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Virtual meeting link for listening in Spanish: <https://zoom.us/j/94045946115>

Phone number for comments (Spanish or English) during ‘Appearance of Interested Citizens’: **503-856-3580**



**Keizer Charter Review Committee  
Meeting Agenda  
Tuesday, May 5, 2020, 6:00 pm  
Keizer Community Center  
Council Chambers**

1. Call to Order
2. Approval of April Minutes
3. Appearance of Interested Citizens
4. Recommendation of Charter to City Council
5. Adjourn



**CITY OF KEIZER**  
**CHARTER REVIEW COMMITTEE MEETING MINUTES**  
**April 21, 2020, 6:00 p.m.**

**Attendance:**

Elizabeth Smith, Chair  
Shannon Flowers  
Broderick Pack  
Pat Fisher  
Kim Freeman  
Zaira Flores-Marin  
Kathy Lincoln

**Absent:**

Garry Whalen, Vice Chair  
Rick Kuehn

**Staff:**

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

Chair Smith called the 'virtual' meeting to order 6:00 pm. Committee members participated through the Zoom app with simultaneous interpretation being done into Spanish on a separate internet link.

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

**Committee Questions and Concerns:** City Attorney Shannon Johnson reviewed the 4 issues that the committee had deferred for Public Comment: A) 'At-Large' vs. 'Ward' system of election; B) 'head to head' on certain position or at-large contest with top voters filling vacancies; C) 4-year vs. 2-year term; and D) vacancies filled by appointment regardless of length of term remaining vs. special election. Mr. Johnson then reviewed the timeline noting that he expected Council to have three Council meetings on this but the process needs to be completed by August in order to be on the November ballot.

Meeting was paused while technical difficulties were addressed in order to get the Spanish translation broadcast to the public.

**Public Forum**

- **Chair Summarization of Written Testimony Received:** Chair Smith summarized testimony received via email and comments posted on Facebook. Generally, comments were opposed to changing to the Ward system of voting.
- **Acceptance of Comments from Interested Citizens:**
  - *Michael DeBlasi* referred to maps that he had developed showing voting districts in the city with the number of candidates in each district (emailed to City staff but not received prior to the meeting). He noted that the southeast quadrant of the city has historically had no representation so the representation on council is not fair. It allows only certain people with connections and power to get the proper

number of votes and the power center in the north controls the funds that are spent by the city.

- *Dan Kohler* spoke in opposition of Wards (noting that apparently there is no one from the 'non-represented' area interested in serving) and the 'top three' option of election (preferring that candidates run for specific position numbers). He supported keeping the 4-year term and leaving the method of filling of vacancies unchanged.
- Chair Smith noted that one Facebook comment questioned what would happen if no one ran for office from a specific ward. Mr. Johnson indicated that Council would appoint someone to fill the vacancy after the election.

Kathy Lincoln pointed out that with the current method of elections there could be two very good candidates running against each other and two very bad ones running against each other for different positions so the City would end up with one good candidate and one bad one. With the 'top three' option, the city could end up with the two good candidates. She also noted that she was leaning away from the Ward option because Keizer is a small town the Councilors can represent everyone.

Pat Fisher pointed out that current and former elected officials have indicated that they want to keep things the way they are. She noted that she felt more research should be done into the top-three option.

Kim Freeman noted that she was opposed to the top-three option because it makes the election look like a popularity contest rather than a question of qualifications. She also noted that there will be more opportunity for public comment when this comes to the Council.

### **Determination of Preferred Charter Version**

Discussion followed regarding having two Charter votes on the ballot – one for removal of Section 44 and the other to address the other 4 options, leaving the 4 options unresolved for Council to address, and the duty of the committee to complete all tasks and come up with a recommendation to Council.

- (A)\* Broderick Pack moved to retain the at-large system and not move to the Ward system. Kim Freeman seconded. Motion passed as follows: Smith, Pack, Freeman, Flores-Marin, Fisher and Flowers in favor with Lincoln opposed and Whalen and Kuehn absent.
- (B)\* Kathy Lincoln moved to recommend having all councilor candidates run against each other and the top three be elected to the three vacancies. Pat Fisher seconded. Motion failed as follows: Lincoln and Fisher in favor with Smith, Pack, Freeman, Flores-Marin and Flowers opposed and Whalen and Kuehn absent.

Mr. Johnson clarified that with the motion failing it was the recommendation of the committee to have three councilors run for numbered positions, as is currently the case.

- (C)\* Broderick Pack moved to retain the 4-year term for Councilors (leave current language unchanged). Kim Freeman seconded. Motion passed as follows: Smith,

Pack, Freeman, Flores-Marin, Fisher, Lincoln and Flowers in favor with Whalen and Kuehn absent.

