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## CHARTER REVIEW COMMITTEE IN-PERSON & ZOOM

**Wednesday, October 25, 2023, 6:00 PM  
Community Auditorium, 1915 Main Street**

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**Open Meeting:** All meetings of the Charter View Committee are open to the public and all persons are permitted to attend any meeting. Information on how the public may address the commission is listed below.

### Zoom Link:

<https://us06web.zoom.us/j/85986633774?pwd=ofacZwRjPd6UEsbqXgbXlg80a79l0U.1>

**Zoom Meeting ID:** Meeting ID: 859 8663 3774 **Passcode:** 069141

### COMMITTEE MEMBERS

Isaac Echeverria  
Elysha Johnson  
Dale Thaler  
LaAna Littlefield  
Wolanda Groombridge

Bryan Dennis  
Tammi McLaughlin  
Ashley Driscoll, City Attorney

Adolph Valfre  
Tacy Steele  
Vacant  
Kate MacDonald  
Joyce Phillips, Staff Liaison

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#### A. 6:00 Call to Order

**B. Public Comment:** Anyone wishing to speak on an item not on the agenda or on the agenda and not scheduled for a public hearing may be heard. Please limit comments to three (3) minutes or less. State name and address for record. All testimony is electronically recorded. **Zoom Attendees:** Please use the "Raise Hand" option. Please introduce yourself and ask your question or provide your comments.

**C. Consent Agenda:** Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Council 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. Review/approve meeting minutes from September 27, 2023

#### D. Additions/Deletions

#### E. Discussion Items

1. Meeting Decorum

2. 9.27.23 Meeting recap
  - What does it mean to be the Political Head of the City
3. Section 9 – Council President
  - Mayor Pro Tem vs. Council President
  - Rotating positions
  - Does the Council President retain voting right when acting as Mayor
4. Section 12 – Quorum
  - Forest Grove Charter vs. LOC Model Charter
  - Options

#### **F. Reports**

N/A

#### **G. Future Agenda Items: TBD**

#### **H. Adjournment**

*The public can observe the meetings **LIVE** on **Zoom** or in person in the Community Auditorium.*

**ADA Notice:** *In accordance with the Americans with Disabilities Act (ADA), 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, at least 48-hours in advance of the meeting.*



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**Charter Review Committee  
Meeting Minutes**

**September 27, 2023  
Zoom & Community Auditorium**

***Minutes are unofficial until approved by CRC.***

**1. Called to Order**

The meeting was called to order at 6:00 PM.

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

Absent:, Isaac Echeverria, Nina Davis

**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 September 13, 2023 meeting - approved

**4. Additions/Deletions:** None.

**5. Discussion Items – Meeting decorum was presented and reviewed.**

a) **9.13.23 Meeting Recap**

- 6 to 5 vote in favor of mayor voting in case of tie
- Council vote history in relation to 2009 CRC recommendation
- Neutrality
- Shared equity among council perspectives
- How often is there a 4;3 vote
- Council should be elevated by the mayor
- Ratio of votes to be mayor vs. council member

**b) Forest Grove Mayor Voting Language**

- A round table discussion ensued, with language examples for the voting role of the Mayor. Each committee member was polled for their ideas and concerns regarding this topic. The vote on the suggested language slide was opposed by only one.
- A request was made regarding information requests. Information requests need to be brought to the CRC meetings and discussed in this format. The committee will decide collectively what information will be researched and presented to the CRC.
- Defining the CRC was presented; the intent of the Charter was discussed and how Council rules impact the Charter. Why and when the Charter changes. The impact of changing the Charter and the question – can this be solved another way? Has the issue in review been problematic with multiple placeholders in a particular position?
- Vote on Suggested Language: The Mayor shall vote in case of a tie and has no veto authority. Unanimously passed.

**c) Section 8 – Role of the Mayor**

- What does it mean to be the political figurehead? Discussed the policy role, administrative role, and the liaison role. The Mayor is first among equals, the political head of the city. Discussed policy head vs. political head. Currently serves as the political figurehead with the consent of the Council. Why change the language? Does this change the role? It was stated that the current language does not represent the times.
- Consensus of updating the language of Political Figurehead.
- Non-partisan vs. Governing language. Does a modification of language change anything and what is the impact? Round table discussion replacing Political Head with Civic Leader.
- Motion: to change Political Head to Civic Leader – 8 to 1 vote.

