



CITY COUNCIL WORKSHOP

February 06, 2024 at 6:00 PM

Boardman City Hall Council Chambers

MINUTES

1. CALL TO ORDER

Mayor Keefer called the City Council Workshop to order at 6:01 PM.

2. FLAG SALUTE

3. ROLL CALL/EXCUSED ABSENCES

PRESENT: Mayor Paul Keefer, Councilor Heather Baumgartner, Councilor Brenda Profitt, Councilor Ethan Salata, Councilor Cristina Cuevas, Councilor Richard Rockwell, and Councilor Karen Pettigrew.

Staff Present: City Manager Brandon Hammond, City Clerk Amanda Mickles, Building Clerk Jackie McCauley.

Audience: George Shimer - Boardman Park & Recreation District

4. REPORTS, CORRESPONDENCE, AND DISCUSSION

A. City of Boardman Charter of 1985

City Manager Hammond starts by saying page one of the packet is a general timeline for meetings and events leading up to finalizing the Charter update by the August 27th deadline to get the new Charter on the November ballot. All proposed language changes will go to City attorneys for final review. This is the time to go through the charter one section at a time to discuss any proposed changes.

Mayor Keefer stated he likes how the League of Oregon Cities (LOC) model cleans up and aligns with the state's charter, Councilor Baumgartner agreed. Councilor Salata stated he went through the whole document and chose which version of each section he liked better, item by item. The council decided to discuss each section as they work their way through the document.

Page 1 - Preamble - general consensus is to use the LOC model.

Section 1 - Title of enactment - general consensus is to use the LOC model as it is easier to understand.

Section 2 - Name of City - general consensus is to use the LOC model.

Section 3 - Boundaries - general consensus is to use the LOC model.

Section 4 - Powers of the City - general consensus is to use the LOC model.

Section 5 - Construction of Charter - general consensus is to use the LOC model.

Not currently in the Charter - Distribution - general consensus is to add the LOC model to the charter.

Section 6 - Where Powers Vested - "General Powers and Duties" general consensus is to use the LOC model.

Section 7 - Council - general consensus is to use the current Charter language. There was discussion around definitions of the words elected and appointed, citizens elect to vacant positions during the election cycle, the City Council appoints in case of vacancy. Nominations are not accepted for the vacancies, an individual must apply.

Section 8 - Council Members - general consensus is to use the current Charter language.

Section 9 - Mayor - general consensus is to use the LOC model.

Section 10 - Appointment of Officers - City Manager Hammond will get further information about what the officers means. Council does not hire the recorder, the City Manager hires a clerk.

Section 11 - Salaries - City Manager Hammond will clarify the language addition for the Merit Systems as this is not something the City currently practices. Discussion was around the possibility of demotion, suspension, layoff or dismissal of an employee. Mayor Keefer stated he feels like this is overstepping on their part. An information update to any issues arising would be appropriate, but being part of the process would be inappropriate on the Council's part. Councilor Cuevas stated it says the council will determine the rules governing those areas, not that the council would act on any portion.

Section 12 - Qualifications of Officers - general consensus is to use the LOC model. There was a clarification of the reasoning behind this section. Councilors explained a person should not be on the council and be a city employee. Mayor Keefer stated the Ethics Commission says they can be both. Councilor Salata asked if the Ethics Commission is what governs the City. Councilor Pettigrew clarified the Charter is what governs the council, the ethics commission is there for the community to ensure the council is acting appropriately.

Section 13 - Meetings - general consensus is to use the LOC model.

Section 14 - Quorum - general consensus is to use the LOC model. With clarification of section 7.9 referenced in LOC model. The referenced section refers to vacancies on the council referred to in section 30 of the current charter.

Section 15 - Record of Proceedings - general consensus is to use the LOC model.

Section 16 - Meetings to be in Public - City Manager Hammond will get more information since the LOC model does not have anything.

Section 17 - Mayor's Functions at Council Meetings - general consensus is to use the LOC model.

Section 18 - President of the Council - general consensus is to use the current charter and include the language from the LOC model.

Section 19 - Vote Required - general consensus is to use the LOC model.

