

May 28, 2024 City Charter Review Committee Meeting

Meeting minutes

Call to Order

The meeting was called to order. Quorum was established with the arrival of Jackie Burns, who joined the meeting in progress. It was noted that David had also joined the meeting.

Continue review of the Toledo City Charter

The committee continued their review of the Toledo City Charter, picking up where they left off at Section 8.3 in the model code, which corresponds with Section 21 in the original charter.

Municipal Court Discussion

The committee discussed Section 8.3 regarding the Municipal Court. A question was raised about section 2c of the code which addressed jailing people accused of city offenses. The committee noted that since Toledo doesn't have its own jail, they must rely on Lincoln County's facility, which depends on availability. They agreed to add language allowing for bail as an alternative when jail space isn't available by adding "or admit to bail anyone accused of a city offense."

The committee also discussed the location of the municipal court. The current charter specifies the court must be held within city limits, but Mike suggested allowing flexibility for where court can be held. This would enable potential intergovernmental agreements (IGAs) with other municipalities. The committee agreed to modify the language to "hold court at such places the council directs" rather than specifying it must be in city limits.

Regarding the appointment of a Pro Tem judge, it was clarified that if the regular judge selects their own substitute, that selection takes precedence, but the council can select one if needed.

The committee also discussed section G, which allows transfer of some municipal court functions to state courts. It was explained that this provides flexibility for how different cases are handled, with Toledo's municipal court currently handling traffic cases while more serious matters like DUIs and thefts are sent to circuit court in Newport.

Personnel Section Discussion

The committee moved on to Chapter 6 in the original charter (Chapter 9 in the LOC version). There was discussion about the term "merit and fitness" in Section 22 regarding city employee recruitment and management. A committee member expressed concern that "fitness" might be misinterpreted as physical fitness, but it was clarified that in this context it refers to an employee's ability to perform their job within the parameters of the law.

The committee discussed whether this section should be part of the city manager's duties rather than a standalone section, but decided to keep it similar to the 1993 charter version with "subject to council approval" language.

The committee agreed to add LOC section 9.1 which requires the council to authorize compensation of city officers and employees as part of the annual budget approval, providing transparency about employee compensation.

The committee also discussed city employee political rights, deciding to keep language allowing the council to affirm these rights by ordinance rather than resolution, providing better protection and public input for changes.

Public Improvements and Debt Discussion

The committee reviewed Chapter 10 regarding public improvements and debt. They discussed the meaning of the term "remonstrance" in relation to public improvements, determining it refers to formal objections from property owners regarding local improvement districts (LIDs).

The committee learned about "ghost streets" or "paper streets" that exist on plat maps but were never formally accepted by the city, creating jurisdictional issues. They also discussed the city council's responsibility for condemning dangerous buildings, noting this is a serious responsibility that impacts residents' lives.

The committee decided to move the debt limits section from Chapter 10 to Miscellaneous Provisions to better organize the charter.

Special Powers of Council

The committee briefly reviewed special powers of the council, including urban renewal revenue bonds. They discussed whether these powers should be attributed to the city council or the Urban Renewal Agency (URA) board, since they are legally separate entities despite currently having the same membership. They agreed to research this further before finalizing this section.

Council Compensation Discussion

In the final part of the meeting, the committee began discussing the controversial topic of compensation for city councilors and the mayor. They discussed legal issues around council members approving their own compensation, with Mike explaining that the Oregon Government Ethics Commission provides options to avoid conflicts of interest, including delaying the effective date until after current terms expire (2027).

The committee discussed the changing nature of council and mayoral duties, noting these positions have become more like part-time jobs requiring significant time commitments, unlike in the past. They agreed to:

- Research how other cities under 5,000 population handle council compensation
- Talk to friends and neighbors about their views
- Review materials from the League of Oregon Cities
- Ensure any compensation provision includes the ability for councilors to decline payment
- Continue this discussion at the next meeting

The meeting adjourned at approximately 11:32 AM, with the next meeting scheduled for the following Tuesday at 10:00 AM.

Adjournment

The meeting was adjourned.

APPROVED:

ATTEST:

Mayor Pro-Tem Tracy Mix

City Recorder Paul Johnson