



# CHARTER REVIEW COMMITTEE MEETING

Wednesday, December 27, 2023  
Community Auditorium, 1915 Main Street

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Elysha Johnson, Chair  
Adolph Valfre, Vice Chair  
Dale Thaler  
LaAna Littlefield  
Wolanda Groombridge

Tacy Steele  
Tammi McLaughlin  
Kate MacDonald  
Vacant  
Isaac Echeverria

Ashley Driscoll, City Attorney

Joyce Phillips, Staff Liaison

### Zoom Webinar:

Link: <https://us06web.zoom.us/j/86851545952?pwd=tFMjVS4qZPcCaIFwzbROgLeaUV0b2>

Meeting ID: **868 5154 5952**

Passcode: **650305**

## CHARTER REVIEW COMMITTEE MEETING

### A. Call to Order

1. Roll Call

**B. Public Comment:** Anyone wishing to speak to the City Council on an item not on the agenda or on the agenda and not scheduled for a public hearing may be heard. Comments are limited to two (2) minutes. All testimony is recorded. Written comments may be submitted by 3:00 p.m. on the day of the meeting to [CityCouncilors@forestgrove-or.gov](mailto:CityCouncilors@forestgrove-or.gov).  
**Zoom Attendees:** 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 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 Charter Review Meeting Minutes of December 13, 2023

### D. Additions/Deletions

1. N/A

### E. Discussion Items:

1. Meeting Decorum
2. CRC Conversation - Timeline
3. 12.13.2023 Meeting Recap
  - Modifying Section 32
4. Terms of Appointments
  - Appointment procedure
    - Corvallis model
    - Immediate/ASAP
    - Council Adopted Rule
5. Term Limits
  - FG History
  - Comparable jurisdictions

## **F. Reports**

1. CRC Staff Memo

## **G. Future Agenda Items**

1. Ranked Choice Voting
2. Residency Requirement
3. Public Hearings

## **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**

**December 13, 2023  
Zoom & Community Auditorium**

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

**1. Called to Order**

The meeting was called to order at 6:01 PM.

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

Absent: Bryan Dennis

**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 November 8, 2023 meeting – amended and approved

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

**5. Discussion Items –** Meeting decorum was presented and reviewed. Meeting minutes from September 27, 2023, reviewed committee member requests for information procedure and discussed continuing to use this process going forward. The City of Forest Grove Livability Survey City Charter question results were presented. Satisfied the committee has covered the ward issue and does not need to revisit it. Term limits will be discussed soon.

**a) 11.08.23 Meeting Recap**

- Mayor Voting role and Council President Language
- Quorum – Forest Grove Charter Language
- Model Charter Language Section 3.6 Quorum

**b) CRC Conversation Timeline**

- Substantive Areas to Cover: Quorum, Ordinance Enactment, Order Adoption, Term Limits, Ranked Choice Voting, Vacancies, and Residency Requirements.
- The timeline was discussed to outline the meeting schedule:
  - o December 13 & 27
  - o January 17, 24, & 31
  - o February 14 & 28
  - o March 13 & 27 (completion goal)
  - o April – to Council

**c) Section 12 - Quorum**

- A brief review and the question asked: Should the quorum language be amended to allow city business to continue in the event of multiple council seat vacancies?
- The talking points were as follows:
  - o State Law
  - o Reduce Quorum by vacancies
  - o Reduce Quorum only for filling vacancies
- **State Law**
  - o Pros
    - Language exists in statute
    - Everyone resigns and the county board appoints a new council
    - If council members are still present, a special election is required to fill vacancies to achieve a quorum
  - o Cons
    - Time consuming
    - Costly
    - Decision powers repositioned from community to county board
    - Stalls city business
- State law discussion: multiple questions were asked regarding how quickly the county would move to appoint. Will the county appoint up to a quorum? Yes, they appoint to meet the quorum. When Forest Grove appointed council seats, they interviewed applicants within 30 days. The City does not have an official process for replacing councilors but has successfully managed appointments in the past. The State law is always the fallback plan.
- **Reduce Quorum by vacant seat**
  - o Pros
    - Avoids costly election
    - Avoids delays in meeting

- Cons
  - Consolidates power
- Reduce Quorum by vacant seat discussion: Reviewed chart presented in the PowerPoint. No questions.
- **Reduce Quorum only to fill vacancies**
  - Pros
    - The charter language for a quorum (section 12) does not change, except as provided in section 32
    - Avoids delays in meeting
  - Cons
    - Consolidates power for filling vacancies
- Reduce Quorum on to fill vacancies discussion: Referenced the memo provided by Ashley. Reduce Quorum – Section 32 Language slide was reviewed and discussed. The first language example is consistent with the Forest Grove Charter language. The second language example is much clearer.
- A vote was implemented regarding which Quorum Options of the three options. A consensus was decided that #3 – Reduce Quorum only to fill vacancies.
- It was asked: “Do we want to pursue appointment language?” All members agreed unanimously – yes. Examples will be presented from Fairview and Corvallis.

