



SCAPPOOSE CITY CHARTER REVIEW COMMITTEE

Community Development Center

52610 N.E. 1st Street

Thursday, July 22, 2010 at 7:00 p.m.

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Minutes from June 23, 2010**
- 4. Review Charter**
- 5. Set agenda and date for next meeting**
- 6. Adjourn**

**Note ~ Location:
Community Development Center
52610 N.E. 1st Street**

This is an open meeting and the public is welcome. The City of Scappoose does not discriminate on the basis of handicap status in its programs and activities. If special accommodations are required, please contact Susan Reeves, CMC, City Recorder, in advance, at 543-7146, ext 224.

TTY 1-503-378-5938

SCAPPOOSE CITY CHARTER REVIEW COMMITTEE
Council Chambers at City Hall
33568 E. Columbia Avenue

Wednesday, June 23, 2010 at 7:00 p.m.

Call to Order

Chair Ingham called the meeting to order at 7:00 p.m.

Present: Chair Judie Ingham City Council Member, Larry Meres City Council Member, Craig Frasier Citizen at large, Prudie White Budget Committee member, Devra Hermosilla Citizen at large, and Jon Hanken City Manager.

Excused: Loren Holm Budget Committee Member

Approval of Minutes from May 12, 2010

Craig Frasier moved and Larry Meres seconded the motion to approve the minutes from the May 12, 2010 Scappoose City Charter Review Committee meeting. Motion passed (4-0). Chair Ingham, aye; Larry Meres, aye; Craig Frasier, aye and Devra Hermosilla, aye.

Review Charter

Chair Ingham explained there are a couple of things from the last meeting that the committee needs to review and then go through the Charter paragraph by paragraph.

City Manager Hanken explained regarding terms limits it is one of those things that is set by the Charter. He explained most of the community that he has looked at the Mayor terms are 2 years, their Council is 4 years and they are staggered, He explained there are communities that have 4 year Mayor terms and there are some pros and cons to both much like the committee has discussed. He asked what does this committee feel comfortable with and what do you want to present to Council.

Chair Ingham replied she knows one comment that came up from Craig Frasier and Larry Meres is let the citizens decide. She stated she feels the current system seems to be working here. She asked the other discussion was how long, 12 years for Mayor, 12 years for Council, how long?

City Manager Hanken replied not a lot of communities have term limits.

Prudie White asked Chair Ingham and Larry Meres, since they are both on Council and have been there long enough to see some turn over, just one seat turning over doesn't that change the dynamics? She asked is it really that important to have the limits, because you bring out different strengths in different people when you change the personnel that are involved.

Larry Meres replied he agrees with the person who stated it is good to have a long term person who knows the history. He explained that was a good point and he doesn't want term limits.

Prudie White stated she agrees it is good to have the person who knows the history and she is married to someone like that.

Devra Hermosilla replied she really doesn't have strong feelings one way or another. She stated she thinks if we have term limits a 12 year limit would be good.

Chair Ingham explained she thinks 12 years probably is a good number.

Prudie White replied it just depends upon what's happening and where your specific involvement is.

The committee will review the term limit discussion again.

Craig Frasier asked City Manager Hanken if he came up with any information from Seaside about wards.

City Manager Hanken replied in terms of talking to the City Manager for Seaside, the wards have been there for decades. The Seaside City Manager has been there a long time and he doesn't know realistically any different. He explained the ward system has worked for a lot of communities in the eastern part of the United States; it is not something that catches on here in small communities but there are no real big negatives associated with it. He explained when you get a ballot you see who is running in your ward and then who is running for the at large position.

Chair Ingham explained she is not opposed to wards or districts in the community and having representatives on Council for that, what she wants to know is the logistics of getting it done with the City doing its wards and trying to divide it up and the precincts.

City Manager Hanken replied because there are so many taxing districts they would have to make some adjustments at the County, it would have to be coordinated.

Devra Hermosilla asked how much would this cost to do this.

Larry Meres stated he thought this committee talked about this and we thought our town is too small to do this.

