



# CHARTER REVIEW COMMITTEE MEETING

Wednesday, March 13, 2024  
Community Auditorium, 1915 Main Street; 6 PM

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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  
Stephanie Fleischer, Forest Grove  
Communications & Program Mgr.

Zoom Webinar:

Link: <https://us06web.zoom.us/j/82126111211?pwd=8gvjJzDe9zvQJgEE9msjholi9ni6b.1>

Meeting ID: 821 2611 1211

Passcode: 920491

## A. Call to Order

1. Roll Call

**B. Public Comment:** Time provided for anyone wishing to speak to the Charter Review Committee on an item not on the agenda or on the agenda but not scheduled for a public hearing. Comments are limited to 3 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. 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 all 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. Meeting Decorum

2. CRC Suggested Amendment Recap - Presented by Ashley Driscoll, City Attorney
3. Public Comment

**F. Reports**

1. N/A

**G. Future Agenda Items**

1. Next Listening Session, March 20, 2024, at 6 PM at the Forest Grove Community Auditorium, 1915 Main Street, Forest Grove, OR.

**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](mailto: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**

**February 7, 2024  
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), Stephanie Fleisher (FG Communications & Program Manager), Tacy Steele, Wolanda Groombridge, Dale Thaler, LaAna Littlefield, Adolph “Val” Valfre, Tammi McLaughlin, Kate MacDonald, Bryan Dennis, Isaac Echeverria

Absent: Elysha Johnson

**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 24, 2024, meeting – approved

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

**5. Discussion Items –** The CRC updated timeline was discussed. The next meeting dates of February 14 (canceled), and March 13 & 20 were discussed as the CRC Public Listening Sessions dates.

a) **Consider amendments to Section 16(c) regarding substantive amendments to ordinances**

- Ashley reviewed this section with the committee and asked for input.

b) **Consider and vote on the draft Charter**

- The Charter draft was included in the agenda packet and sent to the committee for review.
- Section 16: Ordinance Enactment; “or made available in writing to the public before the council adopts the ordinance.” Vote – 10 yes, 0 no
- Section 29: Terms; “begins at the first Council meeting of the year, immediately after the election.” Vote – 10 yes, 0 no
- Section 32: Filling Vacancies; “notwithstanding any quorum or voting requirements of this Charter. 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. The Council must adopt by ordinance a process for appointing members to vacant council positions.” Vote – 10 yes, 0 no
  - o Val asked what creates/constitutes an absence from the city? What is the definition of absence? Reminded that this is addressed in Council Rules.
- Section 8: Mayor; “shall vote only in case of a tie and have no veto authority.”
  - o Dale asked specifically if should we add language “to meet quorum.” LaAna thought we discussed this concept in a prior meeting and had come to a consensus on the final language.

**c) Discussion and vote on the draft final report**

- Kate asked if a recommendation could be included regarding a Charter Review every 10 years. The council can create an ordinance to address this issue. Dale suggested that due to the cost investment, a 15 to 20-year reconvene to review.  
Recommendation to Council: Not place this in the charter and allow the City Council to consider needed/necessary review timelines.
- Question as posed; when it goes to the public vote, is it presented as a whole package or by like subjects? Still have time to decide how to package proposed changes.
- A vote for approval of draft recommendations. 10 yes, 0 no

**d) Discussion regarding publicizing the draft Charter and final report**

- Forest Grove Communications & Program Manager, Stephanie Fleischer, lead the discussion on initial ideas:
  - o Community Engagement Page on FG website
  - o Social media posts
  - o What’s Growing On
  - o Add to the FG Utility Billing Statement
  - o Senior Center, Rotary, Valley Art, Committee for Community Engagement
  - o Forest Grove City Club, Peach Jar

- Posters in Library
  - Faith-based postings in bulletins
- Snacks for the listening sessions. Wolanda offered to bring refreshments.
- The discussion included the role of the Charter Review Committee in the listening sessions. It can be as formal or informal as the committee determines. An explanation of the Charter process will begin the listening sessions, delivered by either Ashley or Elysha.
  - Dale suggested the committee needs to acknowledge the comments.
  - Tammi suggested a time limit on comments.
  - Val suggested no more than 3 minutes.
- Consensus that the listening sessions should be at 6:00 PM in the Community Auditorium.