**d) Section 16 (b) – Ordinances**

- Forest Grove language vs. LOC model charter language review
- Staff recommendation – keep the current language
- Motion to leave ordinances as is, no change – unanimous

**e) Section 19(b) – Resolutions**

- Forest Grove language vs. LOC model charter language review
- Staff recommendation – change to LOC language “Can be read aloud or made available in writing before adoption.”
- Motion to change to LOC model charter language for resolutions – unanimous

**f) Section 22(b) – Orders**

- Forest Grove language vs. LOC model language review
- Staff recommendation – change to LOC language “Any substantive amendments are either read aloud or made available in writing prior to adoption.”
- Motion to change to LOC model charter language for orders – unanimous

**g) Next Meeting**

- Appointment language
- Concluding Section 12
- Section 32 language (quorum)
- Ashley will send out information on Ranked Choice Voting, including videos

**h) Meeting Schedule**

- Every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6:00 PM
- Next meeting on December 27, 2023
- Upcoming meeting dates: January 17, 24 and 31st

**6. Adjournment and Announcement of Next Meeting:** The meeting adjourned at 7:30 p.m. The next CRC meeting will be held on Wednesday, December 27, 2023, at 6:00 p.m.

Respectfully submitted,  
Joyce Phillips, Staff Liaison

# Agenda

- **Meeting Decorum**
- **CRC Conversation Timeline**
- **12.13.23 Conversation Recap**
  - Modifying Section 32
- **Appointments**
  - Term of Appointments
  - Appointment procedure
- **Term Limits**
- **Vacancies**

# 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		X	Instead of making change to Section 12, making a limited exception to the quorum and voting requirements for filling vacancies in Section 32.	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."

# FG Charter Review Committee

Section	Title	Yes Change	No Change	Scope of Review Potential Changes	Differences from LOC Model Charter
	Chapter IV. Legislative Authority				
16	Ordinance Enactment		X		<p>Section (b) requires 5 votes to pass; model charter provides for a majority of the quorum</p> <p>Section(c) requires all substantiative amendments be read aloud at the meeting; model charter provides that substantive amendments just need to be available in writing to the public before the council adopts the ordinance at that meeting</p> <p>NOTE: this was discussed and changed during the last Charter review</p>
	Chapter V. Administrative Authority				
19	Resolution Adoption	X		Can be read aloud or made available in writing prior to adoption	
	Chapter VI. Quasi-Judicial Authority				
22	Order Adoption	X		Any substantive amendments are either read aloud or made available in writing prior to adoption	Section(b) requires all substantiative amendments be read aloud at the meeting; model charter provides that substantive amendments just need to be available in writing to the public before the council adopts the ordinance at that meeting

## 12.13.23 CRC Conversation Recap

- Agreed to address the Quorum issue through Section 32
- Quorum adjusted under Section 32 to fill vacancies
- Appointments and procedures

# CRC Conversation Timeline

- Substantive Areas to Cover:

- Council Appointments
- Term limits
- Ranked Choice Voting
- Vacancies
- Residency Requirement

- Timeline:

Date	Agenda
12/27/23	<ul style="list-style-type: none"><li>- Term limits</li><li>- Ranked Choice Voting introduction</li><li>- Vacancies</li></ul>
1/17/24	<ul style="list-style-type: none"><li>- Ranked Choice Voting Introduction</li></ul>
1/24/24	<ul style="list-style-type: none"><li>- Ranked Choice Voting</li></ul>
1/31/24	<ul style="list-style-type: none"><li>- CM residency</li></ul>
2/14/24	<ul style="list-style-type: none"><li>- Additional time (if necessary)</li><li>- Draft Final Report</li></ul>
2/28/24	<ul style="list-style-type: none"><li>- Public hearing</li></ul>
3/13/24	<ul style="list-style-type: none"><li>- Public hearing</li></ul>
3/27/24	<ul style="list-style-type: none"><li>- Final Meeting</li></ul>

# Term of Appointments – Current Language

- Current language provides that appointees fill the full remaining term
- This could be up to 3+ years

# Term of Appointments – Alternative to FG

- If an individual is appointed to a vacant council seat, they serve in that position until the next general election.
- Appointee will not serve more than two years without an election.
- If the original term is expiring, the election is for a four-year term.
- If the original term is not expiring, whoever is elected, fills the remainder of the original term.