**d) Next sections for review**

- Section 9 & 12
  - o Council President
  - o Quorum

**e) Meeting Schedule**

- Every two weeks, on Wednesday evenings at 6:00 p.m.

**6. Adjournment and Announcement of Next Meeting:** The meeting adjourned at 7:52 p.m. The next CRC meeting will be held on Wednesday, October 11, 2023, at 6:00 p.m.

Respectfully submitted,  
Joyce Phillips, Staff Liaison

# Agenda

- **Meeting Decorum**
- **9.27.23 Conversation Recap**
  - What does it mean to be the Political Head of the City
- **Section 9- Council President**
  - Mayor Pro Tem vs. Council President
  - Rotating positions
  - Does the Council President retain voting right when acting as Mayor
- **Section 12 - Quorum**
  - Forest Grove Charter vs. LOC Model Charter
  - Options

# FG Charter Review Committee

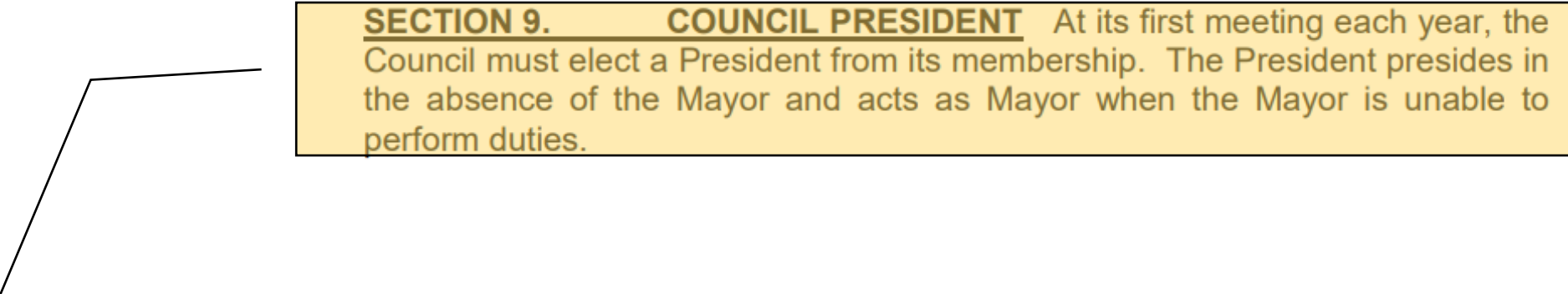
Section	Title	Yes Change	No Change	Scope of Review Potential Changes	Differences from LOC Model Charter
	Chapter III. Council				
7	Council		X	<p>Geographic representation</p> <p>Qualification of councilors</p> <p>Change of district/ward boundaries</p> <p>Term limits</p>	
8	Mayor	X		Role of the Mayor	
9	Council President			Role of the Council President	
12	Quorum				<p>FG charter provides the quorum stays the same in the event of vacancies</p> <p>Model charter:            "In the event of vacancy due to resignation or other events, the quorum is reduced accordingly."</p>

## 9.27.23 CRC Conversation Recap

- Defining CRC – the intent of the Charter
- Understanding the role of the mayor
- Policy head vs. Political head
- Current charter language not representative of the times
- Not changing the role
- Non partisan vs. governing

## Section 9

**Can equality be enhanced by modifying the role of Council President?**



**SECTION 9. 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.

# Section 9 – Council President

- Mayor Pro Tem vs. Council President
- Rotating position/Term limits
- Does the Council President retain voting right when acting as Mayor

# Forest Grove Council President Language

## **Language for Council President (Section 9)**

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 Mayor is unable to perform duties.

## **Model Charter Language as it applies to Council President (Section 3.3)**

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 Mayor is unable to perform duties.

