

May 23, 2024 City of Toledo Charter Review Committee Meeting

Meeting minutes

Call to Order

The meeting of the City Charter Review Committee was called to order at noon on May 23, 2024. No roll call was formally conducted.

Continue review of the Toledo City Charter

The committee continued its review of the Toledo City Charter, noting they had previously reviewed through section 7 of the League of Oregon Cities (LOC) model charter, up to approximately page 10, which covered council president rules, meetings, and quorum.

The committee initially addressed a previous discussion about the frequency of council meetings, confirming they had decided to maintain the requirement of at least twice monthly meetings rather than increasing to three times monthly. They also recalled discussing not setting term limits due to concerns about the limited number of people willing to serve.

Mayor's Signature Authority

The committee discussed amending section 4, item B of the LOC model charter regarding the mayor's signature authority. Currently, it states "the mayor must sign all records of council decisions." The committee agreed this should be modified to "all resolutions, ordinances, and other documents as needed by the city" to better reflect that while the mayor signs resolutions and ordinances, the city manager typically signs contracts and agreements related to day-to-day operations. The committee noted that some state documents require the highest elected official's signature.

Council President Election

The committee discussed section 17 regarding the election of a council president. They addressed potential conflicts if the charter review occurs on an even-numbered year but elections are held in odd-numbered years. The committee suggested rewording to state that a council president must be elected "at the first meeting of each calendar year" rather than "at the first meeting after this charter takes effect" to avoid back-to-back elections.

Filling Vacancies

The committee extensively discussed section 7.9 regarding vacancies in office, particularly focusing on the provision about absences. They debated how to handle situations where council members attend meetings via Zoom rather than in person, considering that remote attendance became more common after COVID-19.

The committee discussed several concerns:

- How to define "absence" when a council member attends remotely via Zoom
- The importance of in-person participation for effective council operations
- Ensuring accessibility for council members with health issues or disabilities
- Verifying residency requirements for council members who consistently attend remotely

After considerable debate, the committee agreed that attending via Zoom should not count as an absence. They discussed potentially removing the section about council declaring a vacancy due to a member's absence from the city for more than 30 days, as remote attendance makes this provision less relevant.

The committee also discussed what happens when council membership is reduced to less than a quorum, agreeing with the LOC model language that allows remaining members to appoint additional members to restore full membership.

The committee decided to remove language regarding temporary appointments for disabled council members, recognizing that Zoom attendance makes this unnecessary in most cases.

Appointive Officers

The committee reviewed chapter 8 regarding appointive officers, particularly focusing on the city manager and city attorney provisions. They discussed several issues:

- City Manager residency requirements: The committee debated whether to require the city manager to live within the city. They decided to keep the language that "the manager need not reside in the city," allowing this to be negotiated in individual employment contracts.
- City Manager attendance: The committee identified conflicting language where one section states the manager "must attend" council meetings while another says they "may attend." They resolved to move the clause about the manager taking part in council discussions to the section requiring attendance.
- City Attorney attendance: The committee discussed whether to require the city attorney to attend all council meetings. They decided this should depend on whether the attorney is a W-2 employee or a contractor, and that attendance requirements are better addressed in the employment contract rather than the charter.
- City Attorney settlement authority: The committee discussed adding language giving the city attorney authority to settle claims, but within the spending authority limits established for the city manager.

Due to time constraints, the committee decided to continue their review of section 8.3 at their next meeting on May 28, 2024.

Adjournment

The meeting was adjourned at 1:36 PM.

APPROVED:

ATTEST:

Mayor Pro-Tem Tracy Mix

City Recorder Paul Johnson