



**Keizer Charter Review Committee
Meeting Agenda
Tuesday, February 4, 2020, 6:00 pm
Keizer Community Center
Council Chambers**

1. Call to Order
2. Appearance of Interested Citizens
3. Approval of January Minutes
4. Charter Review
5. Adjourn

MEETING DATES:

- March 3, 2020 – Must complete review by the end of this meeting
- April 7, 2020 – Public Hearing to receive input on draft Charter
- May 5, 2020 – Finalize Charter review
- June 2, 2020 – Review final Charter and submit/recommend to Council



CITY OF KEIZER
CHARTER REVIEW COMMITTEE MEETING MINUTES
January 7, 2020, 6:00 p.m.

Attendance:

Elizabeth Smith, Chair
Garry Whalen, Vice Chair
Broderick Pack
Pat Fisher
Kim Freeman
Zaira Flores-Marin

Absent:

Kathy Lincoln
Rick Kuehn
Shannon Flowers

Staff:

Shannon Johnson, City Attorney
Tammie Harms, Legal Assistant
Debbie Lockhart, Deputy City Recorder

Chair Smith called the meeting to order 6:01 pm.

Appearance of Interested Citizens: None

Approval of Minutes: Garry Whalen moved for approval of the December Minutes. Broderick Pack seconded. Motion passed as follows: Smith, Whalen, Pack and Fisher in favor with Flores-Marin abstaining, Freeman absent at time of vote and Lincoln, Kuehn and Flowers absent.

Review of Charter: City Attorney Shannon Johnson reviewed previous work. Referring to comments from Kathy Lincoln, he voiced concern on the anti-discrimination language she had suggested noting that it could be a target for a lawsuit. He noted that State and Federal laws already prohibit discrimination and that his preference is the use inclusivity rather than anti-discrimination and to address it via a resolution rather than including it in the Charter. He suggested that discussion of this issue be postponed until the next meeting when Ms. Lincoln would be in attendance and to give him time for additional research.

Review then took place as follows:

Section 3.3: Delete 'over it'.

Section 7.4: Committee asked Shannon to see if there is a state law that addresses whether or not non-residents of the city and non-U.S. citizens can run for office.

Section 7.5: Change 'electors to 'registered voters residing in Keizer'. Shannon will check to see if an elector is the same as a registered voter.

Section 7.6: Committee asked Shannon to research what other cities do regarding the term continuing 'until the successor to the office assumes the office'.

Section 7.7: Okay with LOC version.

Section 7.8: Okay with Keizer version but wants to change b)5) to 'conviction of a felony crime or other offenses pertaining to their office'. Shannon will research if 'destruction of public records' is appropriate.

Section 7.9: This item is to go on the 'bucket list' to be decided upon after public input has been received.

Section 8.1: Okay with LOC version but leave out residency requirement since that is addressed in the employment contract.

Discussion took place regarding the timeline for getting the Charter on the November ballot. It was agreed that the meetings may need to be extended to 2 hours rather than 90 minutes in order to complete the review in time to have a public hearing followed by a final meeting to implement input from the public and complete the Charter for recommendation to Council. Committee agreed that the February meeting would be a 2-hour meeting.

Adjourn ~ Meeting adjourned at 7:37 pm.

Minutes approved: _____

MEETING: February 4, 2020

TO: CHARTER REVIEW COMMITTEE
FROM: E. SHANNON JOHNSON, CITY ATTORNEY
SUBJECT: CHARTER REVIEW

Attached please find the matrix based on the committee's direction at the January meeting.

Several questions were raised at the last meeting. I have addressed those questions below:

1. Section 3.4. Should the Council Rules of Procedures be adopted by Ordinance instead of by Resolution? I believe this would be better accomplished by Ordinance.
2. Section 7.4. Does state law require a councilor to reside in the City? Yes, ORS 221.110 requires residency in the city.
3. Section 7.4. Does state law require a councilor to be a registered voter (elector)? I have been unable to find any specific statute or constitutional provision requiring this. However, all of the city attorneys I have checked with indicate that it is required in their charters. In addition, I have been told that all LOC model charters have required the councilors to be electors. If there was no requirement, then a councilor could conceivably be unable to vote on city positions or measures, which would be unusual.
4. Section 7.5. Is the number of signatures (120 in the current charter) for a petition for a councilor position required by state law? No, those provisions are set by the charter. There are provisions in state law if there is not a charter provision covering it.
5. Section 7.6. Does state law state how the replacement of a vacant Council position is filled? Similar to the previous question, there are provisions in state statute on this issue, but statute indicates that the charter will control.
6. Section 7.8. With regard to the type of crimes that would be appropriate for removal from office, see the matrix at Section 7.8.
7. Section 8.1. A question was raised regarding the bond for the City Manager. Most charters require a bond. The cost is \$300 per year.