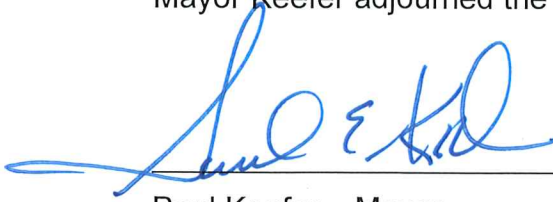
Not currently in the Charter - Rules - the council would like further information on whether this needs to be added to the charter or not.

Section 20 - Mayor - general consensus is to use the current charter.

Section 21 - Recorder - general consensus is to remove this section as it specifies a certain position, when the charter already states the meeting must be recorded and the job description of the City Clerk is to be present to record meetings.

5. ADJOURNMENT

Mayor Keefer adjourned the City Council Workshop at 6:52 PM.



Paul Keefer – Mayor



Amanda Mickles – City Clerk

Comparison of Boardman Charter and LOC Charter
City of Boardman Charter Review Committee

City of Boardman Charter Update Timeline

1st Meeting	City Council Workshop - 2/6/24 6pm
Prior to meeting - send out Charter/LOC Model Charter for review Discuss whether or not to use model charter as starting point, or use existing charter as starting point. Discuss topics brought forward in the past for consideration (pronouns, residency, etc.) Assign ### sections for review before next meeting	
2nd Meeting	City Council Workshop - 3/5/24 6pm
Review previous sections assigned, make proposed amendments	
3rd Meeting	Community Event - March 21 6-8 PM @ SBE
4th Meeting	City Council Workshop - 4/2/24 6pm - FINAL REVIEW
5th Meeting	Community Event - April
Ballot	Deadline to get on the November ballot August 27, 2024

Comparison of Boardman Charter and LOC Charter City of Boardman Charter Review Committee

Preamble and Chapter 1 - Name and Boundaries

	SECTION		APPROVED LANGUAGE	JUSTIFICATION
CURRENT CITY	Preamble	TO PROVIDE FOR THE GOVERNMENT OF THE CITY OF BOARDMAN, MORROW COUNTY, OREGON; AND TO REPEAL ALL CHARTER PROVISIONS OF THE CITY ENACTED PRIOR TO THE TIME THAT THIS CHARTER TAKES EFFECT.		
LOC MODEL		Be it enacted by the people of the city of Boardman, Morrow County, Oregon:		
		We, the voters of _____, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state and enact this Home Rule Charter.		
CURRENT CITY	Section 1. - Title of enactment.	This enactment may be referred to as the Boardman Charter of 1985.		
LOC MODEL		This charter may be referred to as the 20____ Charter.		
CURRENT CITY	Section 2. - Name of City.	The city of Boardman, Morrow County, Oregon shall continue to be a municipal corporation with the name "City of Boardman."		
LOC MODEL		The City of Boardman, Oregon, continues as a municipal corporation with the name City of Boardman.		
CURRENT CITY	Section 3. Boundaries.	The city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified pursuant to law. The custodian of city records shall keep an accurate, up-to-date description of the boundaries and make copies of this charter and the boundary description available for public inspection.		
LOC MODEL		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 the boundaries.		

Comparison of Boardman Charter and LOC Charter City of Boardman Charter Review Committee

CHAPTER II Powers

	SECTION		APPROVED LANGUAGE	JUSTIFICATION
CURRENT CITY	Section 4. Powers of the City.	The city shall have all 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, and all those powers provided by federal, state, and common law specifically in regard to urban renewal agencies.		
LOC MODEL		The city has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.		
CURRENT CITY	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 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.		
LOC MODEL		The 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. The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article. This Charter's interpretation shall be examined in its entirety.		
CURRENT CITY				
LOC MODEL		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.		