Chair Ingham stated if this would motivate people to get involved in City Government then she thinks that is a plus. She feels this is something this committee should present to Council.

Prudie White stated our community is going to change and if we want to encourage it she thinks this is a really good way to do so.

Craig Frasier and Larry Meres are not in support of wards.

Devra Hermosilla replied she likes the idea but she thinks the town is too small and maybe this is a little premature.

Chair Ingham feels that was pretty much the consensus from the last meeting.

Prudie White replied she gathered that from the minutes. She had a question on page of the May 12, 2010 minutes where it states Precinct 1 location; she asked how many Councilors currently live in that area. Chair Ingham replied two. Prudie White asked how many Councilors currently live in Precinct 2. Chair Ingham stated Mayor Burge is close to that area. She asked how many Councilors currently live in Precinct 3. Chair Ingham replied four. Prudie White asked how many Councilors currently live in Precinct 4. There are none in that area. Prudie White replied she rests her case, since there is a precinct without a Councilor living there.

Larry Meres stated if our district was 42 miles long and 60 miles wide then he would think that he would probably never get over in that corner, but he pretty much travel every bit of Scappoose.

Prudie White replied you are not the norm Larry, you work and live here and a lot of the people don't work and live here.

Chair Ingham replied she feel they won't run for Council either.

Larry Meres replied he does notice things because of being in the area a lot.

The Committee went over the draft Charter.

Prudie White explained on the first page of the Charter under Chapter 1 Names and Boundaries Section 1, they year should be changed to 2010.

The committee agreed they could delete under Section 4: (Amendment adopted by Electorates November 8, 2005).

Under Chapter 4, Section 7 Prudie White asked if it should state at the end of the paragraph "and are registered voters".

City Manager Hanken replied we want to re-examine that one.

Craig Frasier stated in Chapter 6, Section 21 it talks about being a registered voter.

Devra Hermosilla replied what she would propose for Section 7 instead of listing it out twice, she would say "Who are elected from the City at large pursuant to the requirements under Chapter 6, Section 21".

Prudie White replied Chapter 4 is just the make up of the Council it is not the qualifications for

elections, so we don't even need it there.

Larry Meres stated it doesn't matter to him but some people feel the City Manager should be in the boundaries of the City.

Chair Ingham replied that happens all over that State.

City Manager Hanken replied he is making this statement as a city manager, one of the benefits of not living in the City that you work is there is never a conflict of interest related to property.

Prudie White stated she agrees with City Manager Hanken on that.

Larry Meres stated Council doesn't get any privileges by living in the City and he is fine with the city manager not living in the City.

The committee discussed the proposed language in Chapter 4 under, Section 11. They agree with eliminated the wording "entire membership" and replacing it with "current members".

Larry Meres asked about Section 17, under Chapter 5 being consistent with the wording in Chapter 4, Section 11.

Prudie White stated if something was that important they could do a conference call and if it is something that is that important you would want a vote from each participant.

City Manager Hanken replied what about saying "all seated members".

The Committee likes that wording.

The committee didn't really state that they agree on "require" under Section 11.

Under Chapter 5, Section 14 Craig Frasier asked about the section that talks about the Mayor appoints committees. He asked may the Mayor appoint any committee without Council approval.

Chair Ingham replied it has to be voted on by Council.

Prudie White asked if it should say that in there; appoint committee members approved by Council?

Prudie White stated she has another question for consistency in Section 14 where it states "provided by the rules of Council", if we are substituting "ordinance" for "rules of Council" in the other paragraph we just finished, shouldn't this be consistent.

Chair Ingham explained she feels it should state "Appoint committees with approval of Council".

Devra Hermosilla feels the committee should come back to that paragraph.

Chair Ingham stated under Chapter 5, Section 17 it should state: and maybe removed by a majority of the seated members of Council.

Craig Frasier stated if you are doing that then you are taking the chance that 3 people could get rid of the city manager.

Chair Ingham replied just because there might be 2 seats that are not filled, you can't stop the process.