As was determined at the last meeting, I believe we will go for two hours at the February meeting. In addition, depending on our progress, the committee may need to discuss the

possibility of adding additional meetings. (See meeting schedule on the agenda.) We need to be totally completed by early June in order to give the City Council adequate time to consider the matter and get it on the ballot in November.

Since there is a need to move forward, I would request that the committee not go through the first part of the matrix again, except for the above questions.

The committee has worked to Section 8.1, but had not finished that section. I have comments through Page 21.

If you have any questions in this regard, please do not hesitate to contact me at 503-856-3432 or 503-508-1447. Thank you.

ESJ/tmh

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER
Charter Review Committee February 4, 2020

LOC MODEL	CURRENT CITY	APPROVED LANGUAGE	COMMENT/DIFFERENCE
Preamble. We, the voters of Keizer, 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 Keizer, Marion County, Oregon:	Preamble. We, the people of the City of Keizer, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter. (11-5-19)	LOC version – “people” instead of “voters”
Section 1.1. Titles. This charter may be referred to as the 2020 Keizer Charter.	Section 1. Title of Enactment. This enactment may be referred to as the Keizer City Charter as amended.	Section 1.1. Titles. This charter may be referred to as the 2020 Keizer City Charter. (11-5-19)	LOC – states the date
Section 1.2. Names. The City of Keizer, Oregon, continues as a municipal corporation with the name City of Keizer.	Section 2. Name of City. The municipality of Keizer, Marion County, Oregon, shall continue to be a municipal corporation with the name “City of Keizer.”	Section 1.2. Name of City. The municipality of Keizer, Marion County, Oregon, shall continue to be a municipal corporation with the name “City of Keizer.” (11-5-19)	Keizer version
Section 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.	Section 3. Boundaries. The city includes all territory within its boundaries as they now exist or hereafter are modified pursuant to state law. The custodian of the city’s records shall keep an accurate, current description of the boundaries and make a copy of it available for public inspection in the City Hall during regular city office hours.	Section 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. (11-5-19)	LOC version
Section 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.	Section 4. Powers of the City. The city shall have all powers which the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.	Section 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, including powers hereafter granted or allowed. (11-5-19)	LOC version, adding “now or hereafter”

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER
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<p>Section 2.2. Construction. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.</p>	<p>Section 5. Construction of Charter. In this charter, no specification of a power is exclusive or restricts authority that the city would have if the power were not specified. The charter shall be liberally construed, so that the city may exercise fully all its powers possible under this charter and under United States and Oregon law. All powers are continuing unless a specific grant of power clearly indicates the contrary.</p>	<p>Section 2.2. Construction of Charter. In this charter, no specification of a power is exclusive or restricts authority that the City would have if the power were not specified. The charter shall be liberally construed, so that the City may exercise fully all its powers possible under this charter and under United States and Oregon law. All powers are continuing unless a specific grant of power clearly indicates the contrary. (11-5-19)</p>	<p>Keizer version</p>
<p>Section 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 council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.</p>	<p>Section 6. Where powers vested. Except as this charter prescribes otherwise and as the Oregon Constitution reserves municipal legislative power to the voters of the city, all powers of the city are vested in the council.</p>	<p>Section 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 council except as the charter otherwise provides. The council may not delegate its authority to adopt ordinances. (11-5-19)</p>	<p>LOC version without third and fourth sentences</p>
<p>Section 3.1. Council. The council consists of a mayor and six councilors nominated and elected from the city at large.</p>	<p>Section 7. Council. The council shall be composed of a mayor and six councilors elected from the city at large by numbered positions.</p>		<p>Committee to discuss different form of representation – See staff report and materials (12-11-19) – Defer for public hearing</p>