**Comparison of Boardman Charter and LOC Charter
City of Boardman Charter Review Committee**

CHAPTER III Form of Government

	SECTION		APPROVED LANGUAGE	JUSTIFICATION
CURRENT CITY	Section 6. Where Powers Vested.	Except as this charter provides otherwise, all powers of the city shall be vested in the council.		
LOC MODEL		General Powers and Duties. All powers of the city shall be vested in the city council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.		
CURRENT CITY	Section 7. Council.	The council shall be composed of a mayor and six council members elected from the city.		
LOC MODEL		The council consists of a mayor and six councilors nominated and elected from the city at large.		
CURRENT CITY	Section 8. Council Members.	Council members in office at the time this charter is adopted shall continue in office each until the end of his or her term of office. At each biennial general election after this charter takes effect, three members shall be elected, each for a term of four years.		
LOC MODEL		The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors will be elected for four-year terms.		
CURRENT CITY	Section 9. Mayor.	At each alternate biennial general election beginning in 1988 a mayor shall be elected for a term of four years.		
LOC MODEL		The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term.		
CURRENT CITY	Section 10. Appointive Officers.	Additional officers of the city may be the city manager, city recorder , city attorney, and municipal judge, each of whom the council may appoint and may remove by majority vote of all incumbent members of the council. These officers shall be subject to supervision by the council only, however, the judicial functions of the municipal judge shall not be subject to supervision by any elected or appointed officer.		
LOC MODEL				
AMENDED		Additional officers of the city may be the city manager, city attorney, and municipal judge, each of whom the council may appoint and may remove by majority vote of all incumbent members of the council. These officers shall be subject to supervision by the council only, however, the judicial functions of the municipal judge shall not be subject to supervision by any elected or appointed officer.		
CURRENT CITY	Section 11. Salaries.	The council shall fix the amount of compensation for city officers and shall approve a compensation plan for city employees.		
LOC MODEL		Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.		

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AMENDED		Through the approval of the annual budget, Council will authorize the compensation of city employees.		
CURRENT CITY	Section 12. Qualifications of Officers.	No person shall be eligible for an elective office of the city unless at the time of their election they are a qualified elector within the meaning of the state constitution and have 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, however, to review by a court of competent jurisdiction.		
LOC MODEL		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.		

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CHAPTER IV Council

	SECTION		APPROVED LANGUAGE	JUSTIFICATION
CURRENT CITY	Section 13. Meetings.	The council shall hold regular meetings at least once a month in the city at a time and at a place that it designates. Regular and additional meetings of the council shall be held in accordance with procedures prescribed by state law and general ordinance. The council shall adopt rules for the government of its members and proceedings.		
LOC MODEL		The council must meet at least once a month at a time and place designated by its rules and may meet at other times in accordance with the rules and laws of the state of Oregon.		
CURRENT CITY	Section 14. Quorum.	A majority of the incumbent members of the council, which may include the mayor, shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.		
LOC MODEL		Except as specifically addressed here and in Section 7.9, a majority of the council members is a quorum to conduct business. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules. In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly solely for the purpose to make necessary appointment(s) to reach the required quorum as outlined in Section 7.9.		Section 7.9 refers to vacancies (page 12-section 30)
AMENDED		Except as specifically addressed, a majority of the council members is a quorum to conduct business. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules. In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly solely for the purpose to make necessary appointment(s) to reach the required quorum.		
CURRENT CITY	Section 15. Record of Proceedings.	The council shall cause a record of its proceedings to be kept.		
LOC MODEL		A record of council meetings must be kept in a manner prescribed by the council rules and the laws of the state of Oregon.		
CURRENT CITY	Section 16. Meetings to be Public.	All deliberations and proceedings of the council shall be public except as otherwise authorized by state law.		
LOC MODEL				
CURRENT CITY	Section 17. Mayor's Functions at Council Meetings.	The mayor shall be chairman of the council and preside over its deliberations. The mayor shall have a vote on all questions before it, and shall have authority to preserve order, enforce the rules of the council, and determine the order of business under the rules of the council.		
LOC MODEL		The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council and has no veto authority. a) With the consent of the council, the mayor appoints members of commissions and committees established by ordinance or resolution. b) The mayor must sign all records of council decisions. c) The mayor serves as the political head of the city government but shall have no administrative duties.		