# Appointment Procedure

- Does the committee want an appointment process in the Charter?
- Options:
  - Corvallis model
  - Requirement for immediate or soon as possible appointment
  - Requirement for council to adopt procedure via ordinance or resolution
  - Status quo

# Option 1 – Corvallis Model

- The City Council must fill any vacant position no later than 60 days after the vacancy is declared.
- The City Council must invite nominations from the ward with the vacant position.
- The City Council must interview nominees and hold a public hearing regarding the nominees, prior to the Council voting to make any appointment.

# Option 2 – Immediate/ASAP

A Mayor or Councilor vacancy will be filled **as soon as possible** by appointment by a majority of the remaining Council members . . .

# Option 3 – Council Adopted Process

SECTION 32. FILLING VACANCIES A Mayor or Councilor vacancy will be filled by appointment by a majority of the remaining Council members. 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. **The Council must adopt by [resolution/ordinance] the process it will use to fill vacancies.** 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.

## Section 32

- Does the CRC want to change the term for appointees?
- Does the CRC want to change the process for appointees?

# Councilor Term Limits

- This is a policy matter
- Currently Forest Grove has no term limits
- Average tenure:
  - Councilor - 7.3 years
  - Mayor - 13 years

# Term Limits – Pros and Cons

## Pro

- May reduce potential abuse of power
- Limits may also encourage political participation by newcomers
- Infringement on the democratic process

## Cons

- Infringement on the democratic process

# Term Limits

- Should the term limit include time served in an appointment?

# FG Council – Councilors in the last 20 year

Member of Council	Office	Years in Office
Wenzl	Councilor / Mayor	8 / 1
Gustafson	Councilor	3
Marshall	Councilor	1
Martinez	Councilor	1
Rippe	Councilor	7
Uhing	Councilor	21
Valenzuela	Councilor	3
Truax	Councilor / Mayor	9 / 13
Valfre	Councilor	3
Johnston	Councilor	17
Thompson	Councilor	17
Richard Kidd	Councilor / Mayor	13 / 4
Camille Miller	Councilor	8
Kristy Kottkey	Councilor	3
Matt Vandehey	Councilor	1
Victoria Lowe	Councilor	12

# Comparable Jurisdiction

<b>Cornelius</b>	<b>No term limits</b>
<b>Hillsboro</b>	No more than two consecutive 4-year terms
<b>Sherwood</b>	At each general election, three councilors will be elected for four-year terms. (b) No councilor shall serve on the council more than three consecutive terms. For purposes of this subsection, "terms" include terms to which the councilor was either elected or appointed, regardless of whether the councilor served the full four years of the term.
<b>Tualatin</b>	No person shall be eligible to serve on the City Council more than twelve (12) years in any twenty (20) year period, whether serving as Councilor, Mayor, a pro tem member, or a combination thereof, except if a person has served only two terms as City Councilor, then that person shall be eligible to serve another two consecutive terms as Mayor. No person may be elected or appointed to an office on the City Council if completing that term of office would cause a violation of these term limits. The calculation of "years" shall include those preceding the passage of this Section, but shall not prevent any member of the City Council from completing a term of office that commenced prior to its passage. For the purposes of this Section, years of service on the City Council shall be calculated by first determining the aggregate number of days a person has served as a member of the City Council within an applicable window of twenty calendar years, and then attributing a year of service for every 365.25 days of service. This Section becomes effective immediately upon passage.
<b>Newberg</b>	No term limits

# Section 31 Vacancies

## Forest Grove

- 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,
  - (6) Resignation from the office, or
  - (7) Violation of Section 33(i).

## LOC

- Upon the incumbent's:
  - 1) Death;
  - 2) Adjudicated incompetence;46 or
  - 3) Recall from the office.47
- b) Upon declaration by the council after the incumbent's:
  - 1) Failure to qualify for the office within 10 days of the time the term of office is to begin;
  - 2) Absence from the city for 30 days without council consent, or from all council meetings within a 60-day period;
  - 3) Ceasing to reside in the city;48
  - 4) Ceasing to be a qualified elector under state law;
  - 5) Conviction of a misdemeanor or felony crime;
  - 6) Resignation from the office; or
  - 7) Removal under Section 8.1(i).