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<p>Section 3.2. Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council and has no veto authority.</p> <p>a) With the consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution.</p> <p>b) The mayor must sign all records of council decisions.</p> <p>c) The mayor serves as the political head of the city government.</p>	<p>Section 17. Mayor’s Functions at Council Meetings. The mayor shall be chairperson of the council and preside over its deliberations. The mayor shall have a vote on all questions before it. The mayor shall have authority to preserve order, enforce the rules of the council, and determine the order of business under the rules of the council.</p> <p>Section 20. Mayor. The mayor shall appoint the council committees provided by the rules of the council. The mayor shall sign all records of proceedings approved by the council. The mayor shall have no veto power and shall sign all ordinances passed by the council within three days after their passage. After the council approves a bond of a city officer or a bond for a license, contract, or proposal, the mayor shall endorse the bond.</p>	<p>Section 3.2. Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules.</p> <p>a) The mayor is a voting member of the council and has no veto authority.</p> <p>b) The mayor must sign all records of council decisions.</p> <p>c) The mayor serves as the political head of the City government. (11-5-19)</p>	<p>LOC version slightly changed. Removed “mayor appointment” language in LOC Section 3.2(a).</p>
<p>Section 3.3. Council President. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.</p>	<p>Section 18. President of the Council. At its first meeting of each odd-numbered year, the council by ballot shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of the office, the president shall act as mayor.</p>	<p>Section 3.3. Council President. 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 council president shall preside. Whenever the mayor is unable to perform the functions of the office, the council president shall act as mayor. (11-5-19) (1-7-20)</p>	<p>Keizer version – deleted “by ballot”</p>

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER
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<p>Section 3.4. Rules. The council must by resolution adopt rules to govern its meetings.</p>	<p>(See Section 13 below.)</p>	<p>Section 3.4. Rules. The council must by resolution adopt rules to govern committees, members and proceedings. (11-5-19)</p>	<p>LOC version slightly modified</p>
<p>Section 3.5. Meetings. The 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.</p>	<p>Section 13. Meetings. The council shall hold a regular meeting at least once each month in the city at a time and at a place which it designates. It shall adopt rules for the government of its members and proceedings. The mayor, upon his or her own motion may, or at the request of three members of the council shall, by giving notice thereof to all members of the council, call a special meeting of the council for a time after the notice is given. Special meetings of the council may also be held at any time by the common consent of all the members of the council.</p>	<p>Section 3.5. Meetings. a) The council shall hold a regular meeting at least once each month in the City at a time and at a place which it designates. b) The mayor may call a special Council meeting at mayor’s own discretion, or at the request of three Council members. Any special meeting shall occur as provided under state law. (12-11-19) c) Special meetings of the council may also be held at any time by the common consent of all the members of the council. d) All meetings shall be held and conducted pursuant to state law. (11-5-19)</p>	<p>Keizer version broken into subsections – moved “council rules” to Section 3.4 above. Added “state rules” in subsection (d).</p>
<p>Section 3.6. Quorum. A majority of the council members is a quorum to conduct business. In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules.</p>	<p>Section 14. Quorum. A majority of the incumbent members of the council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.</p>	<p>Section 3.6. Quorum. A majority of the council members is a quorum to conduct business. In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules. (12-11-19)</p>	<p>LOC version</p>

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<p>Section 3.7. Vote Required. The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council.</p>	<p>Section 19. Vote Required. Except as this charter otherwise provides, the concurrence of a majority of the members of the council voting when a quorum of the council is present shall decide any question before the council.</p>	<p>Section 3.7. Vote Required. Except as this charter or other rules or laws otherwise provides, the concurrence of a majority of the members of the council voting when a quorum of the council is present shall decide any question before the council. (12-11-19)</p>	<p>Keizer version, adding “or other rules or laws”</p>
<p>Section 3.8. 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.</p>	<p>Section 15. Record of Proceedings. The council shall cause a record of its proceedings to be kept. Upon the request of any of its members, the ayes and nays upon any question before it shall be taken and entered in the record.</p>	<p>Section 3.8. 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. (12-11-19)</p>	<p>LOC version</p>
<p>Section 4.1. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state “The City of Keizer ordains as follows:”.</p>	<p>Section 31. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, “The City of Keizer ordains as follows:”</p>	<p>Section 4.1. Ordinances Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, “The City of Keizer ordains as follows:” (12-11-19)</p>	<p>Keizer version</p>
<p>Section 4.2. Ordinance Adoption. a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings. b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council, provided the proposed ordinance is available in writing to the public at least one week before the meeting.</p>	<p>Section 32. Mode of Enactment. (1) Except as the second and third paragraphs of this section provide to the contrary, every ordinance of the council shall, before being put upon its final passage, be read fully and distinctly in open council meeting on two different days. (2) Except as the third paragraph of this section provides to the contrary, an ordinance may be enacted at a single meeting of the council by unanimous</p>	<p>Section 4.2. Ordinance Adoption. a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings. b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council, provided the proposed ordinance is available in writing to the public at least five (5) calendar days before the meeting.</p>	<p>LOC version changing “one week” to “five (5) calendar days.”</p>