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CURRENT CITY	Section 18. President of the Council.	At its first meeting after this charter takes effect and thereafter at its first meeting of each year, the council shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of office, the president shall act as mayor. In the absence of both mayor and president of the council, the remaining members of the council may elect a president pro tem.			
LOC MODEL		<u>Council President.</u> At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.			
AMENDED		<u>Council President.</u> At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties. In the absence of both mayor and president of the council, the remaining members of the council may elect a president pro tem.			
CURRENT CITY	Section 19. Vote Required.	Except as this charter otherwise provides, the concurrence of a majority of members of the council voting when a quorum of the council is present shall decide any question before it. No council member present at the council meeting shall abstain from voting without first stating at the meeting his or her reasons.			
LOC MODEL		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. The voting requirement to fill council member vacancies, if there is less than a majority of council member remaining, is separate from the quorum requirement required to conduct all remaining city business unless otherwise stated.			
CURRENT CITY					
LOC MODEL		<u>Rules.</u> The council must by resolution adopt rules to govern its meetings.			

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CHAPTER V Powers and Duties of Officers

	SECTION		APPROVED LANGUAGE	JUSTIFICATION
CURRENT CITY	Section 20. Mayor.	The mayor shall appoint the committees provided by the rules of the council. The mayor shall sign all approved records of the proceedings of the council. The mayor shall have no veto power and shall sign all ordinances passed by the council within three days after their passing.		
LOC MODEL				
CURRENT CITY	Section 21. Recorder.	The recorder shall attend all council meetings unless excused therefrom, and keep an accurate record of its proceedings in a book provided for that purpose.		
LOC MODEL				
	Section 22. Municipal Judge.	(1) The council may create a municipal court and appoint a municipal judge and such pro tem judges as it considers necessary, to hold office at the pleasure of the council. Notwithstanding this section or section 10 of this charter, the council may provide for the transfer of powers and duties of the municipal court to the appropriate court of the state of Oregon. (2) A municipal judge shall hold within the city a court known as the municipal court for the city of Boardman, Morrow County, Oregon. The court shall be open for judicial business at times specified by the council. All area within the city and, as provided by law, territory outside the city, is within territorial jurisdiction of the court. All proceedings of the municipal court are governed by the general laws of the state for justice of the peace and justice courts except as this charter or city ordinance prescribe to the contrary. The municipal court has original jurisdiction over all offenses that city ordinances or this charter define and make punishable and over all actions to recover or enforce forfeitures or penalties that city ordinances or this charter define or authorize. (3) A municipal judge may: (a) ;hg;render judgments and impose sanctions for enforcement of judgments on persons and property within its jurisdiction. (b) ;hg;cause the arrest of a person accused of an offense against the city (c) ;hg;commit to jail or admit to bail pending trial a person accused of an offense against the city (d) ;hg;issue and compel obedience to subpoenas (e) ;hg;compel witnesses to appear and testify or jurors to serve in the trial of any cause before the municipal court (f) ;hg;punish witnesses and others for contempt of court (g) ;hg;issue any process necessary to carry into effect the judgment of the municipal court (h) ;hg;issue search warrants (i) ;hg;perform other judicial or quasi-judicial functions as the council prescribes by general ordinance a) A majority of the council may appoint and 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. 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 municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such 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 judges pro tem. g) The council may transfer some or all of the functions of the municipal court to an appropriate state court		
CURRENT CITY				
LOC MODEL				