**MEMORANDUM**

TO: Ashley Driscoll  
FROM: Forest Grove Charter Review Committee  
SUBJECT: Council Appointments, Term Limits, Length of Absences for Vacancies  
DATE: December 27, 2023

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The Charter Review Committee is discussing two substantive changes at our meeting this evening. The first is a follow up on our quorum discussion. During our quorum discussion the council voted to leave the quorum language as-is, but to amend Section 32 regarding filling of council vacancies to create an exception to the general quorum and voting requirements for instances when the number of seated councilors falls below the quorum threshold. When reviewing potential language amendments, the CRC also discussed how council appointments are filled and asked staff to bring back options and alternatives to the status quo. The CRC also wanted to explore options for the process the Council uses to appoint its members.

The second substantive area is regarding if the City should add term limits to the Charter. Both are discussed below.

The CRC is also asked to review whether it wants to align with the LOC Model Charter on the length of time a councilor needs to be absent from council meetings before the Council can declare the seat vacant.

**Council Appointments**

At the last CRC meeting the CRC asked for more options regarding two separate areas of council appointments. First, the CRC asked about options for the term of a council appointment. Currently, under the City’s Charter, the appointed councilor serves the remaining term of the vacating councilor, or up to 3+ years. Second, the Council asked for options regarding the process the Council uses to appoint a councilor.

*Term of Appointee*

As written, the current Charter language provides that if a council seat becomes vacant the council appoints a new councilor and 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.” As we discussed at the last meeting, the best interpretation of that language is that the newly appointed

councilor fills the remaining term of the councilor they replaced. If the seat is vacated during the first year of the term, the appointed member can serve 3+ years.

We discussed that at other cities, such as Fairview, the appointed official only serves until the next general election. One of the issues the CRC discussed is that if Forest Grove followed the Fairview model the result would impact the election cycle of electing three councilors every other year. However, on closer examination of the Fairview charter language, the appointed official serves until the next general election, and then if the original term does not expire at that election, the upcoming election is for the “remainder of the term”—not a new 4-year term. This means that the election cycle would not be impacted.

Fairview Charter Language:

Section 21. Vacancies: Filling. Vacancies in elective offices of the City shall be filled by appointment by a majority of the remaining council members. 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.** During the temporary disability of any elected official or during his or her absence temporarily from the City for any cause, the office may be filled pro-tem in the manner provided for filling vacancies in office permanently

If this solution meet’s the CRC’s needs, the Forest Grove Charter could be amended to read:

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.** ~~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.~~ **The appointee’s term of office shall begin immediately upon appointment and qualification and shall continue until after 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.** 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.

The CRC could also decide to leave the FG Charter language as-is.

*Process for Appointing a Councilor*

The current Forest Grove Charter language does not provide a process for filling a vacant Council position. The LOC model charter likewise does not provide a method. Many cities do not include the process question in the charter, but rather allow the city to adopt a process either via an ordinance, resolution, council rules or in any other fashion.

However, there are examples of charters that provide a process. Last meeting we discussed the City of Corvallis' Charter, which outlines a process for filling vacancies:

Section 34. Filling of Vacancies.

a) The City Council must fill vacant positions on the City Council by appointment. The City Council must establish the process for City Council to fill vacant positions by ordinance. In addition to any other provision the Council adopts, any ordinance establishing a process to fill vacant City Council positions must comply with the following provisions:

1. The City Council must fill any vacant position no later than 60 days after the vacancy is declared.
2. The City Council must invite nominations from the ward with the vacant position.
3. The City Council must interview nominees and hold a public hearing regarding the nominees, prior to the Council voting to make any appointment.

b) If there is a vacancy in the office of Mayor which occurs 120 or more days prior to the first day of the new term, the vacancy must be filled by a City-wide special election. The special election must be held within 60 days after a vacancy is declared when possible, or at the next scheduled State election date thereafter. Should a vacancy occur leaving fewer than 120 days remaining in the term, the candidate who receives the most votes for that office in the regular election will assume office immediately upon validation of the vote

There are a few significant downsides to the Corvallis model. First, because the language is so proscriptive it can create challenges in unusual situations. For example, what if there are no applicants for the open positions after 60 days? Does that mean Council cannot continue with its business? What if two councilors vacate their position in quick succession? Does the Council have to reopen for the second position (this situation just occurred in a client city – the city used the interview from the prior process to fill both positions).

