March 13 and 20

6. Adjournment and Announcement of Next Meeting: The meeting adjourned at 7:21 p.m. The next CRC meeting will be held on Wednesday, February 7, 2024, at 6:00 p.m.

Respectfully submitted,

Joyce Phillips, Staff Liaison

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CHAPTER I
NAME AND BOUNDARIES

SECTION 1. TITLE This Charter may be referred to as the 2009 City of Forest Grove Charter.

SECTION 2. NAME The City of Forest Grove, Washington County, Oregon continues as a municipal corporation with the name City of Forest Grove.

SECTION 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 its boundaries.

CHAPTER II

POWERS

SECTION 4. POWERS The City has all powers that the constitutions, statutes and common law of the United States and State of Oregon expressly or impliedly grant or allow the City, as fully as though this Charter specifically enumerated each of those powers.

SECTION 5. CONSTRUCTION This 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.

SECTION 6. 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.

CHAPTER III

COUNCIL

SECTION 7. COUNCIL The Council consists of a Mayor and six Councilors nominated and elected from the City at large.

SECTION 8. MAYOR

- (a) The Mayor presides over and facilitates Council meetings, preserves order, enforces Council rules, and determines the order of business under Council rules.
- (b) ~~The Mayor is a voting member of the Council and has no veto authority.~~
Mayor shall vote only in case of a tie and have no veto authority.
- (c) The Mayor, with the consent of Council, appoints members of boards, commissions and committees established by ordinance or resolution.
- (d) The Mayor must sign all records of Council decisions.
- (e) The Mayor serves as the ~~political head~~ **civic leader** of the City government.

SECTION 9. COUNCIL PRESIDENT At its first meeting each year, the Council must elect a President from its membership. **The President shall not serve for more than two consecutive years.** The President presides in the absence of the Mayor and acts as Mayor when the Mayor is unable to perform duties. **The President retains the right to vote while acting as the Mayor but does not have an additional vote to break a tie.**

SECTION 10. COUNCIL RULES The Council must adopt by resolution rules to govern its meetings and proceedings.

SECTION 11. MEETINGS The Council must meet at least once a month at a time and place designated by Council rules, and may meet at other times in accordance with the Council rules.

SECTION 12. QUORUM A majority of the Council members is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by Council rules.

SECTION 13. 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.

SECTION 14. RECORD A record of Council meetings must be kept in a manner prescribed by the Council rules.

CHAPTER IV

LEGISLATIVE AUTHORITY

SECTION 15. ORDINANCES The Council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state “The City of Forest Grove ordains as follows:”

SECTION 16. ORDINANCE ENACTMENT

- (a) Except as authorized by subsection (b), enactment of an ordinance requires approval by a majority of the Council at two meetings.
- (b) The Council may enact an ordinance at a single meeting by unanimous approval by at least five members, provided the proposed ordinance is available to the public at least seven days before the meeting as prescribed by Council rules.
- (c) ~~Any substantive amendment to a proposed ordinance must be read aloud before the Council enacts the ordinance.~~ **or made available in writing to the public before the council adopts the ordinance at that meeting.**
- (d) After the enactment of an ordinance, the vote of each member must be entered into the Council minutes.
- (e) After enactment of an ordinance and signature by the Mayor, the City Recorder must attest to the ordinance by name, title, and date of enactment.

Commented [AD1]: Note: for committee consideration

SECTION 17. EFFECTIVE DATE Ordinances take effect on the 30th day after enactment, or on a later day provided in the ordinance. An ordinance may take effect as soon as enacted or other date less than 30 days after enactment if the ordinance contains an emergency clause.

CHAPTER V
ADMINISTRATIVE AUTHORITY

SECTION 18. RESOLUTIONS The Council will normally exercise its administrative authority by adopting resolutions. The adopting clause for all resolutions must state “The City of Forest Grove resolves as follows:”

SECTION 19. RESOLUTION ADOPTION

- (a) Adoption of a resolution or any other Council administrative decision requires approval by the Council at one meeting.
- (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** ~~before the Council adopts the resolution.~~
- (c) After adoption of a resolution or other administrative decision, the vote of each member must be entered into the Council minutes.
- (d) After adoption of a resolution and signature by the Mayor, the City Recorder must attest to the resolution by name, title, and date of adoption.

SECTION 20. EFFECTIVE DATE Resolutions and other administrative decisions take effect on the date of adoption, or on a later day provided in the resolution.