Section 23. City Manager.	(1) Qualifications. The city manager: (a) shall be the administrative head of the city government (b) ;hg;shall be chosen by a majority vote of all members of the council in office without regard to political considerations and solely with reference to executive and administrative qualifications (c) ;hg;need not be a resident of the city or of the state at the time of appointment but shall promptly thereafter become a resident of the city and remain a resident during his or her employment (2) ;hg;Bond. Before taking office, the manager shall give a bond in an amount and with such surety as is approved by the council. The premiums on the bond shall be paid by the city. (3) ;hg;Term. The manager shall be appointed for an indefinite term and may be removed at the pleasure of the council. (4) Powers and Duties. The manager shall: (a) ;hg;be directly responsible to the mayor subject to the direction of the council as a body and not to other individual council members (b) ;hg;attend all meetings of the council unless excused by the council or mayor (c) ;hg;keep the council advised of the affairs and needs of the city (d) ;hg;make reports annually, or more frequently if requested by the council, about the affairs and departments of the city (e) ;hg;be responsible for enforcement of all ordinances (f) ;hg;see that the provisions of all franchises, leases, contracts, permits, licenses, and privileges granted by the city are observed (g) ;hg;appoint and remove all employees except as otherwise provided by this charter (h) ;hg;generally supervise and control all employees, except as otherwise provided by this charter (i) ;hg;organize and, as necessary, reorganize the various city departments (j) ;hg;prepare the annual budget for transmittal to the council (k) ;hg;be responsible for making all purchases (l) ;hg;supervise the operation of all city-owned public utilities and city-owned property (m) ;hg;perform such other duties as the council directs (5) ;hg;the manager shall not have control over the council, the city attorney, city recorder, or municipal judge (6) ;hg;Participation in Council Meetings. The manager may take part in all council discussions. (7) ;hg;City Manager: Vacancy. If the office of city manager becomes vacant or if the city manager is absent from the city or disabled, the council may designate a city manager pro tem. The city manager pro tem shall perform the duties of city manager but may appoint or dismiss a department head only with the approval of the council. The term of office of the city manager pro tem ends when the city manager returns to the city or takes office, or at the pleasure of the council. (8) ;hg;Interference in Administration and Elections. A member of the council shall not directly or indirectly, by suggestion or otherwise, attempt to influence the manager in making an appointment or in removal of an employee or in purchasing supplies; or attempt to exact a promise relative to an appointment from any candidate for manager. A violation of this subsection forfeits the office of the offending member of the council, who may be removed by the council or a court of competent jurisdiction. The council may, however, in session, discuss with or suggest to the manager anything pertinent to city affairs or the interests of the city. Further, a council member may, at any time, request and receive from the manager or discuss with or suggest to the manager anything pertinent to city affairs or the interests of the city. a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city 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 must appoint and may remove the manager. The appointment must be made without regard to political considerations and 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. d) The manager may be 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 the 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 citizens 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 actions 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 other employees 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 of the manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval. i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager 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, councilors may discuss or suggest anything with the manager relating to city business.	CURRENT CITY
LOC MODEL	(1) Qualifications. The city manager: (a) shall be the administrative head of the city government (b) ;hg;shall be chosen by a majority vote of all members of the council in office without regard to political considerations and solely with reference to executive and administrative qualifications (c) ;hg;need not be a resident of the city or of the state at the time of appointment but shall promptly thereafter become a resident of the city and remain a resident during his or her employment (2) ;hg;Bond. Before taking office, the manager shall give a bond in an amount and with such surety as is approved by the council. The premiums on the bond shall be paid by the city. (3) ;hg;Term. The manager shall be appointed for an indefinite term and may be removed at the pleasure of the council. (4) Powers and Duties. 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The manager may take part in all council discussions. (7) ;hg;City Manager: Vacancy. If the office of city manager becomes vacant or if the city manager is absent from the city or disabled, the council may designate a city manager pro tem. The city manager pro tem shall perform the duties of city manager but may appoint or dismiss a department head only with the approval of the council. The term of office of the city manager pro tem ends when the city manager returns to the city or takes office, or at the pleasure of the council. (8) ;hg;Interference in Administration and Elections. A member of the council shall not directly or indirectly, by suggestion or otherwise, attempt to influence the manager in making an appointment or in removal of an employee or in purchasing supplies; or attempt to exact a promise relative to an appointment from any candidate for manager. A violation of this subsection forfeits the office of the offending member of the council, who may be removed by the council or a court of competent jurisdiction. The council may, however, in session, discuss with or suggest to the manager anything pertinent to city affairs or the interests of the city. Further, a council member may, at any time, request and receive from the manager or discuss with or suggest to the manager anything pertinent to city affairs or the interests of the city. a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city 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 must appoint and may remove the manager. The appointment must be made without regard to political considerations and 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. d) The manager may be 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 the 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 citizens 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 actions 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 other employees 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 of the manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval. i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager 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, councilors may discuss or suggest anything with the manager relating to city business.	LOC MODEL

Comparison of Boardman Charter and LOC Charter City of Boardman Charter Review Committee

