



City Charter Review Committee

AGENDA

City Hall – Council Chambers
206 N. Main Street
Toledo, Oregon 97391
10:00 a.m.

Regular Meeting – also via Zoom Meeting Platform

July 10, 2024

Virtual Meeting: The Committee will hold the meeting with staff in person as well as through the Zoom video meeting platform. The public may attend in person or electronically via the Zoom meeting platform.

1. **Call to Order**
2. **Consideration of Minutes**
Minutes from the meeting held April 30, 2024
3. **Continue review of the Toledo City Charter**
4. **Adjournment**

Comments submitted in advance are preferable. Comments may be submitted by e-mail at lisa.figueroa@cityoftoledo.org. The meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting by calling city offices at (541) 336-2247.

TOLEDO CITY CHARTER REVIEW COMMITTEE
REGULAR MEETING
April 30, 2024

Call To Order

Chairperson Robinson called the meeting to order at 9:05 a.m.

Present	Absent	
X		Chair David Robinson
X		Vice-Chair Rod Cross
X		Jackie Burns
X		Frank Silvia
X		Lisa Watson
X		Ann Edmondson
X		Eric Erickson

Staff present: City Manager (CM) Doug Wiggins, City Recorder (CR) Lisa Figueroa and City Attorney (CA) Mike Adams

Approve the minutes from the meeting

Member Erickson noted his last name was spelled wrong.

Motion – It was moved and seconded (Silvia/Watson) to approve the minutes as amended and the motion carried unanimously.

Review the Toledo City Charter

The Committee compared a draft city charter (charter) prepared by CA Adams with the existing charter by chapter. It was noted the city charter has not been updated since 1993. As they reviewed the charter, they consolidated several chapters and updated language in regards to the powers of city council and form of government. The Committee discussed how several sections need to be moved under the relevant section, for example elections.

It was suggested the Committee consider City Council members receive compensation and staff indicated they would like to hold that conversation at a later date as that may be an extensive conversation.

The Committee scheduled two additional meetings on May 28 and June 6, with both starting at 10:00 a.m.

Adjournment

The meeting adjourned at 10:30 a.m.

Respectfully submitted,

City Recorder Lisa Figueroa

Outline of Charter Chapters

- Preamble
- Chapter 1 – Name and Boundaries
- Chapter 2 – Powers
- Chapter 3 – City Council
- Chapter 4 – Appointive Officers
- Chapter 5 – PERSONNEL
- Chapter 6 – Administrative Authority
- Chapter 7 – Legislative Authority
- Chapter 8 – Quasi-Judicial Authority
- Chapter 9 – Elections
- Chapter 10 – Miscellaneous Provisions

DRAFT

City Charter – City of Toledo, Oregon

PREAMBLE

The mission of the Toledo City Government is to provide efficient and necessary public service that protect and enhance the quality of life in Toledo, now and in the future, as determined by our citizens, the law and available economic resources.

We, the voters of Toledo, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state and enact this Home Rule Charter.

BE IT ENACTED BY THE PEOPLE OF
THE CITY OF TOLEDO, OREGON:

CHAPTER I
NAME AND BOUNDARIES

1.1. Title of Enactment. This charter may be referred to as the 2024 City of Toledo Charter.

1.2. Name of City. The City of Toledo, Oregon, shall continue as a municipal corporation with the name “City of Toledo.”

1.3. Boundaries. 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.

CHAPTER II
POWERS

2.1. Powers. 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.

2.2. Construction. The charter will be liberally construed¹⁰ 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.¹¹ This Charter’s interpretation shall be examined in its entirety.

2.3. 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 City Council except as the charter otherwise provides. The City Council has legislative, administrative, and quasi- judicial authority. The City Council exercises legislative authority

by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The City Council may not delegate its authority to adopt ordinances.

2.4 Water System. The Council, by a two-thirds vote of the Council at any regular or adjourned meeting, shall have the power within the limits of the City of Toledo to suppress, restrain, and prohibit any obstruction, pollution, diversion, waste, extravagant use of, waters of Mill Creek, or the Siletz River, within or without the City limits.

CHAPTER III CITY COUNCIL (*Form of Government*)

3.1. Where Powers Vested. Except as this charter provides otherwise, all powers of the City are vested in the City Council.

3.2. City Council. The City Council shall be composed of a mayor and six council members (councilor(s)) elected from the City. City Councilors serving four (4) year terms shall be assigned position numbers one (1), two (2), three (3), four (4), five (5), and six (6). The Mayor position shall not be assigned a position number.