CHAPTER VI

QUASI-JUDICIAL AUTHORITY

SECTION 21. ORDERS The Council will normally exercise its quasi-judicial authority by adopting orders. The adopting clause for all orders must state “The City of Forest Grove orders as follows:”

SECTION 22. ORDER ADOPTION

- (a) Adoption of an order or any other Council quasi-judicial decision requires approval by the Council at one meeting.
- (b) Any substantive amendment to an order must be read aloud **or made available in writing to the public before the council adopts the order at that meeting** ~~before the Council adopts the order.~~
- (c) After adoption of an order or other Council quasi-judicial decision, the vote of each member must be entered in the Council minutes.
- (d) After adoption of an order and signature by the Mayor, the City Recorder must attest to the order by name, title, and date of adoption

SECTION 23. EFFECTIVE DATE Orders and other quasi-judicial decisions take effect on the date of final adoption, or on a later day provided in the order.

CHAPTER VII

ELECTIONS

SECTION 24. COUNCILORS At each general election after adoption of this Charter, three Councilors will be elected for four-year terms. The term of a Councilor in office when this Charter is adopted is the term for which the Councilor was elected.

SECTION 25. MAYOR At the 2010 general election and every other general election thereafter, a Mayor will be elected for a four-year term. The term of the Mayor in office when this Charter is adopted is the term for which the Mayor was elected.

SECTION 26. 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.

SECTION 27. QUALIFICATIONS

- (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.
- (b) No person may be a candidate at a single election for more than one City office.
- (c) Neither the Mayor nor a Councilor may be employed by the City.
- (d) The Council is the final judge of the election and qualifications of its members.

SECTION 28. NOMINATIONS The Council must adopt an ordinance prescribing the manner for a person to be nominated to run for Mayor or a Councilor position.

SECTION 29. TERMS The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election ~~at the first Council meeting immediately after the election is certified by county elections officials~~, and continues until the successor qualifies and assumes the office.

Commented [AD2]: This changes the start of the term to make it uniform, and not when the results are certified

SECTION 30. 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 State of Oregon, and the Charter, ordinances and resolutions of the City.

SECTION 31. VACANCIES The Mayor or a Councilor office becomes vacant:

- (a) Upon the incumbent's:
 - (1) Death,
 - (2) Adjudicated incompetence, or
 - (3) Recall from the office.
- (b) Upon declaration by the Council after the incumbent's:
 - (1) Failure to qualify for the office within 10 days prior to the time the term of office is to begin,
 - (2) Absence from the City for 30 days or from all Council meetings within a 45-day period, without Council consent,
 - (3) Ceasing to reside in the City,
 - (4) Ceasing to be a qualified elector under State law,
 - (5) ~~Conviction of a public offense punishable by loss of liberty,~~
Conviction of a misdemeanor or felony crime,
 - (6) Resignation from the office, or
 - (7) Violation of Section 33(i).

SECTION 32. FILLING VACANCIES

- (a) A Mayor or Councilor vacancy will be filled by appointment by a majority of the remaining Council members notwithstanding any quorum or voting requirements of this Charter.**
- (b) The appointee's term of office shall begin immediately upon appointment and qualification and shall continue until the first council meeting of the year immediately after the next general election; and if the term of office does not then expire, the remainder of the term shall be filled by election at such general election.** The term of office for the appointee runs from appointment until expiration of the term of office of the last person elected to that office.
- (c) The Council must adopt by ordinance a process for appointing members to vacant council positions.**

Commented [AD3]: Change start of term

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- (d)** 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.

CHAPTER VIII

APPOINTIVE OFFICERS

SECTION 33. CITY MANAGER

- (a) The office of City Manager is established as the administrative head of the City government. The Manager is responsible to the Mayor and Council for the proper administration of all City business. The Manager will assist the Mayor and Council in the development of City policies and carry out policies established by ordinances and resolutions.
- (b) A majority of the Council may appoint and may remove the Manager. The appointment must be made without regard to political considerations and be solely on the basis of education and experience in competencies and practices of local government management.
- (c) ~~The Manager need not reside in the City. at the time of employment, but must within six months become and remain a resident of the City while appointed as Manager. A majority of the Council may modify the contract to extend the time to comply.~~
- (d) The Manager is 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 a vacancy occurs.
- (e) The Manager must:
 - (1) Attend all Council meetings unless excused by the Mayor or Council;
 - (2) Make reports and recommendations to the Mayor and Council about the needs of the City;
 - (3) Administer and enforce all City ordinances, resolutions, franchises, leases, contracts, permits, and other City decisions;
 - (4) Appoint, supervise, and remove City employees;
 - (5) Organize City departments and administrative structure;
 - (6) Prepare and administer the annual City budget;
 - (7) Administer City utilities and property;
 - (8) Encourage and support regional and intergovernmental cooperation;
 - (9) Promote cooperation among the Council, staff and residents in developing City policies, and building a sense of community;