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<p>c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.</p> <p>d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.</p> <p>e) After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian's name and title.</p>	<p>vote of all councilors present, upon being read first in full and then by title.</p> <p>(3) Any of the readings may be by title only if no councilor present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each councilor and three copies are provided for public inspection at city hall not later than one week before the first reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted at the city hall and two other public places in the city or by advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless such section incorporating such a difference is read fully and distinctly in open council meeting as finally amended prior to being approved by the council.</p> <p>(4) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings.</p> <p>(5) Upon the enactment of an ordinance the custodian of city records shall sign it with the date of its passage</p>	<p>c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.</p> <p>d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.</p> <p>e) The Mayor shall sign all ordinances within three (3) calendar days of passage.</p> <p>f) After adoption of an ordinance, the City custodian of records must endorse it with the date of adoption and the custodian's name and title. (12-11-19)</p>	<p>Add subsection (e) to LOC version and renumbers subsection (e) to (f).</p>
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	and his or her name and title of office, and within three days thereafter the mayor shall sign it with the date of his or her signature, his or her name, and the title of his or her office.		
Section 4.3. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.	Section 33. When Ordinances Take Effect. An ordinance enacted by the council shall take effect on the thirtieth day after its enactment. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately or on a date specified in the ordinance.	Section 4.3. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause. (12-11-19)	LOC version
Section 5.1. Resolutions. The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "The City of Keizer resolves as follows:"		Section 5.1. Resolutions. The approving clause for resolutions may state "The City of Keizer resolves as follows:" (12-11-19)	LOC version, deleting first sentence of Section 5.1
Section 5.2. Resolution Approval. a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting. b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting. c) After approval of a resolution or other administrative decision, the vote		Section 5.2. Resolution Approval. a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting. b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting. c) After approval of a resolution or other administrative decision, the vote of	LOC version

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<p>of each member must be entered into the council minutes. 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.</p>		<p>each member must be entered into the council minutes. 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. (12-11-19)</p>	
<p>Section 5.3. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.</p>		<p>Section 5.3. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution. (12-11-19)</p>	<p>LOC version</p>
<p>Section 6.1. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Keizer orders as follows:"</p>		<p>Section 6.1. Orders. The approving clause for orders may state "The City of Keizer orders as follows:" (12-11-19)</p>	<p>LOC version, deleting first sentence of Section 6.1</p>
<p>Section 6.2. Order Approval. a) Approval of an order or any other council quasi-judicial decision requires approval by the 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 council adopts the order. c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes. d) After approval of an order, the city custodian of records must</p>		<p>Section 6.2. Order Approval. a) Approval of an order requires approval by the 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 council adopts the order. c) After approval of an order, the vote of each member must be entered in the council minutes. d) After approval of an order, the City custodian of records must endorse it with the date of approval and the custodian's name and title. (12-11-19)</p>	<p>LOC version, deleting references to quasi-judicial decision</p>

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endorse it with the date of approval and the custodian's name and title.			
Section 6.3. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.		Section 6.3. Effective Date of Orders. Orders take effect on the date of final approval, or on a later day provided in the order. (12-11-19)	LOC version, deleting reference to quasi-judicial decisions
Section 7.1. Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors will be elected for four-year terms.	Section 8. Councilors. Councilors shall hold office by positions which shall be numbered one through six. The term of office of each councilor in office when this charter is adopted is the term of office for which the councilor has been elected before adoption of the charter (or is elected at the time of the adoption). At each general election after the adoption, three councilors shall be elected, each for a four-year term.		(Different form of representation question) – Defer – 2 yr vs 4 yr term for public hearing
Section 7.2. Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term.	Section 9. Mayor. The term of office of the Mayor in office when this charter is adopted is the term of office for which the mayor has been elected before adoption of the charter. The term of office of the mayor elected at the time of adoption of the charter shall begin as provided by Section 26 of this charter. At the next general election after this adoption, a mayor shall be elected for a two year term.	Section 7.2. Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a two-year term. (12-11-19)	LOC version, change to provide for two year term