Second, part b may require a special election. Special elections are funded by the city, not the county; therefore, this situation creates additional expense for the city. Also, Forest Grove can address the term of an appointment as discussed above without requiring a special election.

Finally, as we discussed previously, these are the types of provision that are typically found in municipal codes or council rules rather than the charter. The CRC will have to determine if it is necessary here to add these terms into the Forest Grove Charter.

Lastly, if the CRC wants to ensure that appointments are filled in a timely manner and that there is a process that includes public input, the CRC could recommend the City insert the phrase “as

soon as possible” into the current language or simply require that the Council adopt by resolution/ordinance a process for appointing members.

**Term limits**

One of the subject matters the Council specifically asked the CRC to review and consider is term limits for members of the council. While the LOC model charter does not include term limits for the mayor and councilors, some jurisdictions have included them.

- Comparable Jurisdictions

Cornelius	No term limits
Hillsboro	No more than two consecutive 4-year terms
Sherwood	At each general election, three councilors will be elected for four-year terms. (b) No councilor shall serve on the council more than three consecutive terms. For purposes of this subsection, “terms” include terms to which the councilor was either elected or appointed, regardless of whether the councilor served the full four years of the term.
Tualatin	No person shall be eligible to serve on the City Council more than twelve (12) years in any twenty (20) year period, whether serving as Councilor, Mayor, a pro tem member, or a combination thereof, except if a person has served only two terms as City Councilor, then that person shall be eligible to serve another two consecutive terms as Mayor. No person may be elected or appointed to an office on the City Council if completing that term of office would cause a violation of these term limits. The calculation of "years" shall include those preceding the passage of this Section, but shall not prevent any member of the City Council from completing a term of office that commenced prior to its passage. For the purposes of this Section, years of service on the City Council shall be calculated by first determining the aggregate number of days a person has served as a member of the City Council within an applicable window of twenty calendar years, and then attributing a year of service for every 365.25 days of service. This Section becomes effective immediately upon passage.
Newberg	No term limits

- Pros and Cons of Term Limits

Term limits may reduce potential abuses of power by incumbents who stay too long in office. Limits may also encourage political participation by newcomers.

Conversely, the election process itself already serves as the antidote for long-serving elected officials who are no longer responsive to citizens. Term limits may also be seen 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.

- Forest Grove Council – Councilors in the last 20 years

The chart below summarizes the length of tenure of each elected official in Forest Grove in the last 20 years. The longest serving councilor (Uhing) has served for 21 years. The average tenure for a councilor is 7.3 years. The average tenure for a mayor is 13 years.

Member of Council	Office	Years in Office
Wenzl	Councilor / Mayor	8 / 1
Gustafson	Councilor	3
Marshall	Councilor	1
Martinez	Councilor	1
Rippe	Councilor	7
Uhing	Councilor	21
Valenzuela	Councilor	3
Truax	Councilor / Mayor	9 / 13
Valfre <sup>1</sup>	Councilor	3
Johnston	Councilor	17
Thompson	Councilor	17
Kidd	Councilor / Mayor	4/ 13
Miller	Councilor	8
Kottkey <sup>2</sup>	Councilor	3
Vandehey	Councilor	1
Lowe	Councilor	12

**Length of Absences to Determine Vacancies**

At the outset of the Charter Review process the City Council directed the CRC to compare the Forest Grove City Charter to the LOC model charter and evaluate any differences. There is a minor differences between the City’s Charter and the LOC model charter to discuss this evening

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<sup>1</sup> Appointed

<sup>2</sup> Appointed

involving the length of time a council can be absent from council meetings without council consent before the seat can be declared vacant. Here is the current language:

#### 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,
- (6) Resignation from the office, or
- (7) Violation of Section 33(i).

The difference between Forest Grove's Charter and the model charter is that the model charter allows the council to declare the seat vacant if a councilor is absent from council meetings for 60 days rather than 45 days. The model language is also unclear regarding if a councilor can be absent from council meetings for 60-days even with council consent.

Particularly now, with the option to attending meetings remotely, there is not a significant reason to change this language from 45 days to 60 days.

Recommendation: No change.