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- (10) Perform other duties as directed by the Council; and
- (11) Delegate duties, but remain responsible for acts of all subordinates.
- (f) The Manager has no authority over the Council or over the judicial functions of the Municipal Judge.
- (g) The Manager and others designated by the Council may sit at Council meetings but have no vote. The Manager may take part in all Council discussions.
- (h) When the Manager is temporarily disabled from acting as Manager or when the office becomes vacant, the Council must appoint a Manager pro tem as prescribed by Council rules. The Manager pro tem has the authority and duties of Manager, except that a Manager pro tem may not appoint or remove employees without Council approval
- (i) No Council member may directly or indirectly attempt to coerce the Manager or a candidate for that office 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, Council members may discuss or suggest anything with the Manager relating to City business.

SECTION 34. CITY ATTORNEY The City Attorney is appointed by the Council as the chief legal officer of the City. A majority of the Council will appoint and may remove the Attorney.

SECTION 35. MUNICIPAL COURT AND JUDGE

- (a) A majority of the Council may appoint and may 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 of the City of Forest Grove".
- (b) All proceedings of this Court will conform to State laws governing justices of the peace and justice courts.
- (c) All areas within the City and areas outside the City as permitted by State law are within the territorial jurisdiction of the Court.
- (d) The Court has jurisdiction over every offense created by City ordinance. The Court may enforce forfeitures and other penalties created by

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ordinances. The Court also has jurisdiction under State law unless limited by City ordinance.

- (e) The Municipal Judge may:
 - (1) Render judgments and impose sanctions on persons and property;
 - (2) Order the arrest of anyone accused of an offense against the City;
 - (3) Commit to jail or admit to bail anyone accused of a City offense;
 - (4) Issue and compel obedience to subpoenas;
 - (5) Compel witnesses to appear and testify and jurors to serve for trials before the Court;
 - (6) Penalize contempt of Court;
 - (7) Issue processes necessary to enforce judgments and orders of the Court;
 - (8) Issue search warrants; and
 - (9) Perform other judicial and quasi-judicial functions assigned by ordinance.
- (f) The Council may appoint and may remove Municipal Judge pro tems.
- (g) The Council may transfer some or all of the functions of the Municipal Court to a State court.

CHAPTER IX
PERSONNEL

SECTION 36. PERSONNEL RULES. The Council by resolution will adopt the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of City employees based on merit and fitness.

CHAPTER X
MISCELLANEOUS PROVISIONS

SECTION 37. CITY AUDIT The Council by resolution will approve contracts for annual audits of City accounts and fiscal affairs as required by State law.

SECTION 38. DEBT City indebtedness may not exceed debt limits imposed by State law. A Charter amendment is not required to authorize City indebtedness.

SECTION 39. ORDINANCE CONTINUATION All ordinances consistent with this Charter in force when it takes effect remain in effect until amended or repealed.

SECTION 40. REPEAL All Charter provisions adopted before this Charter takes effect are repealed.

SECTION 41. SEVERABILITY The terms of this Charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other term of the Charter.

SECTION 42. TIME OF EFFECT This Charter takes effect July 1, 2009.

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City of Forest Grove
Charter Review Committee
Final Committee Report and Recommendations
2024

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Introduction

In February 2023 the City of Forest Grove began the process of recruiting and convening a Charter Review Committee. The primary function of the Charter Review Committee (“committee”) was to review the existing Charter to determine if it will adequately serve the community well into the future.

The Committee consisted of ten¹ voting members appointed by the Council after an open recruitment. The Council appointed at least two (2) members of the Committee who reside in each of the four quadrants of the City of Forest Grove (northeast, northwest, southeast, and southwest). The remaining three (3) members were at large. The City held an open recruitment for the members.

The mayor appointed Elysha Johnson to serve as the chair and the committee appointed Adolph “Val” Valfre as vice chair.