3.3. Councilors. The term of office of each councilor in office when this charter is adopted shall continue until the expiration of the term for which they were elected or appointed. ~~At the first biennial general election after the adoption of this charter councilors position numbers one (1), three (3) and five (5) shall be elected every four years. Every starting with the 2026 general election~~

3.4 Mayor. ~~At each biennial general election, a mayor shall be elected for a term of two years.~~ The mayor is a voting member of the City Council and has no veto authority. The mayor presides over and facilitates City Council meetings, preserves order, enforces City Council rules and determines the order of business under City Council rules.

- a) The mayor recommends the appointment of individuals to City commissions and committees with the consent of the City Council.
- b) The mayor must sign all ordinances, resolutions and other required documents as needed of the City of City Council decisions.
- c) The mayor serves as the political head of the city government but shall have no administrative duties.

3.5 Council President. At its first meeting after this charter takes effect and thereafter at its 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.

Commented [LF1]: Made this more clear to understand when the rotation of positions would take place. And then I moved it to the elections section 9.3.

Commented [LF2]: Omitted this here as it is covered under Elections Section 9.4 where it is more appropriate.

When the mayor is unable to perform the functions of the office, the president shall act as mayor.

3.6 Rules. The City Council must adopt rules for the government of its members and proceedings, by resolution. A majority vote of the Council may suspend a governing rule of the Council for Council action.

3.7 Meetings. The City 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.

3.8 Quorum. Except as specifically addressed here and in Section 9.10 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 the 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 9.9.

3.9 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.

3.10 Record. A record of council meetings must be kept in a manner prescribed by the Council rules and the laws of the state of Oregon.

3.11 Compensation; Expenses. City Council members in office on July 1, 2025 may receive compensation for City Council meetings when conducting City business and may elect to waive compensation. Compensation for each council member elected at or after the November 2025 election shall be set by ordinance, which shall only be effective after every city councilor's current term has expired. Compensation for City Council members shall apply as follows:

a) City Council members shall receive \$50 for City Council meetings where City business is conducted.

b) The Mayor shall receive \$75 for City Council meetings where City business is conducted.

c) When multiple meetings are held in one day/evening, all members will receive compensation for only one meeting.

d) The Council President shall receive \$75 for a full meeting only when acting as Presiding Officer in the absence of the Mayor.

e) When any member of the City Council is absent from a meeting regardless of being excused they will not receive compensation for that meeting.

Commented [LF3]: Added this in bullet points because it is a lot to take in for the public and I believe it explains compensation more clearly.

CHAPTER IV APPOINTIVE OFFICERS

4.1 Other Officers.

- a) The city council shall appoint a city manager, a municipal judge and a city attorney.
- b) Additional officers may be appointed if the city council considers necessary, each of whom the city council shall appoint and may remove by majority vote of all members of the city council.
- c) The city council may combine any two or more appointive offices, except the offices of city manager and municipal judge or city attorney and municipal judge. In such combination, the municipal judge shall not be subject in judicial functions to supervision by any other officer.
- d) The city council shall supervise all officers appointed by the city council, except as supervision may otherwise be authorized by a majority of all members of city council.
- e) No city council member may directly or indirectly, by suggestion or otherwise, 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; or attempt to exact a promise relative to an appointment from any candidate for manager; or discuss directly or indirectly with the manager for the matter of specific appointments to any city office or employment. Violation of this prohibition is grounds for removal from office by a majority of the city council. In city council meetings, councilors may discuss or suggest anything with the manager relating to city business.

Commented [LF4]: Rewrote this in a bulleted format for easy reading.

4.2 City Manager.

a) The city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and city council for the proper administration of all city business. The city manager will assist the city council in the development of city policies and carry out policies established by ordinances and resolutions. The city manager may be appointed for a definite or an indefinite term and may be removed at any time by a majority of the city council.

b) The City Manager may be appointed or removed by a majority of the city council. 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 city manager need not be a not be a resident of the City or of the state at the time of appointment and not be required to reside in the city, however must reside within Lincoln County.

d) The city manager must:

1) Attend all city council meetings unless excused therefrom. The City Manager shall have the right to participate in discussions with the City Council, but not the right to vote.

2) Make reports and recommendations to the mayor and city 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) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter. Supervise the departments to the end of obtaining the utmost efficiency in each of them, but shall have no control over the judicial activities of the Municipal judge.