Hello Charter Committee Members,

Soon we are going to be discussing ranked choice voting. Before we start this discussion, I want to ensure everyone understands how ranked choice voting (RCV) works. Generally speaking, I believe most folks understand how RCV works when voting for one candidate (for example, when voting for a president or governor). However, from my experience, few understand how RCV works when voters are asked to fill multiple open positions at once. Officially there are two types of RCV:

- Single-winner RCV – to select a consensus candidate with broad support; and
- Proportional RCV – to fill multiple seats on a legislative body in proportion to the electorate.

The City of Forest Grove currently elects three councilors for four-year terms at every general election (every even numbered year). If the City wanted to consider a RCV option it would either need to use the proportional RCV or amend the Charter to have each councilor run for an individual seat.

#### Single Winner RCV – How It Works

- The ballot provides electors with the option of ranking as many choices of qualified candidates and qualified write-in candidates as practicable.
- Each ballot that is cast counts as one vote for the highest-ranked active candidate on that ballot. The tallying of ballots proceeds in rounds, with each round proceeding sequentially as follows:
  - o If an active candidate has a majority of votes in a round, the candidate with the greatest number of votes is nominated or elected and the tallying of ballots is complete for that office.
  - o If no active candidate has a majority of votes in a round:
    - The active candidate with the fewest votes is defeated and is no longer an active candidate;
    - Votes that had been counted for the defeated candidate are transferred to each ballot's next highest-ranked active candidate; and
    - A new round of vote tallying begins with ballots retallied.

#### Proportional RCV – How It Works

- The ballot shall provide electors with the option of ranking as many choices of qualified candidates and qualified write-in candidates as practicable.
- Ballots are reviewed and first choices are then counted to determine if any candidates have enough votes to win, also known as the threshold. The threshold is determined based on the number of seats to be filled. For example, when electing three candidates the threshold would be 25% plus one vote. That is the smallest number of votes that guarantees that no more candidates can reach the threshold than the number of seats available to be filled.
- After the first round of counting, we can determine whether additional rounds of counting are needed to fill each seat up for election.
- If a candidate wins with more votes than they need – a surplus – any extra votes are counted proportionally towards voters' next choices.
- If no candidate has a surplus, the candidate with the fewest votes is eliminated and voters have their ballot count for their next viable preference.
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Additional resources and video explanations can be found here: <https://www.rcvresources.org/types-of-rcv>.

### Sample Charter Language for RCV

Benton County Oregon added the following language to their charter in the Election’s chapter:

Section 25. Method of Election. (1) Elected officers of the County shall be elected in the general election, and at any special election, by a process of ranked choice voting, also known as instant runoff voting or the alternative vote.

### Additional Charter Amendments Necessary for Single Winner RCV

If the City wanted to amend the Charter to use the single-winner RCV, the City would need to amend Section 24 to change from the top candidates receiving the open seats to a system where candidates run for individual seats. The new language would be similar to the following language from the City of Gladstone:

(a) Councilors are elected from the city at large, provided that each council position bears a number from one through six, and all candidates for council must be nominated for a specific council position. Candidates for council must designate on their nomination petition the number of the council position to which they seek election. No candidate may run for more than one council position at an election.

(b) The term of a councilor in office when this charter takes effect is the term for which the councilor was elected. Council position numbers 1, 3 and 5 will be elected at the general election in 2022 and every four years thereafter for a four-year term. Council positions 2, 4 and 6 will be elected at the general election in 2024 and every four years thereafter for a four-year term.

### Why RCV?

- <https://www.npr.org/2023/12/03/1198909408/consider-this-from-npr-draft-12-03-2023>
  - o 12-minute podcast – reviews the issues
- City of Corvallis FAQ
  - o <https://www.corvallisoregon.gov/cm/page/ranked-choice-voting>
  - o Changed the municipal code to allow for RCV
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### Upcoming Ballot Measure

Voters throughout the state of Oregon will be asked to vote on implementing ranked choice voting throughout the state. <https://www.oregonrcv.org/>. As mentioned last week, Forest Grove already has the authority under home rule to implement RCV; this means that the City doesn’t need the ballot measure to pass to have the authority to implement RCV, but there could be confusion if FG has RCV on the ballot and the state does as well. The details of the measure are below:

- HB 2004
  - o The ballot measure would establish ranked-choice voting for elections to federal and state offices, including the president, U.S. senator, U.S. representative, governor, secretary of state, attorney general, state treasurer, and commissioner of labor and industries. Currently, Oregon uses a plurality voting system. The law would also authorize cities, counties, school districts, other local governments, and local districts to use ranked-choice voting for local elections unless home rule charters preempt it. The

law would also require the secretary of state to establish a program to educate voters about ranked-choice voting.