# Council President Language

	Cornelius	Sherwood	Hillsboro	Tigard	Tualatin	Newberg
Council President	At its first meeting of each odd-numbered 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. Elected every other year.	At its first meeting, 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. Elected each year.	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 on all matters while presiding over the council but does not have authority to require the council to reconsider legislation. Elected every other year.	Council will elect a Council President at its first meeting each year. The Council President will perform the duties of the office of Mayor in the Mayor's absence and may perform other duties of the Mayor at the Mayor's request. In the event the Mayor is unavailable to serve, the Council President will serve as Mayor Pro Tempore. If the Council President vacates the position, the Council will, by written ballot, elect a Council President to serve in that position until the next Council President is elected pursuant to this Section. Elected each year.	At the first meeting, this Charter takes effect and thereafter as its first meeting of each odd-numbered year, the Council by ballot shall elect a president from its membership. In the Mayor's absence from a Council meeting, the president shall preside over it as Mayor pro tem. Whenever the Mayor is unable to perform the functions of the office, the president shall act as mayor. Elected every year.	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. Elected every other year.

# Rotating the Council President Position

- Does the Committee want to consider rotating the council president position? For example, imposing term limits?
- Pros for term limits:
  - More councilors gain mayoral experience
- Cons for term limits:
  - Not all councilors wish to assume the duties or have the skills
  - The Council votes each year and therefore the council re-considers the appointment often
  - Will limit the pool for selection

# Mayor Voting Role and Council President Language

## Language for Mayor Voting Role (Section 8)

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 Council and has no veto authority.**

The Mayor, with the consent of Council, appoints boards, commissions and committees established by ordinance or resolution.

The Mayor must sign all records of Council decisions.

The Mayor serves as the political head of City government.

## Language as it applies to Council President (Section 9)

- 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 Mayor is unable to perform duties.

# Mayor Voting Role Language Examples - Roseburg

## **Language for Mayor Voting Role**

The mayor shall preside at Council meetings but may not vote on matters before the Council, except in case of a tie, when they shall cast the deciding vote.

## **Language as it applies to Council President**

In functioning as mayor while 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, including veto power and voting only in the event of a tie.

# Mayor Voting Role Language Examples - Hillsboro

## **Language for Mayor Voting Role**

Presides over and facilitates council meetings, preserves order, enforces council procedures, and determines the order of council business. Has no vote on council matters unless there is a tie vote.

## **Language as it applies to Council President**

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 on all matters while presiding over the council but does not have authority to require the council to reconsider legislation.

# Mayor Voting Role Language Examples - Gervais

## **Language for Mayor Voting Role**

The mayor participates, presides over, and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor votes only to break a tie and has no veto authority.

## **Language as it applies to Council President**

The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties. When acting as mayor, the president retains a vote but does not have an additional vote to break a tie.

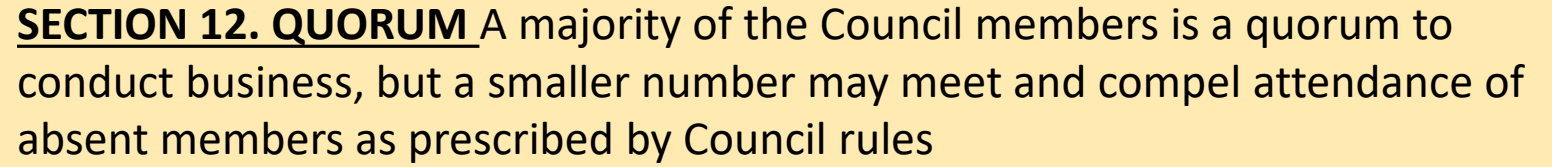
# Mayor Voting Role Language Examples - McMinnville

## **Language for Mayor Voting Role**

He shall have a vote on all questions before the council in order to resolve a tie vote of the council members.

## **Language as it applies to Council President**

Whenever the mayor is unable to perform the functions of office the president shall act as mayor, preside over council deliberations, have authority to preserve order, enforce the rules of the council, determine the order of business under the rules of council, and continue to vote as a councilman.