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 city council, staff and citizens in developing city policies and building a sense of community;

10) Perform other duties as directed by the city council; and

11) Delegate duties but remain responsible for actions of all subordinates.

f) The city manager has no authority over the city council, the city attorney or over the judicial functions of the municipal judge.

g) When the city manager is temporarily disabled from acting as manager or when the office of the city manager becomes vacant, the city council may appoint a city manager pro tem. The city manager pro tem has the authority and duties of city manager, except that a city manager pro tem may appoint or remove employees with council approval only. The city manager pro tem must be available to the city council.

4.3 City Attorney. The city attorney shall be the chief legal officer of the city, be legal advisor to the city council, city manager, all departments, and other instrumentalities of the city government. The city attorney may shall be appointed or removed by a majority vote of the City Council. [The city attorney shall have the authority to settle claims and compromise debts in amounts not to exceed the City Manager's purchasing authority. The city attorney shall attend all city council meetings unless excused therefrom.

4.4 Municipal Court and Municipal Judge.

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, or may authorize the municipal judge to appoint and remove municipal judges pro tem for terms of office set by the judge or the council.

g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

CHAPTER V PERSONNEL

5.1 Compensation. The city council must authorize the compensation of appointive city officers and employees as part of its approval of the annual city budget.

5.2 Employee Responsibilities Subject to city council approval, the city manager shall prescribe rules and procedures governing recruitment, selection, promotion, transfer, demotion, suspension, lay-off and dismissal of city employees on the basis of merit and fitness. Contrary provisions of contracts or collective bargaining agreements entered into by the City and applicable employees shall prevail over rules or procedures promulgated under authority of this section.

5.3 Employee Political Rights. The city council, by ordinance, may affirm the rights of city employees to participate in political activities within the scope of state and federal law.

CHAPTER VI ADMINISTRATIVE AUTHORITY

6.1 Resolutions. The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "Now, Therefore, The City of Toledo resolves as follows:"

6.2 Resolution Approval.

a) Approval of a resolution or any other city council administrative decision requires approval by the council at one meeting.

b) ~~Substantive amendment to a resolution must be read aloud or made available in writing to the public before the city council adopts the resolution at that meeting. Substantive amendments to a resolution must be accepted by a vote of the city council prior to adoption.~~

Commented [LF5]: While this is an option for adopting. Since it's administrative only, could we also include having the substantial amendment approved by Council vote as another option.

c) After approval of a resolution or other administrative decision, the vote of each city council member must be entered into the city council minutes.

Commented [LF6]: Rewrote this to replace the previous language as discussed.

d) After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

6.3 Effective Date of Resolutions. Resolutions take effect on the date of approval or on a date as provided in the resolution.

Commented [LF7]: Changed this from "later date" to "on a date as provided" because there have been instances where a resolution has needed to be retroactive, such as accepting a collective bargaining agreement and approving cost of living adjustments (COLA).

CHAPTER VII LEGISLATIVE AUTHORITY

7.1 Adoption of Ordinances. The city council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "Now Therefore, The City of Toledo ordains as follows:"

7.2 Mode of Adoption.

a) Except as authorized by subsection (b), before adoption, an ordinance shall be read in full and require approval by a majority of the city council at two meetings.

b) The city council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council members present, 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~~ accepted by a vote of the city council prior to adoption or made available in writing to the public before the city council adopts the ordinance at that meeting.

Commented [LF8]: Rewrote this to replace the previous language as discussed.

d) After the adoption of an ordinance, the vote of each city council member must be entered into the city council minutes.

e) After adoption of an ordinance, the mayor and the city recorder must endorse it with the date of adoption, their signature and the date of adoption.

7.3 Effective Date of Ordinances. Ordinances shall take effect thirty days after adoption or on a later day as 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, which

must declare the immediate adoption is for the sake of the public's health, safety and welfare.

CHAPTER VIII QUASI-JUDICIAL AUTHORITY

8.1 Orders. The city council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "Now, Therefore, The City of Toledo orders as follows:"

8.2 Order Approval.

- a) Approval of an order or any other city council quasi-judicial decision requires approval by the city 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 city council adopts the order.
- c) After approval of an order or other city council quasi-judicial decision, the vote of each city council member must be entered in the council minutes.
- d) After approval of an order, the mayor and city custodian of records must endorse it with the date of adoption and the custodian's name and title their signature and the date of adoption.

