

CITY COUNCIL STUDY SESSION AGENDA



MEDFORD
OREGON

August 22, 2019

6:00 P.M.

Medford City Hall, Medford Room

411 W. 8th Street, Medford, Oregon

1. Charter Review Process
2. 2019 Legislative Review – Cindy Roberts

MEMORANDUM

To: Mayor and Council
From: Brian Sjothun, City Manager
Study Session Date: August 22, 2019
Subject: Charter Review

COUNCIL DIRECTION

Staff is seeking Mayor and Council direction on review of the Charter for the City of Medford.

- Mayor and Council to review the following information
 - History of Medford Charter Review
 - Establishing Charter Review Committee and Duties
 - Appointment of Members
 - Referral to Voters

PRESENTATION OUTLINE

- Review of Staff Research and Options – Brian Sjothun
- Discussion and Direction – Mayor and Council

PREVIOUS STUDY SESSIONS AND G-3 MEETINGS ON THE TOPIC

- Council directed staff at the May 16 meeting to research and present to Council information about the process to review the Charter.

BACKGROUND

History of Medford Charter Review

Staff has compiled as complete of a list as possible regarding past Charter amendments. The establishment of the Medford Charter was approved in 1885 and there have been 19 amendments (Exhibit A). The last amendment was approved by voters in November 2000 increasing the Transient Lodging Tax to 9%.

In 2002, there was a failed attempt by a group to have the following placed on the ballot for change to the Charter:

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“Shall Charter require voter approval for city agreements with state and federal governments for state highway projects affecting traffic flow, road design, capacity, or function?”

Below is a link to a list of 76 local government charter amendments in Oregon that have been on the ballots in the most recent years.

https://ballotpedia.org/Local_charter_amendments_on_the_ballot

Charter Review Time Guidelines

There are no set guidelines of when a City should review their Charter with the exception of a few organizations that have established such review. The League of Oregon Cities and the National League of Cities provide recommendations on the process for Charter review, but time between reviews is up to the organization.

Some examples of other cities are as follows:

- Sherwood – Every six years
- Portland – “From time to time, but no less frequently than every 10-years
- Central Point – Every 10-years (contained within the Charter)
- Ashland – As needed, last review as 2005
- Vancouver, WA. – Every five years
- Gresham – As needed, last review and changes 2011-12
- Bend – As needed, last review and changes 2017-18
- Roseville, CA – Every 10-years (currently under the process)

Establishing Charter Review Committee and Duties

“Membership on a charter review committee is accepting responsibility for leadership in the most important single civic effort that any community can undertake. The duty of leadership is to find the highest attainable level of improvement, not just a token advance. Statesmanlike compromise is simply a means to this end.” Guide for Charter Commission, National League of Cities.

Council has several options in establishing the committee and duties. One excellent example is provided by the City of Sherwood in that a Resolution was passed creating a City Charter Review Committee and an additional Resolution is adopted which appoints members of, and liaison to, the City Charter Review Committee. As part of the Resolution appointing members, there is an additional exhibit that details the expectation of the committee.

Staff has utilized the Sherwood example and modified for Council consideration as follows:

- Exhibit B – Creating a Charter Review Committee
- Exhibit C – Appointing Members of, and Liaison to, The City Charter Committee

In these examples, staff has left the amount of time between review of the Charter up for Council discussion and direction. Obviously, Council has the discretion and authority to simply create the Charter Review Committee outside of adding this to the Medford Municipal Code. If Council chooses this route, staff recommends that Council establish directions similar to those outlined in the Expectations of the City Charter Review Committee document as detailed in Exhibit D.

Appointment of Members to the Committee

This is another area where discretion is provided to the Mayor and Council on how to appoint. Examples from other cities shows that at-large members are interviewed and appointed by the Mayor with other cities choosing an open process with consensus on choosing members much like our current Boards and Commission selections.

In completing research with other cities, staff is recommending one of the two options listed below with the Mayor and Council interviewing candidates.

- Option A:
 - Follow Boards & Commissions application process
 - Equal representation from each Ward
 - Appoint two Council Liaison members
- Option B:
 - Application process
 - One citizen members from each Ward
 - Appoint two Council Liaison members
 - Special Categories (one from each)
 - Business
 - Non-Profit
 - Education
 - Health Care
- Option C:
 - Appoint committee from existing Boards & Commissions
 - One member from each of the following:
 - Planning Commission
 - Transportation Commission
 - Budget Committee

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- Parks & Recreation Commission
- Housing Advisory Commission
- Police Advisory Committee
- Medford Water Commission
- Appoint two Council Liaison members

Direction would be provided to the committee members through the appointed Council Liaison members who will have discussed possible Charter changes with your colleagues.

Referral to the Voters

All proposed amendments to the Charter must be approved by the Council via a resolution and then referred to the Medford voters. There are two elections in 2020 that would provide the Council an opportunity to place any amendments before the voters.

