



# CHARTER REVIEW COMMITTEE MEETING

Wednesday, March 20, 2024  
Community Auditorium, 1915 Main Street

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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, Communications & Program Manager

Zoom Webinar:

Link: <https://us06web.zoom.us/j/82933559336?pwd=NAbALOb4U543bGNAheETdgSpl575Uz.1>

Meeting ID: 829 3355 9336

Passcode: 161749

## A. Call to Order

1. Roll Call

**B. Public Comment:** Time is 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 for March 13, 2024 CRC Listening Session

## D. Additions/Deletions

## E. Discussion Items

1. Meeting Decorum
2. CRC Suggested Amendments Recap - Presented by Ashley Driscoll, City Attorney

3. Public Comment
4. Review of Public Listening Sessions

**F. Reports**

1. City Attorney, Ashley Driscoll, possible ballot language discussion

**G. Future Agenda Items**

1. Next Charter Review Committee meeting is April 3, 2024, at 6:00 PM, in the Community Auditorium.

**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 Listening Session  
Meeting Minutes**

**March 13, 2024  
Zoom & Community Auditorium**

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

**1. Called to Order**

The meeting was called to order at 6:05 PM.

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

Absent: Kate MacDonald

**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 February 7, 2024, meeting – approved as stands.

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

**5. Discussion**

a) **Meeting decorum**

Was presented and reviewed. The CRC timeline and process overview was given by the chair. The next meeting/listening session date of March 20 was mentioned.

b) **CRC Suggested Amendments Recap**

City Attorney, Ashley Driscoll reviewed the process of establishing the Charter Review Committee. The committee was kicked off last February with an open recruitment. Then applicants were interviewed by the Council and hand-selected to serve; at least two members from each of the four quadrants of the City. The three remaining members were at large. A total of eleven members were originally selected. One member eventually resigned, so the committee currently remains at ten. Elysha Johnson was

voted as the Chair and Val Valfre was voted as Vice-Chair. Meetings began in August 2023, and to date, 12 public noticed meetings have occurred. The scope of the review included reviewing the entire Charter, in addition to making specific recommendations on the following: geographic representation for council members, term limits for the mayor and council members, the role of the mayor and council president, and the necessity of the city manager residency requirement. Ranked choice voting; appointing councilors when there are a large number of vacancies; as well as the council appointing process was evaluated.

The process included an in-depth review of the League of Oregon Cities Model Charter and a comparison to other Washington County jurisdictions (such as Hillsboro, Tualatin, Sherwood, Tigard, Newberg, and Cornelius.) The committee's approach was to first review what problem, issue, or inequity they would address with amendments. Matters were approached first asking if the issue was a "charter issue" or if it could be addressed through a different avenue, such as an ordinance, policy, or change in council or administrative personnel. The CRC considered historical patterns, long-standing concerns, and current issues facing the city, to draft deliberate recommendations for the future of the city.

**c) Public Comment**

Peter Truax – voiced concerns about several of the recommendations. Most specifically, the vote of the mayor. Not allowing the mayor a vote (only in a tiebreaker) eliminates the ability to track the accountability of the mayor. Denying the mayor a vote does not make sense as it communicates to the community their vision. He also disagrees with the language change: Political Head of the City to the Civic Leader.

Kristy Kottkey – voiced concerns about not having term limits. Would prefer term limits to provide more opportunities for community members to get involved. Suggested that the CRC listening session format be more of an open discussion with the community members.

Richard Kidd – voiced concerns about the language change of the role of the mayor from Political Head to Civil Leader. The community views the mayor as the political head, not a civic leader. Also, he does not agree with the mayor only voting in case of a tie. The mayor's vote is goal based on their intentions in this role. This takes away the constituent's ability to track the response of the mayor and is one reason why they voted for them into office. Richard was adamant that we consider his suggestions so he could support and back the changes going forward to the ballot.

d) **Meeting Schedule**

- Every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6:00 PM
- The next CRC listening session is on March 20, 2024, at 6:00 PM at the Community Auditorium
- Next Charter Review Committee Meeting: April 3, 2024, at 6:00 PM

**6. Adjournment and Announcement of Next Meeting:** The listening session was closed at 6:34 PM. The meeting adjourned at 6:35 PM. The next CRC listening session will be held on Wednesday, March 20, 2024, at 6:00 PM.

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