



# CHARTER REVIEW COMMITTEE MEETING

Wednesday, April 3, 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

Zoom Webinar:

Link: <https://us06web.zoom.us/j/88016534161?pwd=mXkiBjRIYCallgXKemUm9Jpba7RDyZ.1>

Meeting ID: 880 1653 4161

Passcode: 153518

## 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. 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.
  - Discuss Charter Review Committee Final Report
  - Review final CRC Recommended Charter Amendments

**F. Reports**

**G. Future Agenda Items**

1. N/A

**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**

**Wednesday, March 20, 2024  
Zoom & Community Auditorium**

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

**1. Call to Order**

The meeting was called to order by Chair Elysha Johnson at 6:03pm.

Present: Elysha Johnson, Chair; Bryan Dennis; Wolanda Groombridge; LaAna Littlefield; Kate MacDonald; Tammi McLaughlin; Dale Thaler; Adolph “Val” Valfre; Tacy Steele, Ashley Driscoll, City Attorney; Mariah Woods, City Recorder.

Absent: Isaac Echeverria; Joyce Phillips.

**2. Public Comment:** The chair noted that one written public comment was received and included in the packet, and it would be discussed later during the listening session portion of the meeting.

**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 March 13, 2024, Listening Session.

Dale Thaler moved to approve the consent agenda, and Wolanda Groombridge seconded. Passed: 9-0.

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

**5. Discussion Items –**

- a) Committee Chair Johnson presented and reviewed meeting decorum.
- b) City Attorney Ashley Driscoll presented the staff report, recapping the current status of the CRC’s recommended amendments.

- c) The listening sessions opened at 6:03
- a. Richard Kidd, Forest Grove resident. He submitted a written comment but wanted to speak on it as well. He was in support of the council president position being limited to two terms. He was previously against allowing the city manager to live outside of FG, but he no longer has objections. In the past, the city manager had to be able to make it to the city in the case of an emergency, but that is less of an issue today.  
He is concerned about no longer requiring wards but does acknowledge that the standard is to not have wards in cities with populations similar to Forest Grove. He said that the three living mayors not being contacted by the committee, even though the report said that past mayors had been consulted.
  - b. Kristey Kottkey, Forest Grove Resident. She noted that “nothing changes if nothing changes,” and expressed her desire for the Committee to use the charter update as an opportunity to get more people involved. She noted that the same people have been serving the council for years, with few new people running. She believes that without unexpected appointments to the council, the average years of service data that the committee has presented would look different. Similarly, Boards and Commissions are primarily comprised of the same community members cycling through, with few new faces, and the city has been unable to make changes to bring more involvement from the community.
- d) Discussion:
- a. Chair Johnson expressed her appreciation for the committee members and their work. The committee discussed the public comments and decided which recommendations to reopen for consideration. The committee considered the points about increasing community engagement, and the concern of past mayors about removing the mayor’s vote. Chair Johnson clarified regarding the comment that past mayors were not consulted about the charter change, stating that the committee did speak to Mayor Wenzl and Pater Truax, and an effort was made to reach out to Richard Kidd. Consensus was reached to re-open the term limits discussion, mayoral vote, and “civic leader” to “political head” title change.
  - b. Mayoral vote:
    - i. The committee re-considered the recommendation to only allow the mayor to vote in the case of tie breakers. The discussion weighed the value of allowing the mayor to focus on building consensus versus the public’s ability to have a record of the mayor’s votes. Some committee

members were strongly in favor of being able to know the mayor's political leanings, while others made the point that because the mayor would vote in ties their leanings would still be known. While the former mayors who gave comments were against removing the mayor's vote, the current mayor was in favor of it. The question of transparency was brought up, and City Attorney Driscoll clarified that discussions about votes between councilors outside of a public meeting are not permitted under the law. McLaughlin moved to amend recommendations to allow the mayor to vote. The motion was passed 8-1, Steele voting no. Chair Johnson summarized the reasons for the recommendation change, stating that removing the mayor's vote was not guaranteed to change anything and that the transparency of the mayor's vote outweighed the considerations.

c. Political Head vs Civic leader:

- i. The committee members briefly discussed this change, acknowledging that political head could be considered a more charged term, but that it might also be more accurate. Consensus was reached that with the change of the mayoral vote recommendation, changing the title no longer seemed necessary or accurate. Littlefield moved to amend the initial recommendation to keep the term political head. The motion passed 9-0.

d. Term limits:

- i. City Attorney Driscoll read the staff report on term limits and added some additional summaries of previous discussions. Forest Grove's turnover is similar to other jurisdictions, and the majority of comparable jurisdictions do not have term limits. The committee acknowledged that there has been a lack of diversity in both the council and in boards and committees, but there was general agreement that term limits are not necessarily the best way to address those issues. The committee considered the value of longevity and institutional knowledge, as well as the size of Forest Grove and whether it is ready for term limits yet.
- ii. Thaler moved to keep the recommendation as is, with no recommendation for term limits and McLaughlin seconded. The vote passed 8-1.

- e) Driscoll noted that the purpose of the next meeting will be to finalize everything. The committee also has the option to choose how they recommend that the changes be

placed on the ballot, e.g. as one ballot item with all of the changes or separated into separate topics. A consensus was reached to recommend having multiple separate ballot measures.

- f) The next meeting is on April 3rd. The final report will be available for review at that time.

**6. Adjournment and Announcement of Next Meeting:** Thaler moved to adjourn, McLaughlin seconded. The meeting was adjourned at 7:51 pm.

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 ten<sup>1</sup> 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 14 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.

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<sup>1</sup> 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 (such as 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 in discussion and then vote on any recommended amendments.