CHAPTER VI Elections

	SECTION		APPROVED LANGUAGE	JUSTIFICATION
CURRENT CITY	Section 24. Regulation of Elections Generally.	Except as this charter provides otherwise, and as the council provides otherwise by ordinance, the general laws of the state apply to city elections.		
LOC MODEL				
CURRENT CITY	Section 25. 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.		
LOC MODEL				
CURRENT CITY	Section 26. Commencement of Terms of Officer.	The term of office of a person elected at a regular city election shall commence the first of the year immediately following the election.		
LOC MODEL		The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election and continues until the successor qualifies and assumes the office.		
CURRENT CITY	Section 27. Oath of Office.	Before entering upon the duties of office, each officer shall take an oath or shall affirm that the officer will support the constitutions and laws of the United States and of the State of Oregon and will faithfully perform the duties of office.		
LOC MODEL		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 Oregon.		
CURRENT CITY	Section 28. Nominations.	Nominations for elective office for the city of Boardman shall be made pursuant to the general ordinances of the city.		
LOC MODEL		The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.		

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CHAPTER VII Vacancies in Office

	SECTION		APPROVED LANGUAGE	JUSTIFICATION
CURRENT CITY	Section 29. What Creates a Vacancy.	An office shall be deemed vacant upon the incumbent's death, adjudicated incompetence, conviction of a felony, resignation, or recall from office; upon the incumbent's ceasing to possess the qualifications necessary for office; or upon the failure of the person elected or appointed to an office to qualify therefor within three days after the time for his term of office to commence; and, in the case of the mayor or a council member missing three (3) consecutive regular council meetings without the council's consent, and upon the council's declaration of the vacancy.		
LOC MODEL		The mayor or a council 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 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; 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).		
CURRENT CITY	Section 30. Filling of Vacancies.	Vacancies in elective offices of the city shall be filled by appointment by a majority of the remaining members of the council. The appointee's term of office shall begin immediately upon appointment and shall continue through the unexpired term of the predecessor. During the temporary disability of any officer or during an 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.		
LOC MODEL		A mayor or councilor vacancy shall be filled by appointment by a majority of the remaining council members. Notwithstanding the quorum requirement set forth in Section 3.7, if at any time council membership is reduced to less than ____ [insert number based on total council membership required for majority], the remaining members may, by majority action, appoint additional members to raise the membership to ____ [insert majority council number]. As little as a single council member may constitute a majority for purposes of filling vacant council seat(s), if all other council seats are vacant. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. 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.		

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CHAPTER VIII Ordinances

	SECTION		APPROVED LANGUAGE	JUSTIFICATION
CURRENT CITY	Section 31. Enacting Clause.	The enacting clause of all ordinances hereafter enacted shall be: "The people of Boardman do ordain as follows."		
LOC MODEL		<u>Ordinances.</u> The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of _____ ordains as follows:"		
CURRENT CITY	Section 32. Mode of Enactment.	(1) Except as paragraph (2) or (3) of this section provides to the contrary, every ordinance of the council shall, before final passage, be read fully and distinctly in one open council meeting, and by title only at a second meeting; (2) an ordinance may be enacted at a single meeting of the council by majority vote of all council members, upon first being read by title only if: (a) ;hg;a copy is provided for each council member and copies provided for the public in the office of the custodian of city records not later than one week before the reading of the title of the ordinance; and (b) ;hg;notice of availability of the ordinance is posted at the city hall and two other public places in the city; and (c) ;hg;copies are made available for public use in the council chambers at the meeting of the council; and (d) ;hg;provided no member of the council requests the ordinance be read in full (3) an ordinance may be adopted after being read by title only at two separate meetings when unanimous attendance of the council cannot be obtained provided the provisions of paragraph (2) of this section are met. (4) Any section of an ordinance changing substantially the legal effect of the ordinance as previously circulated shall be read in full in open council meeting prior to being adopted by the council. (5) Upon the final vote of an ordinance, the ayes and nays of the council members shall be taken and entered in the record of the proceedings. (6) Upon the enactment of an ordinance, the Mayor shall sign it with the date of its passage and the mayor's name and title of office, and immediately thereafter the recorder/clerk shall sign it with the date of the recorder/clerk's signature and the title of the office. All ordinances enacted by the council shall take effect thirty days after their passage unless a later date is fixed therein, in which event they shall take effect at such later date, subject to referendum if legislative. Provided, however, an ordinance (a) making appropriations and the annual tax levy; (b) relative to local improvements and assessments thereof; or (c) emergency ordinance, shall take effect immediately upon their passage, or any special date less than thirty days after passage, specifically fixed in such ordinance. The council may, by declaring an emergency, provide an earlier effective date for an ordinance or that it take effect immediately upon its final passage upon a unanimous vote of the members present and voting. <u>Ordinance Adoption.</u> a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings. b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council, provided the proposed ordinance is available in writing to the public at least one week before the meeting. c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting. d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes. e) After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian's name and title.		
LOC MODEL				
CURRENT CITY				
LOC MODEL		<u>Effective Date of Ordinances.</u> Ordinances normally take effect thirty days after adoption or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than thirty days after adoption if it contains an emergency clause.		