Larry Meres stated it could potentially dwindle down to just 3 people and 2 people could make the decision.

Craig Frasier explained he thinks there is a difference between having a meeting and being able to do something at your meeting and the ability to fire somebody. He thinks there should be a higher standard before you can fire somebody.

Devra Hermosilla feels this is another section that should be circled and reviewed again.

City Manager Hanken replied if there are 3 members of Council and the committee is 6 and 3 of them want the city manager gone, most city manager are going to sit down and say lets negotiate a package before I leave.

Devra Hermosilla replied that is not what we are taking about here. She feels Craig Frasier has a good point and we should come back and review this section.

Prudie White would like to change the paragraph regarding: The City Manager shall not have authority over the Municipal Judge with respect to performance of judicial functions. She feels it should read: The City Manager shall have no authority over the Municipal Judge with respect to performance of judicial functions.

The committee discussed Section 21 under Chapter 6, where it states: The Council shall be the final judge of the qualifications and election of its own members, subject to review by a court of competent jurisdiction.

Craig Frasier explained the language to this if you look in the US Constitution, the Senate judges the Senators, The House judges The House, and the same thing happens at the State House.

Larry Meres stated under Chapter 6, Section 22 Tie Votes, he thinks there should be a special election. Chair Ingham agrees. They both agreed they don't want "by a public drawing of lots".

Craig Frasier talked about in the 90's there being a tie and he is willing to bet that somebody flipped a coin and that is how they decided.

Devra Hermosilla replied she doesn't have a problem with that because it is expensive to have another election.

DRAFT

Chair Ingham feels it needs to be reworded with updated language.

Larry Meres feels there should be a special election.

Prudie White doesn't feel there should be a special election.

The Committee agreed to revisit Chapter 6, Section 22 Tie Votes, "by a public drawing of lots".

The Committee discussed Chapter 7, Section 25 regarding (h) upon absence from the City of from meetings of the Council for sixty (60) days without the consent of the Council.

Larry Meres thought it was absent from 3 meetings, not 60 days.

City Manager Hanken explained that language is for other committees, not Council.

The Committee feels the language is fine how it is currently written.

Larry Meres explained under Chapter 7, Section 26 he would like to review the part that states: The appointee's term of office shall begin immediately upon appointment and shall continue throughout the unexpired term of the predecessor. He stated he disagrees. Chair Ingham also disagrees. The Committee agrees they need to come back and review that section.

Chair Ingham replied when we come back at the next meeting we will correct all the typo's and go over the five paragraphs the committee has circled.

Larry Meres stated go over in depth.

City Manager Hanken asked if the Committee would like the City Attorney present.

Devra Hermosilla feels the committee needs one more meeting before we have the City Attorney here and that way we will know what are questions are for the Attorney.

Set agenda and date for next meeting

The next City Charter Review Committee meeting will be on July 22, 2010 at 7:00 p.m. If there is a Planning Commission meeting that night the City Charter Review Committee will meet in the conference room at the Community Development Center.

Adjourn ~ Chair Ingham adjourned the meeting.

Minutes Typed by:

Susan M Reeves, CMC, City Recorder

DRAFT

Chair Judie Ingham, Councilor

A CHARTER

To provide for the government of the City of Scappoose, Columbia County, Oregon; and to repeal all Charter provisions of the City enacted prior to the time that this Charter takes effect.

Be it enacted by the People of the City of Scappoose, Columbia County, Oregon:

CHAPTER 1

NAMES AND BOUNDARIES

Section 1. Title of Enactment. This enactment may be referred to as the City of Scappoose Charter of 1992 **(2010)**.

Section 2. Name of City. The City of Scappoose, Columbia County, Oregon, shall continue to be a municipal corporation with the name of "City of Scappoose."

Section 3. Boundaries. The City includes all territory within its boundaries as they now exist or hereafter are modified pursuant to state law. The custodian of the City's records shall keep an accurate, current description of the boundaries and make a copy of it available for public inspection in the City during regular City office hours.