- May 19, 2020 – Primary Election
- November 3, 2020 – General Election

Jackson County has not established ballot filing dates for either of these elections at the time of this study session.

Multiple Proposed Amendment Changes to Charter

The Council could choose to seek more than one amendment to the existing Charter. In this case, each of the changes can be its own ballot question and thus not an all or nothing question to the voters.

Staff Recommendation

Staff recommends the following for Council consideration and direction on this item:

- By resolution, Council creates a Charter Review Committee
 - Adopt a review of the Charter every six years or when needed
 - Adopt Expectations of the City Charter Review Committee
 - Adopt one of the three options presented for Committee members

EXHIBITS

- Exhibit A – Charter Amendments
- Exhibit B – Creating a Charter Review Committee
- Exhibit C – Appointing Members of, and Liaison to, The City Charter Committee
- Exhibit D - Expectations of the City Charter Review Committee

Thank you,
Brian Sjothun - City Manager

Exhibit A

Charter Amendments

(Not a complete listing)

- 1885 First Charter
- 1910 Amended for Mayor and Council – City divided into 3 Wards/2 from each ward
- 1917 Chapter 14 allow city to amend Charter
- 5/49 - pg. 24 - Sec. 72-X, special levy of taxes
- 5/50 - pg. 25 - Sec. 184., 2., assess & collect taxes
- 11/54 Appoint a City Manager as Administrative Officer effective 1/1/55
- 11/64 General Obligation Bonds to Acquire Property for Medford City Hall in Civic Center
- 5/66 - Borrow money, gen. obligation bonds for storm sewers
- 5/66 Downtown pedestrian mall (Limited time frame)
- 3/69 - pg. 23 - Sec. 71C, borrow money, gen. obligation bonds
- 6/69 - pg. 24 - Sec. 71D, borrow money
- 8/70 Authorizing Transfer of Medford-Jackson County Airport to Jackson County.
Arterial Street Limited Assessment Projects
- 11/74 - 5-yr. serial levy – Continuing property tax levy outside limitation
- 7/75 - pg. 21 - Sec. 67B, 5-year serial levy
- 8/75 - pg. 21 - Sec. 67C, transient lodging tax
- 11/76 Revised Charter effective 1/1/77 – Repealed 1905 Charter
- 11/80 - Filling vacancies of elective offices
- 11/98 - Amended Charter (Housekeeping)
- 11/98 - Changed Mayor’s term from 2 years to 4 years
- 11/00 - Increased Transient Lodging Tax

RESOLUTION

CREATING A CITY CHARTER REVIEW COMMITTEE

WHEREAS, the City Charter for the City of Medford is essentially the constitution for the City; and

WHEREAS, it appears to Council that the City Charter must therefore be reviewed on a schedule that will allow for any resulting amendments to be referred to the voters no later than the November 2020 election; and

WHEREAS, the City Council met on August 22, 2019 and discussed the formation of a City Charter Review Committee; and

WHEREAS, the City Council desires to establish a City Charter Review Committee to evaluate the existing City Charter and to determine if the charter should be updated or changed;

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1: A City Charter Review Committee ("Committee") is hereby established for the purpose of reviewing the City Charter in a comprehensive manner and advising the City Council with regard to potential proposed changes to the City Charter and the possible referral of said changes to City voters at a future election.

Section 2: The Committee will consist of **TBD** members appointed by the City Council as follows: The committee will be comprised **TBD**, subject to approval by City Council. The additional three members of the Committee will be citizens at large appointed by the City Council after an opportunity for interested citizens to apply for consideration. All members shall be qualified City electors under state law, and must have resided within the city for at least one year before appointment to the committee and continue to so reside during their service thereon.

Exhibit B

Section 3: The Committee is a public body governed by Oregon Public Meeting Law and other applicable statutes. Minutes shall be kept of all committee meetings in accordance with applicable law.

Section 4. If the Committee determines changes to the City Charter are warranted, it shall recommend draft amendments to the existing charter to City Council for its review and consideration for placement on the ballot for the voters of Medford.

Section 5. The Committee shall be subject to, and shall follow, to the greatest extent feasible, the attached document, Exhibit A, entitled "Expectations of the Charter Review Committee."

Section 6. The Committee shall terminate at the time charter amendments are voted on by the voters of Medford, unless the Committee determines changes are not warranted, in which case the Committee shall terminate when it makes such report to the City Council.