8.3 Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day as provided in the order.

CHAPTER IX ELECTIONS

9.1 City Elections. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.

9.2 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 city council.

9.3 City Councilors. The term of a city councilor in office when this charter is adopted is the term for which the city councilor is elected at the time of adoption. At each general election after the adoption, three councilors will be elected for four-year terms. At the first biennial general election after the adoption of this charter councilors position numbers one (1), three

Commented [LF9]: This is the same sentence from 3.3. Councilors. The term of office of each councilor in office when this charter is adopted shall continue until the expiration of the term for which he or she was elected or appointed. I suggest we omit it here since it is covered in Section 3.3

Commented [LF10]: Omitted, but could reference Chapter 3.2 and 3.3 for terms related to position numbers.

(3) and five (5) shall be elected every four years. Position numbers two (2), four (4) and six (6) shall be elected biennially every four years starting with the 2026 general election.

Commented [LF11]: Made this more clear to understand when the rotation of positions would take place.

9.4 Mayor. The term of the mayor in office when this charter is adopted shall continue until the expiration of the term for which they were elected or appointed. At each biennial general election, a mayor shall be elected for a term of two years.

Commented [LF12]: Moved this language from Section 3.3 to Elections as it is more appropriate in this spot.

Commented [LF13]: Relocated from Section 3.4

9.5 Qualifications.

a) The mayor and each city councilor must be a qualified elector under state law and reside within the city for at least one year immediately before election or at least six (6) months before 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 city councilor may be employed by the city in a position that is not substantially volunteer in nature. Any question about whether employment is substantially volunteer in nature shall be made by the city council] [municipal court.

d) Except as otherwise provided in subsection (c) or when a state trial court has jurisdiction over the matter, the council is the final judge of the election and qualifications of its members.

9.6 Terms. The term of ~~an officer~~ a city councilor elected at a general election begins at the first city council meeting of the year immediately after the election and continues until the successor qualifies and assumes the office.

9.7 Oath. Before entering upon the duties of office, the mayor and each city 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 and the Toledo Municipal Code.

9.8 Vacancies. Vacancies. The mayor or a city 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 city 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 fails to attend three consecutive regular meetings of the council without being excused by the council.
- 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.

9.9 Judge of Qualifications. The city council shall be the judge of the election and qualifications of its members, and of the grounds for forfeiture of their office. In order to exercise these powers, the city council shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing.

9.10 Filling Vacancies. A city councilor vacancy shall be filled by appointment by a majority of the remaining city council members. Notwithstanding the quorum requirement set forth in Section 3.8, if at any time city council membership is reduced to less than four (4), the remaining members may, by majority action, appoint additional members to raise the membership to seven (7). As little as a single council member may constitute a majority for purposes of filling vacant council seat(s), if all other city 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.

9.11 Filling a Mayoral Vacancy. The Council President shall serve as mayor for the unexpired term of the vacated mayor position.

CHAPTER X
MISCELLANEOUS PROVISIONS

10.1. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

10.2 Pending Matters. All rights, claims, causes of actions, duties, contracts, and legal administrative proceedings that exist when this Charter takes effect continue and are unimpaired by this Charter, except as modified pursuant to the provisions of this Charter, and in each case will be maintained, carried on, or dealt with by the City department, office, or agency appropriate under this Charter.

10.3. Repeal. All charter provisions adopted before this charter takes effect are repealed.

10.4. Severability. 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.

10.5. Time of Effect. This Charter takes effect 30 days after the day on which it is approved by a majority of voters, and except as otherwise provided is operative July 1, 2025. The City may take any action before this Charter's operative date that is necessary to enable the City on or after the operative date to exercise all duties, functions, and powers conferred on the City by this Charter.

10.6 Saving Clause. All Charter provisions adopted before this Charter takes effect continue in force and effect until repealed.

10.7. Number and Captions. As used herein, the singular shall include the plural, and the plural the singular. All captions used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this charter.

10.8. Amendments and Revisions. No amendment, revision or repeal of this Charter may take effect unless approved by City voters. Either the council by a majority vote or City voters by an initiative petition may refer an amendment of this Charter to the City voters. Only the council, by a majority vote, may refer a revision or repeal of this Charter to the City voters.

a) Any amendment, replacement or repeal of this charter must be approved by a majority of city electors.

10.9 This Charter shall be reviewed by a city council appointed committee approximately every ten years.