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CHAPTER IX Public Improvements

	SECTION		APPROVED LANGUAGE	JUSTIFICATION
CURRENT CITY	Section 33. Condemnation.	Any necessity of taking property for the city by condemnation shall be determined by the council and declared by a resolution of the council describing the property and stating the uses to which it shall be devoted.		
LOC MODEL				
CURRENT CITY	Section 34. Improvements.	The procedure for making, altering, vacating, 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. A remonstrance by the owners of two-thirds of the property to be specially assessed for the proposed public improvement shall suspend action regarding the improvement for six months. For the purpose of this section "owner" shall mean the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract or according to a verified writing by the record holder or legal title to the land filed with the city, the purchaser shall be deemed to be the "owner."		
LOC MODEL		The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.		
CURRENT CITY	Section 35. 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.		
LOC MODEL		The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.		
CURRENT CITY	Section 36. Bids.	Except as otherwise authorized by state law or general ordinance, all municipal contracts shall be based on competitive bids.		
LOC MODEL				

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CHAPTER X Miscellaneous Provisions

	SECTION		APPROVED LANGUAGE	JUSTIFICATION
CURRENT CITY	Section 37. Debt Limit.	Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed \$75,000 nor its bonded indebtedness \$50,000 at any one time. For purposes of calculating the limitations, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.		
LOC MODEL		City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.		
CURRENT CITY	Section 38. 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.		
LOC MODEL		All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.		
CURRENT CITY	Section 39. Repeal of Previously Enacted Provision.	All charter provisions of the city enacted prior to the time this charter takes effect are hereby repealed.		
LOC MODEL		All charter provisions adopted before this charter takes effect are repealed.		
CURRENT CITY	Section 40. Severability.	If any provision of this charter is held invalid, the other provisions of the charter shall not be affected. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected.		
LOC MODEL		The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.		
CURRENT CITY	Section 41. Time of Effect of Charter.	This charter shall take effect on the first day of January, 1985.		
LOC MODEL		This charter takes effect _____, 20 .		

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CURRENT CITY		APPROVED LANGUAGE	JUSTIFICATION
	QUASI-JUDICIAL AUTHORITY Section 6.1. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of _____ orders as follows:" Section 6.2. Order Approval. a) Approval 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 at the meeting before the council adopts the order. c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes. d) After approval of an order, the city custodian of records must endorse it with the date of approval and the custodian's name and title. Section 6.3. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.		
LOC MODEL			
	ELECTIONS Section 7.1. Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors will be elected for four-year terms. Section 7.2. Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term. Section 7.3. 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 7.4. 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 7.5. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position. Section 7.6. Terms. The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election and continues until the successor qualifies and assumes the office. Section 7.7. 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 Oregon. Section 7.8. Vacancies. The mayor or a council 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 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; 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(f). Section 7.9. Filling Vacancies. A mayor or councilor vacancy shall be filled by appointment by a majority of the remaining council members. Notwithstanding the quorum requirement set forth in Section 3.7, if at any time council membership is reduced to less than ____ [insert number based on total council membership required for majority], the remaining members may, by majority action, appoint additional members to raise the membership to ____ [insert majority council number]. As little as a single council member may constitute a majority for purposes of filling vacant council seat(s), if all other council seats are vacant. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. 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.	(Items in bold are discussed in other areas of the contract so they have already been addressed. This model creates a section directly related with all things election.)	
CURRENT CITY			
LOC MODEL			