This report describes the process undertaken by the committee, and recounts the committee’s analysis of each issue and subject.

Scope of Review

The committee was authorized to review the entire Charter, using the most recent League of Oregon Cities Model Charter as a template, and make recommendations to the Council on any aspect of the Charter. In addition, the council asked for specific recommendations on the following issues/subjects:

- Geographic representation for council members.
- Term limits for the mayor and council members.
- The necessity of a city manager residency requirement.
- Roles of the mayor and council president.

Meetings

The committee held X publicly noticed meetings at the Community Auditorium and via zoom, including two publicly advertised public hearings in which the committee took and considered written and oral testimony offered during the review process.

¹ The Council originally appointed 11; one member resigned.

Process

The process the committee employed to reach the recommendations below included first identifying the differences between the League of Oregon Cities Model Charter and the existing City of Forest Grove Charter, and noting those areas for review and discussion, along with the specific recommendations from council. The committee also considered additional areas of review by majority vote or by city attorney recommendation. These areas included addressing how the city handles appointing city councilors when the council has a number of vacancies; ranked choice voting; and the process for appointing city councilors.

After identifying areas for review, the committee reviewed each section in numerical order. The committee considered information and data applicable to each section under review. This information often included how some of the city's comparable jurisdictions in Washington County (for example, Hillsboro, Tualatin, Tigard, Newberg, Sherwood and Cornelius) handled certain issues. If many of the nearby comparable cities had not addressed a certain issue (such as ranked choice voting or wards) the committee looked at examples from across the state. Once the committee believed it had enough information to deliberate on potential amendments, each member of the committee was invited to participate and then vote on any recommended amendments.

The committee's general approach was to first consider what problem, concern, or inequality the committee would be addressing with any amendments. The committee understood that the Charter functions as the municipal equivalent of a state or federal constitution, setting forth guiding principles for governance. The Charter establishes the framework for how a local government operates in terms of its structure, responsibilities, functions, and processes. However, the Charter can be inflexible and difficult to amend in the face of unintended consequences or evolving environments. An overly proscriptive Charter can produce inefficiencies, restrict the city from adjusting to, or evolving with, a changing environment or unintentionally advantage or disadvantage certain groups. To that end, the committee approached each matter by first asking if the issue was a "charter issue" or if the point could be addressed through a different avenue, such as an ordinance, policy, or change in council or administrative personnel. The committee endeavored to look at historical patterns and longstanding concerns and issues facing the city (the "big picture"), rather than draft amendments targeted at specific current subjects or individuals.

Recommended Changes and Topics Considered

1. Geographical Representation

The committee recommends the council not implement wards or districts at this time. In reaching their decision, the committee reviewed the following information:

- State wide data regarding which cities had implemented wards and details about their system, including their population, number of wards, electoral system and total number of councilors;
- Legal opinion on the drawing voting districts;
- Map showing the current council representation by quadrant;
- Data on registered voters by precinct in Forest Grove;
- Data on current geographic representation for city boards and commissions;
- Forest Grove data on voter turnout by precinct since 2019; and
- [A research paper on Ward Electoral Systems in Oregon Cities](#)

The committee considered four structural options for wards, including (1) candidates nominated by ward, but voted on at-large; (2) candidates nominated by ward, voted on only by ward (electoral ward); (3) some candidates nominated by ward, some at large, all voting at large; (4) Some councilors nominated by ward, voted on by ward, others at large and voted on at large.

In reviewing a map of the residency of the current city council the committee noted there was at least one council representative from each city quadrant.

The committee identified the advantages of wards as ensuring representation from each quadrant of the city and potentially reducing the cost of elections. The committee also discussed potential disadvantages, including the risk that each ward may not have a viable candidate, particularly considering that in Forest Grove each ward would be comprised of about 4,000 voters (or less if the city implemented more than four wards). The committee also discussed the concern that if council members were elected only by their ward, the council member would be incentivized to make decisions that advantaged their ward rather than the best decision for the city as a whole.

The committee also reviewed the legal requirements of the city implementing voting wards. For voting wards (i.e. where voters in a ward elect a representative), the city would need to ensure the ward complies with state and federal equal voting laws. This would require a review of ward jurisdictional boundaries every ten years after the biennial census.

Of the City's comparable jurisdiction, only the largest (Hillsboro) is divided into wards. All the other jurisdictions (Sherwood, Tigard, Cornelius, Tualatin and Newberg) are not.