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<p>Section 7.3. State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.</p>	<p>Section 24. Regulation of Election Generally. Except as this charter provides otherwise, or the council provides otherwise by ordinances, general laws of the state apply to city elections.</p>	<p>Section 7.3. 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. (12-11-19)</p>	<p>LOC version</p>
<p>Section 7.4. Qualifications. a) The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or 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 councilor may be employed by the city. d) The council is the final judge of the election and qualifications of its members.</p>	<p>Section 12. Qualifications of Officers. No person shall be eligible for an elective office of the city unless at the time of his or her election he or she is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. The council shall be final judge of the qualifications and election of its own members.</p>	<p>Section 7.4. Qualifications. a) The mayor and each councilor must be a registered voter under state law, and reside within the City for at least one year immediately before election or 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 councilor may be employed by the City during their term of office. d) The council is the final judge of the election and qualifications of its members. (12-11-19)</p>	<p>LOC version</p>
<p>Section 7.5. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.</p>	<p>Section 28. Nominations. A qualified elector who has resided continuously in the city during the 12 months immediately preceding an election may be nominated for an elective city office to be filled at the election. The nomination shall be by a petition that specifies the office sought. The petition shall be signed by not fewer than 120 electors.</p>	<p>Section 7.5. Nominations. A Keizer resident who meets the qualifications in Section 7.4 may file to run for an elective City office to be filled at the election. The nomination shall be by a petition that specifies the office sought. The petition shall be signed by not fewer than 120 electors. (12-11-19)</p>	<p>Keizer version with revision to first sentence</p>

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<p>Section 7.6. Terms. The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.</p>	<p>Section 26. Commencement of Terms of Office. The term of office of an elective officer who is elected at a general election begins at the first council meeting of the year immediately after the election and continues until the successor to the office assumes the office.</p>		<p>Prefer LOC version</p>
<p>Section 7.7. Oath. The mayor and each 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.</p>	<p>Section 27. Oath of Office. Before assuming city office, an officer shall take an oath or shall affirm that he or she will faithfully perform the duties of the office and support the constitution and laws of the United States and of the State of Oregon.</p>	<p>Section 7.7. Oath. The mayor and each 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. (1-7-20)</p>	<p>LOC version</p>
<p>Section 7.8. Vacancies. The mayor or a 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 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;</p>	<p>Section 29. What Creates Vacancy. An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony, other offense pertaining to his or her office; or unlawful destruction of public records; resignation; recall from office; or ceasing to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefor within ten days after the time for his or her term of office to commence; or in the case of a mayor or councilor, upon his or her absence from the city for-30 days without the consent of the council or upon his or her absence from meetings of the council for 60 days without like</p>	<p>Section 7.8. Vacancies. The mayor or a 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 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 without council consent; 3) Ceasing to reside in the City; 4) Ceasing to be a qualified elector under state law;</p>	<p>LOC version, except removed conviction of misdemeanor and added "or other offense pertaining to their office". Added "council consent" at the end of subsection (b)(2).</p>

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<p>5) Conviction of a misdemeanor or felony crime; 6) Resignation from the office; or 7) Removal under Section 8.1(i).</p>	<p>consent, or upon the incumbent's removal of his or her principal residency from the city, and upon a declaration by the council of the vacancy.</p>	<p>5) Conviction of a felony crime or other offense pertaining to their office; 6) Resignation from the office; or 7) Removal under Section 8.1(i). (1-7-20)</p>	<p>Suggest changing "offense" to "crime." Suggest adding back "unlawful destruction of public records" as enumerated item.</p>
<p>Section 7.9. Filling Vacancies. A mayor or councilor vacancy will be filled by appointment by a majority of the remaining council members. 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.</p>	<p>Section 30. Filling of Vacancies. Vacant elective offices in the city shall be filled by appointment. A majority vote of the remaining members of the council shall be required to validate the appointment. The appointee's term of office shall begin upon his or her appointment and shall continue throughout the unexpired term of his or her predecessor. During the temporary disability of any officer for greater than 60 days or during a temporary absence from the city for greater than 60 days for any cause, the office may be filled pro tem in the manner provided for filling vacancies in office permanently. Should the office of mayor become vacant, then the president of the council shall become mayor and the council shall appoint a councilor as provided herein.</p>		<p>Defer for Public Hearing (break into sections with bullet points)</p>