**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 12

**Defining quorum going forward?**

# Section 12 – QUORUM

## Forest Grove Charter Language:

- 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
  - Note – under the Forest Grove Charter language vacant positions do not reduce the quorum.

# Section 12 – QUORUM

LOC Model Charter:

- Section 3.6 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. (FN21)** In the event of absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules. 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
  - Footnote 21 – For example, if a seven-member council has one vacant position due to resignation or other events, the quorum remains at four. If there are two vacant positions, the quorum is reduced to three. If a five-member council has one vacant position, the quorum remains at three. If there are two vacant positions, the quorum is reduced to two.
  - Model charter removes any ambiguity and affirmingly states that the quorum is reduced if there is a vacancy.

# Proposed language for Tigard Charter

## Section 6.2 Quorum:

- Section 3.6 A majority of the Council members is a quorum to conduct business. In the event of a vacancy pursuant to Section 5.5 of this Charter, or loss of contact during a state or federal state emergency with the City, the quorum is reduced accordingly. Every Council member who is present must be counted for the purpose of constituting a quorum, even if the Council members does not vote on one or more issues.

What happens if, because of resignations, deaths, or moving out of the jurisdiction, the Forest Grove City Council has only three remaining members?

# Under state law if there are still councilors remaining:

221.160 Special elections to fill council vacancies; appointment of council members when all positions vacant. (1) Whenever because of death, resignation or other cause the number of members of the governing body of any city is insufficient to constitute a quorum for the transaction of the business thereof, and the charter of such city does not otherwise provide, the mayor, or if there is no mayor, a majority of the remaining members of the governing body, may call a special election for the purpose of electing a sufficient number of persons to fill all the vacancies then existing in the governing body. For the purposes of such election the mayor, or if there is no mayor, a majority of the remaining members of the governing body, may appoint persons to act for all offices necessary to the holding of such election where such offices may be vacant. The appointments shall continue until a successor is selected as provided for by the charter of law governing such city.

Under state law if there are no councilors remaining:

(2) If all positions in the governing body of a city become vacant and if the charter of the city does not provide otherwise, the governing body of the county in which the city maintains its seat of the government immediately shall appoint the number of persons sufficient to constitute a quorum for the transaction of city business. The persons appointed by the governing body of the county shall appoint a sufficient number of persons to fill any remaining vacancies existing in the governing body of the city. All persons appointed under this subsection shall serve until successors are elected and qualified to serve.

# Baker City

- City Manager vacancy
- Controversial public safety fee
- 7-member council
  - Down to five members in September after a mayoral controversy
  - Two more councilors resigned in September
  - Just three council remain
  - Quorum is 4 council members (charter specifically says 4 is a quorum)
  - Council tries to meet to appoint more councilors – they get sued
- In Baker City, rather than wait for an election, the three remaining councilors all resigned at once, forcing the County to appoint rather than wait for an election

# Options

1. Keep current language and rely on state law to fill vacancies
2. Amend language to reduce quorum by number when a position is vacant
3. Amend to add language similar to Tigard
4. Amend the language to provide a different method to achieve a quorum (examples included excusing the appointment from the quorum requirement)

Charter Review Committee Council President  
and Quorum Comparison Chart

	Cornelius	Sherwood	Hillsboro	Tigard	Tualatin	Newberg
Council President	At its first meeting of each odd-numbered 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. Elected every other year.	At its first meeting, 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. Elected each year.	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 on all matters while presiding over the council but does not have authority to require the council to reconsider legislation. Elected every other year.	Council will elect a Council President at its first meeting each year. The Council President will perform the duties of the office of Mayor in the Mayor's absence and may perform other duties of the Mayor at the Mayor's request. In the event the Mayor is unavailable to serve, the Council President will serve as Mayor Pro Tempore. If the Council President vacates the position, the Council will, by written ballot, elect a Council President to serve in that position until the next Council President is elected pursuant to this Section. Elected each year.	At the first meeting, this Charter takes effect and thereafter as its first meeting of each odd-numbered year, the Council by ballot shall elect a president from its membership. In the Mayor's absence from a Council meeting, the president shall preside over it as Mayor pro tem. Whenever the Mayor is unable to perform the functions of the office, the president shall act as mayor. Elected every year.	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. Elected every other year.