The vote not to recommend wards was unanimous. Most committee members expressed concern that wards are not as beneficial in cities the size of Forest Grove, and that implementing a ward system may impact the number of strong and viable candidates, while not increasing equitable representation. The committee also noted that implementing a ward system would not address the larger issue of voter participation and would potentially add additional burdens to the City's budget.

No Proposed Amendments.

2. Role of the Mayor and Council President

The committee recommends the city modify the role of the mayor and the council president.

- Mayor votes only in case of a tie.*

The committee recommends, by a six to five vote, that the city amend the Charter to have the mayor vote only in the case of a tie. In reaching this recommendation, the committee reviewed information from comparable jurisdictions and input from past and current mayors. The committee discussed the possibility that if the mayor was not responsible for voting on every matter, the mayor could reserve more focus for other mayoral duties, such as presiding over the meetings, preserving order, enforcing the council rules, determining the order of council business, reviewing council agendas, and serving as the City’s civic leader. The majority of the committee also suggested that if the mayor is not required to vote on every matter, they could be more neutral during difficult conversations and potentially be more effective in building consensus.

Alternatively, the committee discussed that requiring the mayor to vote on all matters before the council fostered more transparency regarding the mayor’s position on key matters facing the city. The committee noted that because the mayor would be required to vote on the most controversial decisions in the case of a tie, there is no guarantee that the mayor would be more successful at fostering consensus or remaining neutral.

Ultimately the committee decided that the benefits of having the mayor vote in case of a tie outweighed the detriments.

b. Mayor as “civic leader” rather than “political head.”

The committee recommends, by an eight to one vote, that the city change the role of the mayor from “political head” to “civic leader.” The committee believes the term “political head” implies that the mayor has a political affiliation, and prefers a more neutral term. There is no intent to substantively change the role of the mayor, but rather update the description to be apolitical (and therefore potentially less divisive) and reflect the non-partisan nature of the mayor’s role.

Similar to the phrase “political head,” the phrase “civic leader” recognizes the traditional and inherent authority of the office of mayor. In other words, the public traditionally perceives that the mayor as the leader of the organization and whoever occupies that position will either be asked to take on additional duties, or have additional duties assigned.

Proposed Amendments

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| SECTION 8. MAYOR | |
| (a) | The Mayor presides over and facilitates Council meetings, preserves order, enforces Council rules, and determines the order of business under Council rules. |
| (b) | The Mayor is a voting member of the Council shall vote only in case of a tie and has have no veto authority. |
| (c) | The Mayor, with the consent of Council, appoints boards, commissions and committees established by ordinance or resolution. |
| (d) | The Mayor must sign all records of Council decisions. |
| (e) | The Mayor serves as the political head civic leader of City government. |

c. *Council president retains vote while acting as the mayor; rotates every two years.*

The committee voted unanimously to recommend that the council president should retain the right to vote while acting as the mayor. The committee considered how the recommended change to the role of the mayor would impact the role of the council president when acting as the mayor. The committee concluded that the reasons the committee is recommending changes to the role of the mayor are less applicable to when the council president is briefly acting as the mayor. The committee also discussed and considered potential scenarios that could create complications or ambiguities if the council president's right to vote was not explicitly clarified in the Charter. For example, the council president is the presiding officer when the mayor is absent from a meeting. If the mayor is absent and the council president can only vote in case of a tie, if any other remaining councilors are absent or unable to vote, the number of voting members is diminished and city business may be slowed or stifled.

The committee further recommends requiring the council president appointment to rotate every two years. Although the council appoints the council president every year, the committee believed requiring the position to rotate will ensure that an incumbent does not retain the role at the exclusion of others who may be interested. The committee believes allowing willing council members to gain experience presiding over meetings, and otherwise acting as the mayor, helps develop future leaders.

Proposed Amendment

SECTION 9. COUNCIL PRESIDENT

At its first meeting each year, the Council must elect a President from its membership. **The President shall not serve for more than two consecutive years.** The President presides in the absence of the Mayor and acts as Mayor when the Mayor is unable to perform duties. **The President retains the right to vote while acting as the Mayor but does not have an additional vote to break a tie.**

3. Enacting Ordinances and Approving Resolutions and Orders

The committee recommends the city modify the process for enacting ordinances and approving resolutions and orders by allowing substantive amendments to ordinances, resolutions and orders be either read aloud at a meeting, or be made available in writing prior to the meeting. These modifications align with the Model Charter from the League of Oregon Cities.