CHAPTER 2

POWERS

Section 4. Powers of the City. The City shall have all the powers which the constitution, statutes and common law of the United States and of this State expressly or impliedly grant or allow municipalities as fully as though this Charter specifically enumerated each of those powers. The City shall exercise the power of eminent domain pursuant to state law, but shall not condemn property for the sole purpose of economic development. (Amendment adopted by electorate November 8, 2005)

Section 5. Construction of Charter. In this Charter, no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the City would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the City may have all the powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the State constitution.

CHAPTER 3

FORM OF GOVERNMENT

Section 6. Form of Government. The City of Scappoose shall have a Council/Manager form of government. Legislative authority shall reside in the Council. Administrative functions shall be carried out by a City Manager.

CHAPTER 4

COUNCIL

Section 7. Council. The Council consists of a mayor and six councilors elected from the City at large who are residents of the City.

Section 8. Councilors. The term of office of each councilor in office when this Charter is adopted is the term of office for which the councilor has been elected at or before adoption of the Charter. (or is elected at the time of the adoption). At each biennial general election, after the adoption, three councilors shall be elected, each for a four-year term.

Section 9. Rules. The Council shall, by ordinance, prescribe rules to govern its meetings and proceedings.

Section 10. Meetings. The Council shall hold a regular meeting at least once each month in the City at a time and place which it designates, and may meet at other times in accordance with Council rules and State law. All deliberations and meetings of the Council shall be in accordance with State law.

Section 11. Quorum. A quorum is a majority of the entire membership (**all seated members**) of the Council. A quorum is required to conduct business; however, a smaller number may meet and request (**require**) the attendance of absent members in a manner provided by ordinance.

Section 12. Voting. Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting, a quorum being present, shall be necessary to decide any question before the Council.

Section 13. Record of Proceedings. The Council shall cause a record of its proceedings to be kept in accordance with State law.

CHAPTER 5

POWERS AND DUTIES OF OFFICERS

Section 14. Mayor. At each biennial general election, a mayor shall be elected for a term of two years. The Mayor shall be Chair of the Council and preside over its deliberations; shall have a vote on all questions before it; shall have the authority to preserve order, enforce the rules of the Council, determine the order of business, appoint committees **with approval of Council**, and sign all ordinances passed by the Council as provided by the rules of the Council. The Mayor shall have no veto power.

Section 15. President of the Council. At the first meeting of each odd-numbered year, the Council shall elect a president from its membership. In the Mayor's absence from a Council meeting, the president shall preside. Whenever the Mayor is unable to perform the functions of office, the president shall act as Mayor.

Section 16. Officers. The City of Scappoose shall have a City Manager, City Recorder, City Attorney, and such other officers as the Council deems necessary.

Section 17. City Manager. The City Manager is the administrative head of the city government. The office of City Manager shall be appointed, for a definite or an indefinite term, and may be removed by a majority of the entire **(seated members of)** Council. The appointment shall be without regard to political considerations and solely on the basis of administrative qualifications. The compensation for the services of the City Manager shall be the amount fixed by the Council. Within six consecutive months after a vacancy occurs in the office, the Council shall fill the vacancy by appointment.

The City Manager shall:

- a. Attend all Council meetings unless excused by the Council or Mayor;
- b. Keep the Council advised of the affairs and needs of the City;
- c. Implement provisions of all ordinances;
- d. Implement franchises, leases, contracts, permits, and privileges granted by the City;
- e. Supervise, discipline, and have authority over officers and employees;
- f. Hire and terminate officers and employees as prescribed by rules of the Council;
- g. Organize and reorganize the departmental structure of city government;

- h. Prepare and transmit to the Council an annual city budget;
- i. Supervise city contracts;
- j. Supervise operation of all city-owned public utilities and property; and
- k. Delegate the performance of the above duties as necessary and convenient;
- l. Perform other duties as the Council prescribes consistent with this Charter.

The City Manager shall not have **(no)** authority over the Municipal Judge with respect to performance of judicial functions.