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<p>Section 8.1. City Manager.</p> <p>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.</p> <p>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.</p> <p>c) The manager need not reside in the city.</p> <p>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.</p> <p>e) The manager must:</p> <p>1) Attend all council meetings unless excused by the mayor or council;</p>	<p>Section 10. Manager, Municipal Judge, and Other Officers. The officers of the city shall be a city manager, municipal judge, and city attorney, each of whom the council shall appoint and may remove by majority vote of all the members of the council, and such other officers as the council deems necessary. The council may combine any two or more appointive offices, except the offices of city manager and municipal judge. In no such combination shall the municipal judge be subject in his judicial functions to supervision by any other officer.</p> <p>Section 21. City Manager.</p> <p>(a) Qualifications The city manager shall be the administrative head of the government of the city. The city manager shall be chosen without regard to political considerations and solely on the basis of executive and administrative qualifications. Before taking office, the city manager shall give a bond in such amount and with such surety as may be approved by the council. The premiums on such bond shall be paid by the city.</p> <p>(b) Term The manager shall be appointed by a majority of all members of the council for an indefinite term and may be</p>		<p>In terms of format, I prefer the LOC version because it separates the charter officers into separate sections. However, there are some substantive differences:</p> <ol style="list-style-type: none"> 1. Keizer version requires 4 votes to remove the City Manager. LOC version could allow only 3 to remove if there were 2 positions vacant. 2. Keizer version requires City Manager to have a bond, unlike LOC version. 3. Keizer version requires new City Manager appointment within six months which is sometimes difficult. LOC version says appointment should be made “as soon as practicable.” 4. The list of duties is somewhat similar, but there are some differences. 5. There is no direct reference to the City Manager not having control over the City Attorney in LOC version. See Keizer version Section 21(c)(3). 6. The “anti-interference” clause is slightly stronger in Keizer version Section 21(f) than the LOC version Section 8.1(11)(i).
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<p>2) Make reports and recommendations to the mayor and council about the needs of the city;</p> <p>3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits and other city decisions;</p> <p>4) Appoint, supervise and remove city employees;</p> <p>5) Organize city departments and administrative structure;</p> <p>6) Prepare and administer the annual city budget;</p> <p>7) Administer city utilities and property;</p> <p>8) Encourage and support regional and intergovernmental cooperation;</p> <p>9) Promote cooperation among the council, staff and citizens in developing city policies and building a sense of community;</p> <p>10) Perform other duties as directed by the council; and</p> <p>11) Delegate duties, but remain responsible for actions of all subordinates.</p> <p>f) The manager has no authority over the council or over the judicial functions of the municipal judge.</p> <p>g) The manager and other employees designated by the council may sit at council meetings but have</p>	<p>removed at the pleasure of the council by a vote of not less than four (4) councilors. Upon any vacancy occurring in the office of manager the council at its next meeting shall adopt a resolution of its intention to appoint another manager. Not later than six months after adopting the resolution, the council shall appoint a manager to fill the vacancy.</p> <p>(c) Powers and Duties The powers and duties of the manager shall be as follows:</p> <p>(1) The city manager shall devote full time to the discharge of his or her official duties, attend all meetings of the council unless excused therefrom by the council or the mayor, keep the council advised at all times of the affairs and needs of the city, and make reports annually, or more frequently if requested by the council, of all the affairs and departments of the city.</p> <p>(2) The city manager shall ensure that all ordinances are administered to the satisfaction of the council, and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the city are fulfilled.</p> <p>(3) The city manager shall appoint and may remove appointive city officers and employees except as this charter otherwise provides, and shall have</p>		
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<p>no vote. The manager may take part in all council discussions.</p> <p>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.</p> <p>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.</p>	<p>general supervision and control over them and their work with power to transfer an employee from one department to another. The city manager shall supervise the departments to the end of obtaining the utmost effective efficiency. The city manager shall have no control, however, over the council, city attorney, or over the judicial activities of the municipal judge.</p> <p>(4) The city manager shall organize and reorganize the departmental structure of city government.</p> <p>(5) The manager shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.</p> <p>(6) The city manager shall supervise the operation of all public utilities owned and operated by the city and shall have general supervision over all city property.</p> <p>(d) Seats at Council Meetings The manager and such other officers as the council designates shall be entitled to sit with the council but shall have no vote on questions before it. The manager may take part in all council discussions.</p> <p>(e) Manager Pro Tem</p>		
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	<p>Whenever the manager is absent from the city, is temporarily disabled from acting as manager, or whenever the office becomes vacant, the council shall appoint a manager pro tern, who shall possess the powers and duties of the manager. No manager pro tern, however, may appoint or remove a city officer or employee except with the approval of three-fourths of the members of the council. No manager pro tern shall hold the position as such for more than six months, and no appointment of a manager pro tern shall be renewed.</p> <p>(f) Interference in Administration and Elections</p> <p>No member of the council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies; or attempt to exact any promise relative to any appointment from any candidate for manager; or discuss directly or indirectly with the manager the matter of specific appointment to any city office or employment. A violator of the foregoing provisions of this section may be removed from office by the council and such action may be reviewed by a</p>		
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	<p>court of competent jurisdiction. 'The council by general ordinance shall set the procedures for removing a member of the council. Nothing in this section shall be construed, however, as prohibiting the council while in open session from fully and freely discussing with or suggesting to the manager anything pertaining to city affairs or the interests of the city. Further, a councilor may, at any time request and receive information to which a private citizen is entitled.</p>		
<p>Section 8.2. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the city attorney's office.</p>	<p>Section 10. Manager, Municipal Judge, and Other Officers. The officers of the city shall be a city manager, municipal judge, and city attorney, each of whom the council shall appoint and may remove by majority vote of all the members of the council, and such other officers as the council deems necessary. The council may combine any two or more appointive offices, except the offices of city manager and municipal judge. In no such combination shall the municipal judge be subject in his judicial functions to supervision by any other officer.</p>		<p>Prefer LOC version</p>
<p>Section 8.3. Municipal Court and Judge. a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold</p>	<p>Section 10. Manager, Municipal Judge, and Other Officers. The officers of the city shall be a city manager, municipal judge, and city attorney, each of whom the council shall appoint and may</p>		<p>Prefer LOC version; however further review is necessary to determine if arrest/bail provisions are appropriate</p>

