

City Council Action Item Cover Sheet

DATE: Feb 20, 2019

Agenda Item:

Resolution 2019-63 Measure for adopting amendments to the city charter

Question Before Council:

Approve Res 2019-63

Person/Group Initiating Request:

Council

Item Summary/Background:

Attached resolution to be voted on



**CITY OF YACHATS
RESOLUTION NO. 2019-63
A RESOLUTION REFERRING TO THE VOTERS OF THE CITY OF
YACHATS, OREGON, A MEASURE FOR ADOPTING AMENDMENTS TO
THE CITY CHARTER**

WHEREAS, the Yachats City Council finds that certain revisions should be made to the Yachats City Charter; and

WHEREAS, with the amendments, the City Council wishes to clarify the City Council's quorum requirement, establish the position of City Manager as a charter-level City officer, and formalize the creation of the City's municipal court and municipal judge position; and

WHEREAS, the City Council wishes to refer the proposed City Charter amendments to the voters of the City,

NOW, THEREFORE, the City of Yachats resolves as follows:

Section 1. The amendments to the Yachats Charter, attached as Exhibit A, are approved for submission to the voters of the City, and the Council hereby directs and authorizes that a City election be held and that the proposed amendments to the Yachats Charter be submitted to the legal voters of the City at the election to be held on May 21, 2019.

Section 2. Ballots from the election will be counted and tabulated and the results certified as provided by law, and if a majority of the legal voters of the City of Yachats voting in the election approve the measure, the amendments to the Yachats City Charter set out in Exhibit A will become effective July 1, 2019.

Section 3. The election will be conducted by Lincoln County. The County Clerk for Lincoln County is hereby instructed to prepare the ballots and to take other actions necessary to conduct the election.

Section 4. The proposed ballot title for the measure is attached as Exhibit B.

Section 5. An explanatory statement to be published in the Lincoln County Voters' Pamphlet for the May election is attached as Exhibit C. The City Manager may make modifications to this statement to ensure compliance with State and Lincoln County requirements.

Section 6. This Resolution, including the proposed ballot title, shall be filed with the City Manager, serving as the City Elections Official at the City of Yachats City Hall.



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Section 7. The City Manager is directed to give notice of the election as required by law. The City Manager is directed to file required documents with Lincoln County so as to ensure this measure appears on the May ballot and follow any requirements of the Lincoln County Clerk in preparing such documents. The City Manager shall take such other actions and otherwise proceed with the election as provided in state law.

Section 8. This Resolution shall become effective immediately upon its adoption.

Adopted this 20th day of February, 2019.

W. John Moore, Mayor

Attest:

Shannon Beaucaire, City Manager

Exhibit A

City Charter Amendments (Additions shown with underlined text.)

Section 12. Quorum. A majority of the council members is a quorum to conduct business, but 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.

[Insert new Sections 33 and 34, as shown below, and renumber existing Sections 33 – 42 as Sections 35 – 44.]

Section 33. City Manager.

(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;

Exhibit A

- (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.

Section 34. Municipal Court and Judge.

(a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court 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.

Exhibit A

(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.

Exhibit B

Ballot Title

Caption (10 words max)

Measure proposing amendments to the City of Yachats Charter

Question (20 words max)

Shall amendments be adopted to the City of Yachats Charter?

Summary (175 words max)

Approving this measure would adopt amendments to the City Charter. The City Charter was last updated in 2015. If approved, the proposed Charter amendments would take effect July 1, 2019.

The proposed amendments address three discrete subjects for the City Charter. The first amendment would clarify the City Council's quorum requirement in the case of a vacancy on the Council. The second amendment would establish the position of city manager as a charter-level city officer. The third amendment would formalize the City's municipal court and municipal judge position.

The City Council unanimously approved placing this measure on the ballot. The City Council's intent in proposing these amendments is to modernize these elements of city operations and ensure clear lines of authority within city government.

Adoption of the proposed City Charter amendments requires a vote of the City electorate. A complete copy of the proposed City Charter amendments is available for review at City of Yachats City Hall, 441 Hwy 101 N., Yachats.

Exhibit C

Explanatory Statement for County Voters' Pamphlet (500 Word Maximum.)

The Yachats City Council is proposing these updates to the City Charter. The proposal would amend one existing section of the City Charter, Section 12, as well as add two new sections to the City Charter. If approved, the City Charter changes would take effect July 1, 2019.

The amendment to Section 12 addresses the quorum requirement for the City Council. The current quorum rule established by the City Charter provides that a quorum consists of a majority of the City Council. The proposed amendment adds wording to Section 12 of the City Charter to make it clear that if there is a vacancy on the Council, the quorum requirement is reduced accordingly. The purpose of this change is to allow clear authority for the Council to fill vacancies as provided in the City Charter, even if there are multiple vacancies.

The first new section proposed for the City Charter is a provision that would create the position of "city manager" as a City Charter-level position within the City's governmental structure. Creating a city manager position at the City of Yachats will allow the City to recruit and retain professional leaders to run the City's day-to-day operations. Under the proposed City Charter provision, the city manager is tasked with the daily operations of the City and is responsible to the City Council.

The second new section proposed for the City Charter addresses the City's municipal court and its municipal judge. The new section would create, within the City Charter, the City's municipal court and establish the position of municipal judge. Incorporating these provisions in the City Charter will enable the City flexibility and options in using this tool for code enforcement and other judicial decision-making at the city-level. If adopted, this provision will formalize the municipal judge position as a City Charter-level position and provide the City Council with the City Charter authority to appoint the City's municipal judge.

Each of the changes proposed by the City Council follows guidance from the Model City Charter produced by the League of Oregon Cities. The Model City Charter, in some fashion, is used in most cities in Oregon. The City Council's intent in proposing these amendments is to modernize the City's Charter and ensure that the City's operations conform to the latest Oregon laws.