The committee discussed that the city typically posts an agenda a week prior to each council meeting. Occasionally, after the agenda is posted, an issue will arise that needs to be addressed prior to council approval (i.e. an exhibit missing from a contract, a tweak to a personnel rule, a typographical or edit to an ordinance etc.) In order to foster efficiency, most entities allow the city to simply repost the agenda with the more recent version of the resolution, order or ordinance, instead of requiring the change be read aloud at the meeting. Depending on the change, reading it aloud may be time-consuming and slow down the process. However, if the council believes it is in the public's interest to do so, the council retains the option to read the amendments aloud.

Proposed Amendments

SECTION 16. ORDINANCE ENACTMENT

- (a) Except as authorized by subsection (b), enactment of an ordinance requires approval by a majority of the Council at two meetings.
- (b) The Council may enact an ordinance at a single meeting by unanimous approval by at least five members, provided the proposed ordinance is available to the public at least seven days before the meeting as prescribed by Council rules.
- (c) Any substantive amendment to a proposed ordinance must be read aloud ~~before the Council enacts the ordinance.~~ **or made available in writing to the public before the council adopts the ordinance at that meeting.**
- (d) After the enactment of an ordinance, the vote of each member must be entered into the Council minutes.
- (e) After enactment of an ordinance and signature by the Mayor, the City Recorder must attest to the ordinance by name, title, and date of enactment.

SECTION 19. RESOLUTION ADOPTION

- (a) Adoption of a resolution or any other Council administrative decision requires approval by the Council at one meeting.
- (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.** ~~before the Council adopts the resolution.~~
- (c) After adoption of a resolution or other administrative decision, the vote of each member must be entered into the Council minutes.
- (d) After adoption of a resolution and signature by the Mayor, the City Recorder must attest to the resolution by name, title, and date of adoption.

SECTION 22. ORDER ADOPTION

- (a) Adoption of an order or any other Council quasi-judicial decision requires approval by the Council at one meeting.
- (b) Any substantive amendment to an order must be read aloud **or made available in writing to the public before the council adopts the order at that meeting.** ~~before the Council adopts the order.~~
- (c) After adoption of an order or other Council quasi-judicial decision, the vote of each member must be entered in the Council minutes.
- (d) After adoption of an order and signature by the Mayor, the City Recorder must attest to the order by name, title, and date of adoption.

4. Term Limits

The committee does not recommend the city impose term limits on the mayor or councilors. In making this recommendation, the committee considered the length of tenure of both city councilors and mayors over the last twenty years. The average tenure for a councilor was 7.3 years and the average tenure for a mayor was 13 years (not including the current mayor, in her first year). To that end, it appears council seats turn over regularly, whereas the mayor's position has been held for a longer period of time.

The committee discussed the benefits of term limits, which include potentially reducing possible abuses of power by incumbents who stay too long in office, and also potentially encouraging political participation by newcomers.

Conversely, the committee discussed that the election process itself already serves as the antidote for long-serving elected officials who are no longer responsive to citizens. Some also view term limits as an infringement on the democratic process, as citizens are restricted from selecting a candidate they may see as the most qualified for the position. The committee also discussed the disadvantage of term limits as disqualifying particularly qualified candidate for the position based solely on the length of their term in office and not the will of the voters.

No proposed amendments.

5. Filling Vacancies

The Committee recommends several changes to how the city fills vacant councilor positions.

a. Quorum and voting requirements

First, the committee examined a number of situations across the state where the number of sitting councilors fell below the charter's quorum requirements. This most recently occurred in Baker City, Oregon when four of the city's seven councilors resigned. The remaining three councilors then also had to resign to allow the Baker County Board of Commissioners to appoint a sufficient number of councilors. The Baker County BOC appointed four new councilors, and did not reappoint any of the previous three councilors.

In Forest Grove, the city's Charter sets the quorum at four members ("a majority of the council"). Because of this requirement, the council must have at least four sitting members to conduct *any* council business. That means if the number of seated councilors falls below four, under the city's Charter, the remaining councilors cannot meet to take any action, including voting to fill the vacant positions.