At this stage, 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 a 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 it 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 of 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 candidates 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 fewer 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 jurisdictions within Washington County, 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 considered modifications to the role of the mayor and the council president.

#### *a. Role of the Mayor.*

The committee does not recommend the city modify the role of the mayor. The committee discussed at length, and originally proposed, amendments which would have provided that the mayor would vote only in the case of a tie. However, after listening to and considering public comment, which include the comments from two former mayors, the committee reconsidered its original amendments.

In reaching its original recommendation to amend the mayoral role, 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 political leader. The majority of the committee also suggested that if the mayor is not required to vote on every matter, the mayor 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.

The public comment focused mostly on the impact of the public not being able to hold the mayor accountable for their positions on critical issues and to express disagreement with the committee's conclusion that not allowing the mayor to vote would help build consensus among the council and make the mayor a more effective leader.

Ultimately the committee decided that the benefits of having the mayor vote only in case of a tie did not outweighed the detriments, particularly the lack of transparency to the public in the mayor's position on issues critical to the city.

The committee also considered changing the role of the mayor from being the "political" head of the city to being the "civic" head. The committee believes the word "political" imparts a partisan quality not present in municipal offices and can be divisive in the current climate. However, after hearing public comment on this matter, the committee decided because there was no intent to change the role of the mayor with the language change, the amendment would have no practical effect and was not necessary at this time.

### ***No Proposed Amendments***

#### ***b. 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 appointed council president appointment to rotate every two years. Although the council elects the council president every year, the committee believed requiring the position to rotate every two years will ensure that an incumbent council president does not retain the role at the exclusion of other members 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's practice is to post an agenda one week prior to each council meeting. Occasionally, after the agenda is posted, an issue will arise that needs to be addressed prior to council approving a particular item (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, other cities 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, under the proposed amendment, 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 in the city over the last twenty years, whether comparative jurisdictions had term limits, the text of the League of Oregon Cities model charter and the results of a citywide survey.

Regarding local officials, the average tenure for a Forest Grove 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.

In reviewing comparative jurisdictions, the committee noted that Cornelius and Newberg have no term limits, while Hillsboro, Sherwood and Tigard do. The League of Oregon Cities model charter does not include term limits.

Finally, the committee reviewed the result of a citywide livability survey which found that 77% of respondents would be in favor of term limits while 26% would not. The committee noted that survey participation was low and therefore may not be representative of the community as a whole.

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 the community’s concerns. 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.

After hearing public comment on this issue the committee reviewed its prior discussion and reaffirmed its position to not recommend term limits.

**No proposed amendments.**

5. Term

Currently the Charter provides that a new council term begins at the first Council meeting “immediately after the election is certified by the county elections officials.” This has caused some confusion regarding when exactly new councilors take office. For example, if election results are certified on a Monday morning and there is a council meeting scheduled for that evening, would the former councilors’ terms end at that meeting? Would the councilor-elect have enough time to prepare for and attend the meeting? Most city charters, including the League of Oregon Cities Model Charter, provide that new council terms begin after the new year. This allows for both the incoming and outgoing councilors (as well as the city) to prepare for the transition.

**Proposed Amendments**

SECTION 29. TERM
The term of an officer elected at a general election begins <u>at the first council meeting of the</u>

**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.

## 6. Filling Vacancies

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

### *a. Quorum and voting requirements*

First, the committee examined recent 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 how the City would currently address this issue, which is 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 (like in Baker City).

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 only appoint new councilors and 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**

SECTION 32. FILLING VACANCIES	
(a)	A Mayor or Councilor vacancy will be filled by appointment by a majority of the remaining Council members, <b><u>notwithstanding any quorum or voting requirements of this Charter.</u></b> <del>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.</del>
(b)	<b><u>The appointee's term of office shall begin immediately upon appointment and qualification and shall continue until 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.</u></b>
(c)	<b><u>The Council must adopt by ordinance a process for appointing members to vacant council positions.</u></b>
(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

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) <del>Conviction of a public offense punishable by loss of liberty,</del> <b><u>Conviction of a misdemeanor or felony crime,</u></b> (6) Resignation from the office, or (7) Violation of Section 33(i).

### 7. 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 under the proposed language, if a council desired residency, that council could negotiate residency with an incoming city manager.

### **Proposed Amendment**

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)	<del>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.</del>

### 8. Ranked Choice Voting

The committee discussed at length whether the city should amend the Charter to require ranked choice voting (RCV). RCV requires voters to rank candidates by preference instead of voting for just one candidate. 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.<sup>2</sup>

The committee is generally in favor of exploring RCV, but did not believe now was the appropriate time to amend the Charter to implement it. 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 ("HB") 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 authorizes<sup>3</sup> 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 RCV appears on the ballot in the November 2024 election at both the statewide level with HB 2004 and the local level with the Charter amendment, 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, waiting allows the city to learn from other jurisdictions' experiences with RCV in order to select the type that will work best for the city.

## 9. Future Charter Reviews

The committee recommends that the council consider adopting an ordinance requiring the city to undergo a charter review on a regular basis. The committee believes that many of the issues under consideration now (specifically including wards) should be reconsidered as the city continues to grow and evolve.

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<sup>2</sup> 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.

<sup>3</sup> 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.

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**CHAPTER I**  
**NAME AND BOUNDARIES**

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**SECTION 1. TITLE** This Charter may be referred to as the ~~2009~~ **2025** 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

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**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

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**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.
- (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 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.

**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

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**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.

**SECTION 17. EFFECTIVE DATE** Ordinances take effect on the 30<sup>th</sup> 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

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**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

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**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

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**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.

**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.**

- (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

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#### **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;

- (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

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**

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**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

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**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, 2029~~  
January 1, 2025.

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