- A ranked-choice voting system is an electoral system in which voters rank candidates by preference on their ballots. If a candidate wins a majority of first-preference votes, he or she is declared the winner. If no candidate wins a majority of first-preference votes, the candidate with the fewest first-preference votes is eliminated. First-preference votes cast for the failed candidate are eliminated, and counting the next-preference choice indicated on those ballots. A new tally is conducted to determine whether any candidate has won a majority of the adjusted votes. The process is repeated until a candidate wins an outright majority.
- For elections that use ranked-choice voting to elect multiple candidates to a single office, the law would require the secretary of state to adopt by rule a proportional methodology. The law would also authorize cities, counties, school districts, other local governments, and local districts to use ranked-choice voting for local elections unless home rule charters preempt it.
- The law would also require the secretary of state to establish a program to educate voters about ranked-choice voting. The law also states that if the National Popular Vote Interstate Compact, which Oregon is a part of, takes effect, the state would report the winner of the final tabulation round to the compact. However, if the winner of the final tabulation is different from the winner of the national popular vote, Oregon would be required to elect electors for the candidate who won the national popular vote in accordance with the compact.
- The law would take effect on January 1, 2028 if approved by voters

Thank you,  
Ashley

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Email/Memo

Hello Charter Committee Members,

Soon we are going to be discussing ranked choice voting. Before we start this discussion, I want to ensure everyone understands how ranked choice voting (RCV) works. Generally speaking, I believe most folks understand how RCV works when voting for one candidate (for example, when voting for a president or governor). However, from my experience, few understand how RCV works when voters are asked to fill multiple open positions at once. Officially there are two types of RCV:

- Single-winner RCV – to select a consensus candidate with broad support; and
- Proportional RCV – to fill multiple seats on a legislative body in proportion to the electorate.

The City of Forest Grove currently elects three councilors for four-year terms at every general election (every even numbered year). If the City wanted to consider a RCV option it would either need to use the proportional RCV or amend the Charter to have each councilor run for an individual seat.

#### Single Winner RCV – How It Works

- The ballot shall provide electors with the option of ranking as many choices of qualified candidates and qualified write-in candidates as practicable.
- Each ballot that is cast shall count as one vote for the highest-ranked active candidate on that ballot. The tallying of ballots shall proceed in rounds, with each round proceeding sequentially as follows:
  - o If an active candidate has a majority of votes in a round, the candidate with the greatest number of votes is nominated or elected and the tallying of ballots is complete for that office.
  - o If no active candidate has a majority of votes in a round:
    - The active candidate with the fewest votes is defeated and is no longer an active candidate;
    - Votes that had been counted for the defeated candidate are transferred to each ballot's next highest-ranked active candidate; and
    - A new round of vote tallying begins with ballots retallied in the manner described in this subparagraph.

#### Proportional RCV – How It Works

- The ballot shall provide electors with the option of ranking as many choices of qualified candidates and qualified write-in candidates as practicable.
- Ballots are reviewed and first choices are then counted to determine if any candidates have enough votes to win, also known as the threshold. The threshold is determined based on the number of seats to be filled. For example, when electing three candidates the threshold would be 25% plus one vote. That is the smallest number of votes that guarantees that no more candidates can reach the threshold than the number of seats available to be filled.

- After the first round of counting, we can determine whether additional rounds of counting are needed to fill each seat up for election.
- If a candidate wins with more votes than they need – a surplus – any extra votes are counted proportionally towards voters’ next choices.
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# Proportional RCV

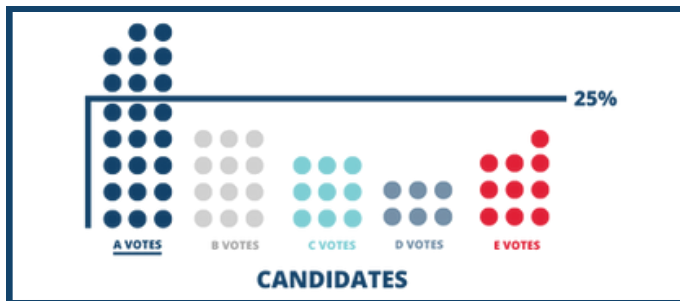
## How does it work?

