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CHARTER REVIEW COMMITTEE IN-PERSON & ZOOM

Wednesday, November 8, 2023, 6:00 PM
Community Auditorium, 1915 Main Street

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/81130651312?pwd=UIMaYbGyQZ8HoZAoDql6vtOnsQLXo.1>

Zoom Meeting ID: Meeting ID: 811 3065 1312 **Passcode:** 763576

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

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 the 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 October 25, 2023

D. Additions/Deletions

E. Discussion Items

1. Meeting Decorum
2. 10.25.23 Meeting recap
 - Section 9 Council President

3. Section 9 – Council President
 - Language examples
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.*

Minutes are unofficial until approved by CRC.

1. Called to Order

The meeting was called to order at 5:58 PM.

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

Absent: Kate MacDonald, Tammi McLaughlin

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 27, 2023 meeting – amended and approved

4. Additions/Deletions: None.

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

a) **9.27.23 Meeting Recap**

- Defining CRC – 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

b) Section 9 - Council President

- A round table discussion ensued, with language examples for the role of Council President (CP). What if the Mayor was attending the Council Meeting via Zoom and not physically present? Would the CP run the meeting because they are attending in person? Each committee member was polled for their ideas and concerns regarding this topic. The language of the McMinnville charter was close to correct but needs modification to work for Forest Grove.
- Should the Council President retain their vote? After the discussion, there was a consensus that the CP should retain their vote. A unanimous vote of 8-0.
- The length of time and the actual role of the CP was deliberated. Each committee member was polled on their opinion. Two-year term, one year off. Consensus to rotating the CP every two years, with a break in between.
- More discussion on the Mayor's or Councilor's presence in meetings, either virtual or in person.
- Motion to amend Section 9: CP retains right to vote when attacking as mayor, rotate every two years: passed 7 - 1.

c) Section 12 - Quorum

- A brief discussion preparing for the next meeting to discuss Section 12 – Quorum
- Ashley briefed the group on the Baker City situation and will follow up with more information.

d) Next section for review

- Section 12
 - o Quorum

e) Meeting Schedule

- Every 2nd and 4th Wednesday at 6:00 PM
- No meeting on November 22, 2023, due to the Thanksgiving holiday
- Next meeting dates: December 13 and 27

6. Adjournment and Announcement of Next Meeting: The meeting adjourned at 7:30 p.m. The next CRC meeting will be held on Wednesday, November 8, 2023, at 6:00 p.m.

Respectfully submitted,
Joyce Phillips, Staff Liaison

Agenda

Meeting Decorum

10.25.23 Conversation Recap

- Section 9 Council President

Section 9- Council President

- Language examples

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	Geographic representation Qualification of councilors Change of district/ward boundaries	
8	Mayor	X		Role of the Mayor	
9	Council President	X		Role of the Council President	
12	Quorum				FG charter provides the quorum stays the same in the event of vacancies Model charter: "In the event of vacancy due to resignation or other events, the quorum is reduced accordingly."

10.25.23 CRC Conversation Recap

- Mayor's responsibility—virtual vs. real presence
- Council president carries mayoral duties temporarily
- Council rules address the mayor's extended absence
- The council president should retain the right to vote
- CP should run meeting when mayors is attending virtually
- CP may hold a position for no more than two consecutive years

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.

Mayor shall vote only in case of a tie and have 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 shall not serve for more than two consecutive years.** The President presides in the absence of the Mayor and acts as Mayor when 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.**

Vote on Council President Language

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

Does the current language allow the council to function effectively in the event of a vacancy?

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)

City of Forest Grove

Charter Review Committee

Quorum Summary

Under state law, a meeting cannot take place without a “quorum” of the governing body. Oddly enough, the term “quorum” is not defined in the OPML. For cities, quorum requirements often are set by charter.

- Forest Grove Charter language:

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

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.

- Under the Forest Grove Charter language vacant positions do not reduce the quorum
- This language may cause issues when the number of seated councils falls below the 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. (FN 21)** In the event of an absence, 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 affirmatively states that the quorum is reduced if there is a vacancy.
- This changes the minimum voting requirement when there are vacancies for all votes, not just appointing new councilors
- One of the purposes of a quorum requirement is to not allow a small number of councilors to make decisions for the city as a whole

- Proposed language for Tigard Charter

Section 6.2. Quorum. 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 of 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.

- What happens if, because of resignations, deaths, 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 the 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 or 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 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.

- 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

SECTION 12. QUORUM A majority of the Council members is a quorum to conduct business. **In the event of a vacancy pursuant to Section 7.8 of this Charter, the quorum is reduced accordingly. In the event of an absence, but a smaller number may meet and compel attendance of absent members as prescribed by Council rules.**

(3) Amend to add language similar to Tigard

SECTION 12. QUORUM A majority of the Council members is a quorum to conduct business. **In the event of a vacancy pursuant to Section 7.8 of this Charter, or loss of contact during a state or federal state of emergency within the City, the quorum is reduced accordingly. In the event of an absence, but** a smaller number may meet and compel attendance of absent members as prescribed by Council rules.

(4) Amend the language to provide a different method to achieve a quorum

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 32. FILLING VACANCIES A Mayor or Councilor vacancy will be filled by appointment by a majority of the ~~remaining~~ **non-vacant** Council members. **This vote may occur with less than a quorum of the Council members if necessary.** 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. 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.