Quorum	The mayor and two councilors or three councilors is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by rule.	A quorum to conduct business shall be defined as a majority of the council and mayor positions that are not vacant. A smaller number may meet and compel attendance of absent members as prescribed by council rules.	The mayor and three councilors or four councilors is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by resolution.	New language proposed.  A majority of the Council members is a quorum to conduct business. In the event of a vacancy pursuant to Section 5.5 of this Charter, or loss of contact during a state or federal emergency within the City, the quorum is reduced accordingly. Every Council member who is present must be counted for the purpose of constituting a quorum, even if the Council member does not vote on one or more issues.	Three Councilors and the Mayor or Mayor pro tem shall constitute a quorum for its business, but a small number may meet and compel the attendance of absent members in a manner provided by ordinance.	Three Councilors and the Mayor or Mayor pro tem shall constitute a quorum for its business, but a small number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 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.

Section 3.4. Rules. The council must by resolution adopt rules to govern its meetings.<sup>18, 19</sup>

Section 3.5. 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.

Section 3.6. Quorum. A majority of the council members is a quorum to conduct business.<sup>20</sup> In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly.<sup>21</sup> In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules.<sup>22</sup>

Section 3.7. Vote Required. The express<sup>23</sup> approval of a majority of a quorum of the council is necessary for any council decision,<sup>24</sup> except when this charter requires approval by a majority of the council.<sup>25</sup>

Section 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.<sup>26</sup>

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<sup>18</sup> Council meetings must comply with the requirements of the Oregon Public Meetings Law. ORS 192.610 –192.710. Council rules should be considered administrative and adopted by resolution. They are easier to keep updated and less formal than if adopted by ordinance. Also, they are not subject to initiative and referendum.

<sup>19</sup> The League has published a set of Model Rules of Procedure for Council Meetings available at: <http://www.orcities.org/Portals/17/Library/Model%20Procedures%20for%20Council%20Meetings%203-1-17.pdf>.

<sup>20</sup> A majority is more than half of the council. For a seven-member council, a quorum is four or more.

<sup>21</sup> For example, if a seven-member council has one vacant position due to resignation or other events, the quorum remains at four. If there are two vacant positions, the quorum is reduced to three. If a five-member council has one vacant position, the quorum remains at three. If there are two vacant positions, the quorum is reduced to two.

<sup>22</sup> For example, council rules may state that the members present may order a city police officer to find and bring an absent member to the meeting. The rules may also provide a penalty for the absent member.

<sup>23</sup> “Express” is used here to clarify the effect of abstention from voting. At common law abstention from voting was regarded as concurrence with the decision. Thus, the concurrence could be either affirmative or negative depending on how the majority voted on a decision. “Express” is intended to make clear that an abstention from voting on a question may not contribute to answering the question affirmatively; it amounts to a “no” vote. Use of the word “express” means that no vote less than a majority of a quorum may decide affirmatively a question before the council.

<sup>24</sup> A “decision” is any action taken by council vote. This includes votes on formal documents such as ordinances, resolutions, orders and contracts. It also includes votes to direct city staff, and other questions and motions before the council. Unless the charter provides otherwise, the council may act affirmatively through less than a majority of its positions. A seven-member council thus may act through three councilors; its quorum is four. A five-member council may so act through two members; its quorum is three. A question may be decided negatively by fewer councilors than required to decide it affirmatively. For example, a 2 to 2 vote or a 2 to 1 vote when the quorum is four councilors, and one councilor is absent.

<sup>25</sup> Some charter sections require a vote of a majority of the council to make certain decisions. In this model, they are sections 4.2(a), 7.9, 8.1(b) and (d), 8.2 and 8.3(a). Section 4.2(b) requires a unanimous vote of at least a council quorum to adopt an ordinance at one meeting.

<sup>26</sup> The Oregon Public Meetings Law, ORS 192.650, requires cities to provide for sound, video, digital recording or the taking of written minutes. This section provides an independent requirement for council records and authorizes the council to adopt requirements in addition to those of state law.