

**January 15, 2020
Work Session
City of Gaston**

Present: Mayor David **Meeker**, Andrew **Sewall**, Mario **DePiero**, Sarah **Branch**, Suzy **Whittaker**, and Don **Richter**. Others present Gaston Resident's Brent **Whittaker** and Robert **Dooley**.

Absent: Council President Bill **Martin**

Staff: City Recorder Wenonah **Blanchette**.

ROLL CALL: Recorder **Blanchette** conducted the roll call for the record with:

Councilor Mario **DePiero**: Present

Councilor Andrew **Sewall**: Present

Councilor Bill **Martin**: Absent

Mayor David **Meeker**: Present

Councilor Sarah **Branch**: Absent

Councilor Suzy **Whittaker**: Present

Councilor Don **Richter**: Present

City Charter Update Committee Review:

Mayor **Meeker** opened the work session open at 6:00PM. Charter review committee member Brent **Whittaker** discussed with Council copies are available of updates from last work session reviewing the charter, sections 1, 2, and 3 if anyone wants one. Councilor **Whittaker** announced next section to review is section 4. Brent **Whittaker** began reading section 4 of the draft he put together noting section 4, 5, and 6 were drafted from the model charter and suggested the following changes:

1. Update- Chapter IV "*Legislative Authority*," Section 14. "*Ordinance*," to read, "*The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Gaston ordains as follows:"*"
2. Update- Section 15, "*Ordinance Adoption, (a)*," to read, "*Except as authorized by subsection (b), the council must adopt an ordinance with the approval of at least four councilors at two meetings.*"
3. Update- Section 15, "*Ordinance Adoption, (b)*," to read, "*The council may adopt an ordinance at a single meeting by the unanimous approval of at least four councilors, provided the proposed ordinance is available to the public at least one week before the meeting.*"
4. Update- Section 15, "*Ordinance Adoption, (c)*," to read, "*Any substantive amendment to a proposed ordinance must be read aloud or made available to the public before the council adopts the ordinance at that meeting.*"
5. Update-Section 15, "*Ordinance Adoption, (d)*," to read, "*After the adoption of an ordinance, the vote of each member must be entered into the council minutes.*"
6. Update- Section 15, "*Ordinance Adoption, (e)*," to read, "*After adoption of an ordinance, the mayor must sign it and the city custodian of records must attest to the ordinance by name, title, and date of enactment.*"
7. Update- Section 16, "*Effective Date of Ordinances*," to read, "*Ordinances normally take effect on the 30th day after adoption or on a later day provided in the ordinance. An Ordinance adopted may take effect as soon as adopted, or other date less than 30 days after adoption if it contains an emergency clause.*"
8. Update- Chapter VI, "*Council Administrative Authority*," Section 17, "*Resolution*," to read, "*The council will normally exercise its administrative authority by approving by resolutions. The approving clause for resolutions may state "The City of Gaston resolves as follows:"*"

9. Update- Section 18, "Resolution Approval, (a)," to read, "A resolution or any other council administrative decision may be approved by the council at one meeting."
10. Update- Section 18, "Resolution Approval, (b)," to read, "Any substantive amendment to a resolution must be read aloud or made available to the public before the council adopts the resolution at that meeting."
11. Update- Section 18, "Resolution Approval, (c)," to read, "After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes."
12. Update- Section 18, "Resolution Approval, (d)," to read, "After approval of a resolution, the mayor must sign it and the city custodian of records must attest to the date of approval."
13. Update- Section 19, "Effective Date of Resolution," to read, "Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution."
14. Update- Chapter, VI, "Quasi-Judicial Authority," Section 20, "Orders," to read "The council will normally exercise it's quasi-judicial authority by approving orders. The approving clause for orders may state, "The City of Gaston orders as follows:"."
15. Update- Section 21, "Order Approval, (a)," to read, "An order or any other council quasi-judicial decision may be approved by the council at one meeting."
16. Update- Section 21, "Order Approval, (b)," to read, "Any substantive amendment to an order must be read aloud or made available to the public at the meeting before the council."
17. Update- Section 21, "Order Approval, (c)," to read, "After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes."
18. Update- Section 21, "Order Approval, (d)," to read, "After approval of an order, the mayor must sign it and the city custodian of records must attest to the date of approval."
19. Update- Section 22, "Effective Date of Orders," to read, "Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order or by an ordinance."
20. Update Chapter VII, "Elections," Section 23, "Councilors," to read, "At each general election after the adoption of this charter, three councilors will be elected for four-year terms. The terms of councilors in office when this charter is adopted are the terms for which they were elected."
21. Update Section 24, "Mayor," to read, "At every other general election, after the adoption of this charter, a mayor will be elected for a four-year term. The term of the mayor in office when this charter is adopted is the term for which the mayor was elected."
22. Update Section 25, "State Law," to read, "City elections must conform to state law except as otherwise. All elections for city offices must be nonpartisan."
23. Update Section 26, "Qualifications, (a)," to read, "To hold a city elective position, each person must be qualified under state law, and reside within the city for at least one year immediately before the election or appointment to office."
24. Update Section 26, "Qualifications, (b)," to read, "No person may be a candidate for at a single election for more than one city office."
25. Update Section 26, "Qualifications, (c)," to read, "Neither the mayor nor a councilor may be employed by the city."
26. Update Section 26, "Qualifications (d)," strikethrough, "Neither the mayor nor a councilor may hold another state or local government elected office."
27. Update Section 26, "Qualifications (e)," to read, "the council is the final judge of the election and qualifications of its members."
28. Update Section 27, "Nominations," to read, "The council must prescribe by ordinance other than procedures for the nomination and election of persons for city elective positions."