The committee examined a number of different ways to address these circumstances, including relying on provisions in state law, ORS 221.160(1), that allow cities in these circumstances to either conduct a special election when there are seated councilors, but not enough to meet the quorum requirements, or another provision, ORS 221.160(2), which allows the County Board of Commissioners to appoint enough councilors to satisfy the quorum requirement when there are

no remaining councilors. The committee found that the disadvantages to relying on state law include potentially requiring either an expensive and time-consuming special election, or removing local control of seated councilors by allowing the County's BOC to select the councilors.

The committee also considered adjusting the quorum requirement in the Charter to automatically reduce when a council seat is vacant. The drawback to this adjustment is it consolidates power into the hands of a minority of city councilors for a variety of city decisions, not just to appoint new councilors. For example, if there were only three remaining councilors, two councilors could pass most resolutions or orders, which gives a super-minority of two councilors a significant amount of control over important city decisions.

Instead, the committee recommends that the city amend the Charter to carve out exceptions to the Charter's quorum and voting requirements solely for filling council vacancies. For example, if the city only had three seated councilors, the three councilors could meet and vote on appointing new councilors, notwithstanding that the Charter otherwise requires four sitting councilors to conduct business. However, those three councilors could not conduct any other city business.

The committee believes this compromise achieves the right balance between allowing city business to continue when council membership is low, while not consolidating decision making authority in the hands of a super minority of councilors for an extended period of time.

b. Appointment term

The Committee recommends that the City amend the Charter to provide that if a council position is filled by appointment, that appointment only extends to the next general election. As a result, an appointed councilor will serve up to a maximum of a two-year term without having been elected. If the original term does not expire at the next general election, the election for that position will be for the remainder of the expired term. For example, if a councilor vacates their position in the first year of the four-year term, the appointed replacement will serve until the next general election. At that time voters will select a candidate to serve two years, completing the original term.

c. Process

The Committee recommends the city add a Charter requirement for the council to adopt by ordinance a process for appointing members to vacant council positions. The council has already done this by implementing section 30.42 of the Forest Grove Municipal Code. The impact of this Charter amendment is that any council in the future could not repeal this code section and replace it with another process.

Proposed Amendments

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| SECTION 32. FILLING VACANCIES | |
| (a) | A Mayor or Councilor vacancy will be filled by appointment by a majority of the remaining Council members, <u>notwithstanding any quorum or voting requirements of this Charter.</u> The term of office for the appointee runs from appointment until expiration of the term of office of the last person elected to |

- ~~that office.~~
- (b) **The appointee’s term of office shall begin immediately upon appointment and qualification and shall continue until the next general election is certified by county election officials; and if the term of office does not then expire, the remainder of the term shall be filled by election at such general election.**
 - (c) **The Council must adopt by ordinance a process for appointing members to vacant council positions.**
 - (d) 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.

d. Reasons for vacancies

Pursuant to a six to one vote, the committee recommends the city amend the reasons the council may vote to declare a seat vacant to clarify that any conviction of a misdemeanor or felony may form the basis of the vacancy. The proposed language is also recommended in the League of Oregon Cities Model Charter. The existing language is more ambiguous, providing that any “public offense punishable by loss of liberty” could lead the council to declare the seat vacant. The committee noted that the vacancy would not occur automatically; the council would first need to meet and vote to declare the seat vacant. This allows the council to review the matter and typically hear from the impacted council member before voting to declare the seat vacant.

The committee also discussed that the League of Oregon Cities Model Charter provides that a councilor can be absent from all city council meetings for 60 days rather than 45 days without council consent before the council can declare the seat vacant. The committee preferred the existing shorter period (45 days). The committee reached this conclusion based in part on the advent of remote meeting attendance.

Proposed Amendment

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| SECTION 31. VACANCIES |
| <p>The Mayor or a Councilor office becomes vacant:</p> <ul style="list-style-type: none"> (a) Upon the incumbent’s: <ul style="list-style-type: none"> (1) Death, (2) Adjudicated incompetence, or (3) Recall from the office. (b) Upon declaration by the Council after the incumbent’s: <ul style="list-style-type: none"> (1) Failure to qualify for the office within 10 days prior to the time the term of office is to begin, (2) Absence from the City for 30 days or from all Council meetings within a 45-day period, without Council consent, (3) Ceasing to reside in the City, (4) Ceasing to be a qualified elector under State law, (5) Conviction of a public offense punishable by loss of liberty, <u>Conviction of a misdemeanor or felony crime,</u> |

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| <ul style="list-style-type: none"> (6) Resignation from the office, or (7) Violation of Section 33(i). |
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6. City Manager Residency Requirement

The Committee unanimously recommended the city remove the city manager residency requirement and instead negotiate such a provision with an applicant during contract negotiations.