Section 18. Municipal Court and Judge. If the Council creates the office of Municipal Judge and fills it by appointment, the appointee shall hold, within the City at a place and times that the Council specifies, a court known as the Municipal Court for the City of Scappoose, Columbia County, Oregon.

CHAPTER 6

ELECTIONS

Section 19. State Law. Except as this Charter or a City ordinance prescribes to the contrary, City elections shall conform to State law applicable to the election.

Section 20. Nominations. A person may be nominated in a manner prescribed by City ordinance to seek an elective office of the City.

Section 21. Qualifications of Elected Officers. No one shall be eligible for an elective office of the City unless at the time of election that person is a qualified elector within the meaning of the State Constitution and has resided in the City during the 12 months immediately preceding the election. The Council shall be the final judge of the qualifications and election of its own members, subject to review by a court of competent jurisdiction.

Section 22. Tie Votes. In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the Council.

Section 23. Commencement of Terms of Office. The term of office of a person elected at a regular City election shall commence at the first regular meeting of the calendar year immediately following the election.

Section 24. Oath of Office. Before entering upon the duties of office, each elected officer shall affirm or take an oath supporting the constitutions and laws of the United States and of Oregon, and to faithfully perform the duties of the office.

CHAPTER 7

VACANCIES IN ELECTIVE OFFICE

Section 25. What Creates a Vacancy. The City Council shall declare an elective office vacant upon: (a) the incumbent's death, or (b) adjudicated incompetence, or (c) conviction of a felony, or (d) resignation, or (e) recall from office, or (f) upon the incumbent's ceasing to possess the qualifications necessary for office, or (g) upon the failure of the person elected or appointed to an office to qualify therefor within three (3) days after the time for term of office to commence, or (h) upon absence from the City or from meetings of the Council for sixty (60) days without the consent of the Council.

Section 26. Filling of Vacancies. Vacancies in elective offices of the City shall be filled by appointment by a majority of the members of Council. The appointee's term of office shall begin immediately upon appointment and shall continue throughout the unexpired term of the predecessor. During the temporary disability of any elected officer or during temporary absence from the City for any cause, an office may be filled pro tem in the manner provided for filling vacancies permanently.

CHAPTER 8

ORDINANCES

Section 27. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, "The City of Scappoose ordains as follows:"

Section 28. Introduction, Reading, and Adoption. Introduction, reading and adoption of ordinance shall be in accordance with state statutes and the rules of the Council.

Section 29. When Ordinances Take Effect. An ordinance enacted by the Council shall take effect on the thirtieth (30th) calendar day after its enactment. When the Council deems it advisable, an ordinance may provide a later effective date. If the situation necessitates the immediate preservation of the public peace, health

and safety of the residents of the City of Scappoose, the ordinance may take effect upon adoption.

CHAPTER 9
PUBLIC IMPROVEMENTS

Section 30. Improvements. The procedure for making, altering, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state.

Section 31. Special Assessments. The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

Section 32. Fees and Charges. The City shall have authority to assess fees and charges for water, sewer, and other public facilities and services as are allowed by ordinance and state law, and such fees and charges may be enforced as liens on property as provided by ordinance.

Section 33. Debt. The City's indebtedness may not exceed debt limits imposed by state law. City officers or employees who create or officially approve indebtedness in excess of such limitation are jointly and severally liable for the excess.

Section 34. Existing Ordinances Continued. All ordinances of the City consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 35. Repeal of Previously Enacted Charter Provisions. All charter provisions of the City enacted prior to the time that this charter takes effect are hereby repealed; provided, however, that all authorizations pertaining to indebtedness for water and sewer works (chapters 10, 11 & 12 of the City of Scappoose Charter of 1961) shall remain in effect.

Section 36. Severability. The terms of this Charter are severable. If any part of the Charter is held invalid, that invalidity does not affect any other part of the Charter, except as the logical relation between the two parts requires.

Section 37. Time of Effect of Charter. This Charter shall take effect upon certification of the vote thereon.