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<p>court in the city at such place as the council directs. The court will be known as the Municipal Court.</p> <p>b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.</p> <p>c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.</p> <p>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.</p> <p>e) The municipal judge may:</p> <ol style="list-style-type: none"> 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; 	<p>remove by majority vote of all the members of the council, and such other officers as the council deems necessary. The council may combine any two or more appointive offices, except the offices of city manager and municipal judge. In no such combination shall the municipal judge be subject in his judicial functions to supervision by any other officer.</p> <p>Section 22. Municipal Judge. The municipal judge shall be the judicial officer of the city. The municipal judge shall hold within the city a court known as the municipal court for the City of Keizer, Marion County, Oregon. The court shall be open for the transaction of judicial business at times specified by the council. All area within the city and, as provided by law, territory outside the city, shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions authorized by ordinances of the city. The municipal judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit him or her to bail pending trial, to issue</p>		
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<p>7) Issue processes necessary to enforce judgments and orders of the court;</p> <p>8) Issue search warrants; and</p> <p>9) Perform other judicial and quasi-judicial functions assigned by ordinance.</p> <p>f) The council may appoint and may remove municipal judges pro tem.</p> <p>g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.</p>	<p>subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him or her, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts. The council may appoint such pro tem judges as it considers necessary, to hold office at the pleasure of the council. Notwithstanding this section or Section 10 of this charter, the council may provide for the transfer of powers and duties of the municipal court to the appropriate court of the State of Oregon.</p>		
<p>Section 9.1. Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.</p>	<p>Section 11. Salaries. The compensation for the services of each city officer and employee shall be the amount fixed by the council. Councilors shall be unpaid except that they may be reimbursed for ordinary and necessary expenses incurred in the performance of their official duty.</p>		<p>No preference. Policy question regarding Councilor pay; Keizer has never paid Councilors except for reimbursements.</p>

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<p>Section 9.2. Merit Systems. The council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.</p>			<p>No Keizer equivalent version. Prefer LOC version.</p>
<p>Section 10.1. Procedure. The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.</p>	<p>Section 35. Improvements. The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state. Action on any proposed public improvement, except a sidewalk or except an improvement unanimously declared by the council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of two-thirds of the land to be specially assessed therefor. In this section "owners" shall mean the record holder of legal title or, where land is being purchased under a land sale contract recorded or verified to the City Manager in writing by the record holder of legal title to the land, the purchaser shall be deemed the "owner".</p>		<p>Prefer LOC version.</p>