Section 33(C) of the Charter requires that the city manager reside in the City of Forest Grove within 6 months of hire. Section 33(C) allows the council to extend—but not waive—the residency requirement.

The League of Oregon Cities Model Charter does not have a city manager residency requirement. In the Model Charter’s footnote 54, the guide states that “if a residency requirement is desired but is not practicable due to a housing shortage or other conditions,” a city can consider alternative language, or impose a requirement “more flexibly by ordinance or contract.” Stated differently, a city manager residency requirement in the Charter is inflexible and does allow for exceptions, such as lack of affordable housing, or a suitable applicant that resides just beyond the strict requirement. As a note, Tualatin is the only city in Washington County with a city manager residency requirement.

The committee discussed the importance of a highly functioning city manager and the fact that the position requires a unique set of skills, knowledge and experience. Although the committee expressed a strong preference for having a city manager reside in or near the city, the committee preferred to allow the City to have the flexibility to hire the right candidate for the position, rather than reduce the potential candidate pool. The committee also noted that if a council desired residency, the Council could negotiate residency with an incoming city manager.

Proposed Amendment

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| SECTION 33. CITY MANAGER | |
| <ul style="list-style-type: none"> (a) (b) (c) | <p>The office of City Manager is established as the administrative head of the City government. The Manager is responsible to the Mayor and Council for the proper administration of all City business. The Manager will assist the Mayor and Council in the development of City policies and carry out policies established by ordinances and resolutions.</p> <p>A majority of the Council may appoint and may remove the Manager. The appointment must be made without regard to political considerations and be 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. at the time of employment, but must within six months become and remain a resident of the City while appointed as Manager. A majority of the Council may modify the contract to extend the time to comply.</p> |

7. Ranked Choice Voting

The committee discussed at length if Forest Grove should amend the Charter to require ranked choice voting (RCV). RCV requires voters to rank candidates by preference instead of voting for just one person. A candidate wins by receiving a majority of the first preference votes cast. When there is no majority winner, this method allows for an instant runoff. In most forms of RCV, the candidate with the lowest number of first-preference votes is eliminated and the second-preference votes from those ballots are allocated to the remaining candidates and tabulated. This process continues until a candidate achieves a majority of the votes cast.

Some cities and counties in Oregon have already implemented RCV, including the cities of Portland and Corvallis, as well as Benton and Multnomah counties. The committee studied the different RCV options (including single-winner RCV and proportional RCV) and discussed that the City of Forest Grove could implement either type of RCV without amending the Charter, thus providing more flexibility regarding when the city could consider making the change.²

The committee is generally in favor of exploring RCV, but did not believe now was the appropriate time to do so. The committee found that RCV is still gaining traction in Oregon and across the United States and that much could be learned from others' experiences. The committee also expressed concern that the implementation and voter education costs could be significant.

Further, the committee discussed that a measure promoting RCV will be on the statewide ballot in November 2024. House Bill 2004 referred to the voters at the November 2024 general election a measure to establish RCV, as of December 10, 2026, as the voting method used for the nomination and election to the offices of President and Vice President of the United States, U.S. Senator, Representative in Congress, Governor, Secretary of State, State Treasurer, and Attorney General. HB 2004 also authorizes³ local government to elect candidates for office and requires the Secretary of State to, among other things, establish a program to educate voters about RCV elections.

The committee believes it is prudent for the city to wait until after HB 2004 is considered on a statewide level prior to implementing RCV locally for a number of reasons. First, if both the statewide and local RCV measures on the ballot in November 2024, local voters may be confused regarding how the two measures interact and impact each other. Second, if HB 2004 goes into effect, some (if not all) of the education and implementation costs may be assumed by the state. And finally, to learn from other jurisdictions' experiences with RCV in order to select the type that will work best for the city.

² Section 24 - Councilors requires that the City elect three councilors every two years. However, the Charter is silent on how those elections must be conducted. The council could, by ordinance, establish individual seats for each councilor and hold individual single-winner contests for each seat so long as the city continues to elect three councilors for four-year terms at every general election.

³ Although the additional language in state law is helpful, the city already has the power to implement ranked choice voting under its home rule authority.