**e) Next Meetings**

- Public Listening Sessions

**f) Meeting Schedule**

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

**6. Adjournment and Announcement of Next Meeting:** The meeting adjourned at 7:15 p.m. The next CRC meeting will be held on March 13, 2024, at 6:00 p.m.

Respectfully submitted,

Joyce Phillips, Staff Liaison

## MEMORANDUM

TO: Forest Grove Charter Review Committee

FROM: Ashley Driscoll, City Attorney

SUBJECT: Ballot Title Requirements

DATE: March 13, 2024

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The Charter Review Committee may provide the City Council recommendations on how to present the proposed Charter amendments to voters. The City has the option of asking voters to vote one ballot measure encompassing all of the proposed changes or breaking the proposed amendments down either individually or into groups.

### Legal Requirements

Under the Oregon Constitution Article IV, a local initiative may only contain a “single subject.” The purpose of this requirement is to discourage policy combinations designed to secure support for a measure of an omnibus nature.

In determining if a measure contains a single subject, the courts conduct a two-step analysis:

1. Is there a unifying principle logically connecting all provisions in this measure?
2. If a unifying principle exists, are other matters in the proposed measure properly connected to the unifying principle?

Single-subject requirement “should be liberally construed to uphold legislation” and the term subject “‘is to be given a broad and extensive meaning’ to give legislative drafters ‘full scope to include in one act all matters having a logical or natural connection.’” *Anantha v. Clarno*, 302 Or App 196 (2020).

The City of Portland recently prevailed on a ballot title challenge when it submitted to voters one ballot measure that: (1) implemented the Council-Mayor form of government; (2) expanded council selection by district; and (3) implemented ranked-choice voting. The unifying principle was reforming the structure and operation of city government.

The only example of a bill failing the single-subject test was enacted by the state legislature and covered the following subjects:

- Provided state funding and land use procedures for light rail;
- Expanded availability of card-lock service stations;

- Promoted regional problem solving in land-use matters;
- Regulated confined animal feeding;
- Preempted local pesticide regulation;
- Adopted new timber harvesting rules;
- Granted immunity to shooting ranges for noise pollution; and
- Protected salmon from cormorants.

*McIntire v. Forbes*, 322 Or 426 (1996).

However, when in doubt, the safest course of action is to break up the measure and refer multiple ballot measures to the ballot.

### Proposed Amendments

- Changes to the role of the Mayor
  - Only votes in case of a tie (Section 8(e))
  - Changing “political head” to “civil leader” (Section 8(e))
- Changes to the role of the Council President
  - Cannot serve more than two consecutive years (Section 9)
  - Retains the right to vote when acting as the Mayor (Section 9)
- Changes to the enactment/adoption requirements for:
  - Ordinances (Section 16(c))
  - Resolutions (Section 19(b))
  - Orders (Section 22(b))
- Change to the start date of each elected official’s term (Section 29)
- Changes to vacancies
  - Council may declare a vacancy for any conviction of a misdemeanor or felony (Section 31)
  - Filling vacancies is an exception to the any quorum or voting requirement in the Charter (Section 32(a))
  - An appointee’s term is only until the next general election (Section 32(b))
  - Council must adopt an ordinance outlining a process for adoption (Section 32(c))
- Removing the city manager residency requirement (Section 33(c))

### Options

- A. One ballot measure with all the changes
- B. Four Measures
  - a. Measure 1: Changes to leadership roles
    - i. Changes to the role of the Mayor
    - ii. Changes to the role of the Council President

- b. Measure 2: Changes to issues related to council vacancies
    - i. What creates a vacancy
    - ii. Procedure for filling a vacancy
  - c. Measure 3:
    - i. Change to city manager residency requirement
  - d. Measure 4: Procedure
    - i. Changes to enactment/adoption
    - ii. Changes to the term start date
- C. Three Measures
- a. Measure 1: Changes that impact the role of the elected and appointed officials
    - i. Changes to the role of the Mayor
    - ii. Changes to the role of the Council President
    - iii. Changes to vacancies
  - b. Measure 2: Change to the city manager residency requirement
  - c. Measure 3: Procedure
    - i. Changes to enactment/adoption
    - ii. Changes to the term start date