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<p>Section 10.2. Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.</p>	<p>Section 36. Special Assessments. The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.</p>		<p>Prefer LOC version</p>
<p>Section 11.1. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.</p>	<p>Section 38. Debt Limit. The city's indebtedness may not exceed debt limits imposed by state law. A city officer or employee who creates or officially approves indebtedness in excess of this limitation is jointly and severally liable for the excess. A charter amendment is not required to authorize city indebtedness.</p>		<p>Prefer Keizer version</p>
<p>Section 11.2. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.</p>	<p>Section 39. Existing Ordinances Continued. All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.</p>		<p>Prefer LOC version</p>
<p>Section 11.3. Repeal. All charter provisions adopted before this charter takes effect are repealed.</p>			<p>Prefer LOC version</p>
<p>Section 11.4. 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.</p>	<p>Section 41. Severability. If any provision of this charter is held invalid, the other provisions of the charter shall not be affected. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected.</p>		<p>Prefer LOC version</p>

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<p>Section 11.5. Time of Effect. This charter takes effect _____, 20__.</p>	<p>Section 42. Time of Effect of Charter. This charter shall take effect upon its passage.</p>		
	<p>Section 16. Proceedings to be Public. No action by the council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.</p>		
	<p>Section 25. Tie Votes. In the event of a tie vote for candidates for an elective office, the successor candidate shall be determined by a public drawing of lots in a manner prescribed by the council.</p>		
	<p>Section 34. Condemnation. Any necessity of taking property for the city by condemnation shall be determined by the council and declared by a resolution of the council describing the property and stating the uses to which it shall be devoted.</p>		
	<p>Section 37. Bids. The procedure for bidding public improvements shall be governed by general ordinance and shall be in agreement with standards established by state law.</p>		
	<p>Section 41. 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.</p>		

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	<p>Section 43. Water Revenue Use. All revenue generated by the City of Keizer Water Department fund shall be used exclusively to pay for the water department fund expenses.</p>		
	<p>Section 44. Prohibit Minority Status for Homosexuality.</p> <p>(a) The City of Keizer, including its Council and elected or appointed officers, shall not make, pass, adopt, or enforce any ordinance, rule, regulation, policy or resolution that extends minority status, affirmative action, quotas, special class status, or any similar concepts, based on homosexuality or which establishes any categorical provision such as "sexual orientation, " "sexual preference," or any similar provision which includes homosexuality.</p> <p>(b) City funds shall not be expended to promote homosexuality or express approval of homosexual behavior.</p> <p>(c) This Section shall not be construed to deny any Citizen, based on perceived or actual private lawful sexual practices, any City services, licenses, or approvals otherwise due or available.</p> <p>(d) This Section shall not be construed to limit public libraries from</p>		

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	<p>providing materials for adults which address homosexuality.</p> <p>(e) Subsection (a) of this Section shall not nullify or be construed to nullify any city, state, or federal civil rights protection based on race, religion, color, sex, marital status, familial status, national origin, age or disability. Neither shall subsection (a) be construed to abrogate, abridge, impede, or otherwise diminish the holding, enjoyment, or exercise of any rights guaranteed to Citizens by the Constitution of the State of Oregon or the Constitution of the United States.</p> <p>(f) Subsection (a) of this Section shall not be construed to forbid the adoption of provisions prohibiting employment decisions based on factors not directly related to employment. If such a provision is adopted, it is the intent of the People that lawful private sexual behavior, or rumor, perception, or knowledge of a person's lawful private sexual behavior, are factors not directly related to employment. If such a provision is adopted, it is the intent of the People that personal expression, conversation or any other free expression concerning private lawful sexual behavior shall also be considered factors not directly related to</p>		
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	<p>employment, unless such actions disrupt the workplace.</p> <p>(g) This Section shall be an explicit and necessary restriction and limitation upon the authority of the Council.</p> <p>(h) It shall be considered that it is the intent of the People in enacting this Section that if any part thereof is held unconstitutional by a court of competent jurisdiction, the remaining parts shall be held in full force and effect. This Section shall be in all parts self-executing</p>		
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