29. Update Section 28, "Terms," to read, *"The term of an officer elected at a general begins at the first council meeting of the year immediately after the election and continues until the successor qualifies and assumes the office."*
30. Update Section 29, "Oath," to read, *"to hold a city elective position each person must swear or affirm to faithfully perform the duties of the office and support the constitutions and slaws of the United States and Oregon."*
31. Update Section 30, "Vacancies, A city elective position 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 (striketthrough public offense) (add misdemeanor or felony offence) punishable by loss of liberty,"
 6. Strikethrough, "Assuming another elected office,"
 7. Resignation from office.
32. Update Section 31, "Filling Vacancies," to read, *A mayor or council vacancy will be filled by a majority of the remaining council members. The appointee's term of office runs from the 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 council member pro tem.*
33. Update Chapter VIII, "Appointive Officers," Section 32, "City Attorney," to read, *"The office of the city attorney is established as the chief legal officer of the city government. A majority of the mayor and councilors must appoint and may remove the attorney."*

After further discussion it was decided by the committee to have the City Attorney review this section to ensure the municipal court can be moved to another location outside of the city and continue operating.

34. Update Section 33, "Municipal Court and Judge, (a) to read, *"A majority of the mayor and council may appoint and remove a municipal judge. The municipal judge will hold court in the city at such place as the council directs. The court will be known as the municipal court. The municipal judge must be admitted practice in the Supreme Court of Oregon."*
35. Update Section 33, "Municipal Court and Judge, (b), to read, *"All proceedings of this court will conform to state laws governing justices of the peace and justice courts."*
36. Update Section 33, "Municipal Court and Judge, (c), to read, *"All areas within the city and areas outside the city as permitted by law are within the territorial jurisdiction of the court."*
37. Update Section 33, "Municipal Court and Judge, (d)," to read, *"The municipal court has jurisdiction over every offence 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."*
38. Update Section 33, "Municipal Court and Judge, (e)," to read, *"The municipal judge may:

 1. Render judgements and impose sanctions on persons and property;
 2. Order the arrest f anyone accused of an offence against the city;
 3. Commit to jail or admit to bail anyone accused of a city offence;*

4. *Issue and compel obedience to subpoenas;*
 5. *Compel witnesses to appear and testify and jurors to serve for trials;*
 6. *Penalize contempt of court;*
 7. *Issue processes necessary to enforce judgements and orders of the court;*
 8. *Issue search warrants;*
 9. *Perform other judicial and quasi-judicial functions assigned by ordinance.*
- f. *The mayor and council may appoint and remove municipal judges pro tem.*
 - g. *The council may transfer some or all of its functions of the municipal court to an appropriate state court.*
 - h. *The council may transfer some or all of the functions of the municipal court to an appropriately qualified court from a neighboring municipality upon execution of a contractual agreement.*

Brent **Whittaker** announced he will check with the City of Cornelius's charter to compare their process for Municipal Court as it is hopeful to adopt similar procedures.

39. Update Chapter IX, "Personnel," Section 34, "Compensation," to read, "The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.

40. Update Section 35, "Merit System," to read, "the council by resolution will determine the rules governing recruitment, selection, promotion, transfer, emotion, suspension, layoff, and dismissal of city employees based on merit and fitness."

41. Update Chapter X, "Public Improvements," Section 36, "Procedure," to read, "the council may provide by ordinance for procedures governing the making, altering, vacating, or abandoning of a public improvement. The council must order the making of a public improvement upon petition of the owners of 60% of the area of the real property that would be subject to special assessments for the cost of the improvement.

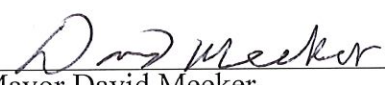
42. Update Section 36, "Special Assessments," to read, "The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

ADJOURNMENT: Mayor **Meeker** asked for any further questions, none heard. Work Session adjourned at 6:43PM.

Attest:



 City Recorder Wenonah Blanchette



 Mayor David Meeker