Section 7. This Resolution shall be effective upon its approval and adoption

Duly passed by the City Council this TBD

APPOINTING MEMBERS OF, AND LIAISON TO, THE CITY CHARTER REVIEW COMMITTEE

WHEREAS, the City Council adopted Resolution _____ on _____, creating a City Charter Review Committee ("Committee") and setting forth the composition of the membership thereof; and

WHEREAS, each board and commission listed in that resolution has recommended a representative to serve on the Committee; and

WHEREAS, the Mayor has reviewed applications and made recommendations for the three at-large citizen Committee members; and

WHEREAS, the Mayor has made recommendations for the Council liaison and alternate liaison positions; and

WHEREAS, Resolution 2018-059 and Council Rules require Council consent or approval for appointments to the above-described positions; and

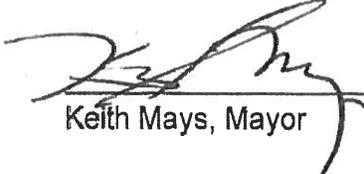
WHEREAS, Council desires to consent to, and approve of, the appointment of the individuals described in the attached Exhibit A;

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1: The City Council hereby consents to, and approves of, the appointment of the members of, and liaison to, the City Charter Review Committee, as described in Exhibit A to this Resolution.

Section 2: This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 18th day of September, 2018.



Keith Mays, Mayor

Attest:



Sylvia Murphy, MMC, City Recorder

Resolution 2018-073
September 18, 2018
Page 1 of 1, with Exhibit A (1 pg)

Resolution 2018-073 Appointing Members of, and Liaison to, the City Charter Review Committee

Laurie Holm - Planning Commission

Brian Amer - Parks and Recreation Board

Randy Mifflin - Library Advisory Board

Bernie Sims - Cultural Arts Commission

Bob Silverforb - Police Advisory Board

Nancy Taylor - Citizen Members of Budget Committee

Linda Henderson - Citizen/At-Large

Dave Grant - Citizen/At-Large Mark

Cottle - Citizen / At-Large

Renee Brouse - City Council liaison

Tim Rosener - City Council alternate liaison

Expectations of the City Charter Review Committee

"Membership on a charter review committee is accepting responsibility for leadership in the most important single civic effort that any community can undertake. The duty of leadership is to find the highest attainable level of improvement, not just a token advance. Statesmanlike compromise is simply a means to this end."

Guide for Charter Commission, National League of Cities

Purpose

The primary function of the City Charter Review Committee is to review the existing City Charter approximately every XX years to determine if it will adequately serve the Medford community into the future. If necessary, the committee will recommend draft amendments to the City Charter for the City of Medford. Any proposed charter amendments will ultimately be reviewed by the City Council and considered for placement on the ballot for the voters of Medford.

The committee must be impartial, unbiased, and free of any perceived political gain. It may approach its task in whatever manner it determines will result in a document that best serves the citizens of Medford, subject to the terms and requirements set forth in this document. In addition to adhering to the Oregon Public Meetings law, the committee will strive to include the community beyond the requirements of the law. The City Council encourages the committee to seek opportunities to educate the community about the process and purpose of a charter review and the importance of a city charter, and to solicit community input.

The City Council has directed the committee to develop a review timeline such that any proposed amendments can be placed on the ballot no later than 2020.

Membership

The committee will be comprised of XXX community members (TBD through Council Direction) two liaisons (or one with an alternate) from the City Council and will serve as a non-voting member. At the first meeting of the committee, a chair will be selected from the membership. The City Attorney will serve as the primary city staff person and will generally attend all meetings, acting in an advisory role.

Council Expectations

The Council expects the committee to follow proper decorum and be civil at all times the committee is operating. Committee members serve at the discretion of the Council and may be removed by vote of a majority of Council.

Council may decide to focus the committee on certain items which Council feels are of community importance. Communication with Council will be through the committee liaison or through joint work sessions if Council feels they are necessary.

Exhibit D

Operating Policies and Procedures

Regular Meetings

1. The committee will meet in accordance with a schedule established by the committee based on the direction from Council set forth above regarding the overall review timeline.
2. The committee will consider written and oral testimony offered during the charter review process. Public testimony will only occur during the Community Comments agenda item and be limited to four minutes per speaker. Public testimony may, on occasion, be taken on specific agenda items when specifically noted on the agenda. The Committee will determine when public testimony is appropriate.

Attendance, Quorum

1. Attendance by committee members is important to the success of this effort. Members unable to attend shall notify the City Attorney by phone or email in advance of the regular meeting.
2. A quorum of at least TBD committee members must be present to conduct business at any meeting.

Motions

1. The committee chair will strive to reach consensus of the committee whenever possible.
2. Motions shall be clearly and concisely stated.
3. Motions that do not receive a second die.
4. Items that have been acted on may not be brought forward again without consent of a majority of the quorum.
5. Motions on recommendations of changes to the Charter constitute tentative approval of such changes by the committee pending approval of the final report to the City Council.
6. Motions shall be considered approved when the majority of the quorum votes in favor of a moved and seconded motion.

Final Report

1. The committee chair or selected committee member will prepare a final report with recommendations to City Council and present it at a meeting to be determined by City Council.
2. The final report will be balanced and represent the majority opinions of the committee.
3. The final report will be reviewed by the entire committee and approved by motion prior to being submitted to Council.
4. The motion approving the final report must be approved by at least TBD committee members.