Proportional ranked choice voting is used for a multi-winner contest, such as city council, when more than one individual is elected at-large or for district elections with multiple representatives. The voter experience is the same as single-winner ranked choice voting, where voters rank their choices in order of preference. First choices are then counted to determine if any candidates have enough votes to win, also known as the threshold. The threshold is determined based on the number of seats to be filled.

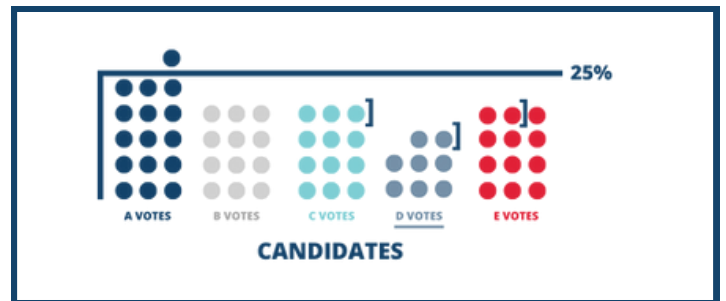


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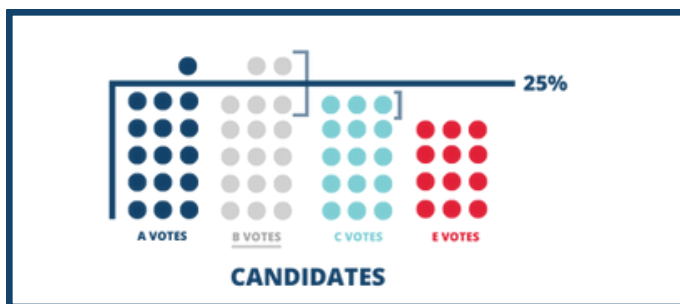
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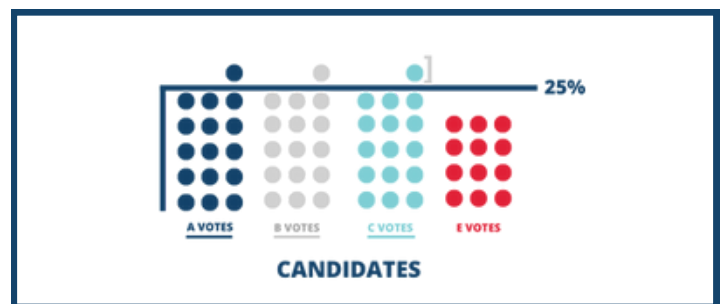
Step 1: Candidate A has more votes than needed to win.



Step 2: After transferring surplus votes from A, we still don't have all the seats filled. Candidate D is in last place.



Step 3: Candidate D was eliminated and their votes transferred. Candidate B now has enough votes to win.



Step 4: After transferring the surplus from B, Candidate C is our third and final winner.

# Why do Jurisdictions Adopt Proportional RCV?

<p><b>Fair Representation</b> Communities have the opportunity to elect representatives proportional to their population. Proportional RCV has also been used as a remedy to Voting Rights Act violations to avoid vote dilution of protected minority communities.</p>	<p><b>Better Districts</b> Proportional RCV supports both multi-member districts and at-large offices. With fewer districts to draw (or none with at-large races) it is harder to draw districts with a political bias.</p>
<p><b>Prevent Strategic Voting</b> Voters select their preferred candidate without hurting others that they like. Plus, voters aren't punished for supporting popular candidates. When a candidate gets more votes than needed, those votes are transferred proportionally to the voters' next choice.</p>	<p><b>Increased Diversity</b> In single-winner elections, a group needs a majority to elect a candidate of choice. Proportional RCV has a lower threshold for election, allowing voters of different demographic backgrounds greater opportunity to be elected within their community.</p>

## Sample PRCV Contest Ballot

City Council						
Rank up to 6 candidates. Mark no more than 1 oval in each column.	First choice	Second choice	Third choice	Fourth choice	Fifth choice	Sixth choice
	1st	2nd	3rd	4th	5th	6th
<b>Valarie Altman</b> Orange Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>George Hovis</b> Yellow Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Althea Sharp</b> Purple Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Mary Tawa</b> Lime Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Joe Li</b> Tan Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Phil Wilkie</b> Independent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



## Where is Proportional RCV used?

- Albany, California
- Arden, Delaware
- Cambridge, Massachusetts
- Minneapolis, Minnesota
- Palm Desert, California