(D)\* Kim Freeman moved to leave the current language as is (vacancy filled by appointment). Broderick Pack seconded. Motion passed as follows: Smith, Pack, Freeman, Flores-Marin, Fisher, Lincoln and Flowers in favor with Whalen and Kuehn absent.

\*Indicates item number from Mr. Johnson's staff report.

Mr. Johnson informed the committee that the May meeting would be short. He will want the committee to review the final draft of the Charter and recommend it to Council. He urged committee members to direct any questions to him noting that he hoped to have a final version of the Charter out next week.

Chair Smith urged everyone to continue to send comments via the special email address: [charterreview@keizer.org](mailto:charterreview@keizer.org). Zaira Flores-Marin thanked Spanish speaking participants for attending the meeting noting that she hoped next time the Spanish link could be published in a timely manner.

Chair Smith read a question received: Could a new council member be potentially chosen from someone who had run but not won. Mr. Johnson responded affirmatively and explained how the process would take place.

**Adjourn** ~ Meeting adjourned at 7:30 pm.

**Next meeting:** May 5, 2020

**Minutes approved:** \_\_\_\_\_

**MEETING: May 5, 2020**

**TO: CHARTER REVIEW COMMITTEE**

**FROM: E. SHANNON JOHNSON, CITY ATTORNEY**

**SUBJECT: CHARTER REVIEW**

At the April 21, 2020 meeting, the committee voted to retain the current versions of the “deferred items.” These items were at-large council positions, head-to-head voting method, four-year terms for councilors, and vacancy appointment by council.

The blanks in the draft charter concerning these items have been filled in and the final version of the charter is before the committee for approval. I would suggest after the staff report is given, that any further questions or comments be discussed by the committee, and the committee move forward with its final recommendation to council.

**RECOMMENDATION:**

Unless there are further questions or concerns, I would recommend the committee adopt a motion to recommend sending the draft charter to Council for approval and placement before the voters.

Please let me know if you have any questions in this regard. Thank you.

ESJ/tmh

***THE CHARTER  
OF THE  
CITY OF KEIZER,***

***MARION COUNTY,  
STATE OF OREGON***



**Incorporated November 2, 1982**

**Adopted by the Voters on \_\_\_\_\_, 2020**

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## **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.

### **Section 1 NAMES AND BOUNDARIES**

Section 1.1. Titles. This charter may be referred to as the 2020 Keizer City Charter.

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”.

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 2 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.

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.

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.

### **Section 3 COUNCIL**

Section 3.1. Council. The council shall be composed of a mayor and six councilors elected from the City at large by numbered positions.

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.

- a) The mayor is a voting member of the council and has no veto authority.
- b) The mayor must sign all records of council decisions.

- c) The mayor serves as the political head of the City government.

Section 3.3. Council President. At its first meeting of each odd-numbered year, the council shall elect a president from its membership. The council president shall be elected by a vote of not less than four (4) councilors. 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.

Section 3.4. Rules. The council must by ordinance adopt rules to govern committees, members and proceedings.

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.

- 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.

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.

Section 3.7. Vote Required. Except as this charter or other rules or laws otherwise provide, 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.

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.

## **Section 4 ORDINANCES**

Section 4.1. Ordinances Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, "The City of Keizer ordains as follows:"

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.

- 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.

- d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.
- e) The mayor shall sign all ordinances within three (3) calendar days of passage.
- 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.

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

## **Section 5 RESOLUTIONS**

Section 5.1. Resolutions. The approving clause for resolutions may state "The City of Keizer resolves as follows:"

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 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.

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.

## **Section 6 ORDERS**

Section 6.1. Orders. The approving clause for orders may state "The City of Keizer orders as follows:"

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.

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.

## **Section 7 ELECTIONS**

Section 7.1. 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.

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.

Section 7.3. 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.

Section 7.4. Qualifications.

- a) The mayor and each councilor must be a registered voter in the City 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.

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 registered voters in the City.

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.

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.

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 registered voter in the City under state law;
- 5) Conviction of a felony crime or other crime pertaining to their office;
- 6) Intentional unlawful destruction of public records;
- 7) Resignation from the office; or
- 8) Removal under Section 8.1(h).

Section 7.9. Filling 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 the appointee's appointment and shall continue throughout the unexpired term of appointee's 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 council president shall become mayor and the council shall appoint a councilor as provided herein.

Section 7.10. 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.

## **Section 8 APPOINTIVE OFFICERS**

### Section 8.1. 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. 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.

c) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a vote of not less than four (4) councilors. The council must fill the office by appointment as soon as practicable after the vacancy occurs.

d) 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;
  - 5) Organize City departments and administrative structure;
  - 6) Prepare and administer the annual City budget;
  - 7) Administer City utilities and property;
  - 8) Perform other duties as directed by the council; and
  - 9) Delegate duties, but remain responsible for actions of all subordinates.
- e) The manager has no authority over the council, city attorney, or over the judicial functions of the municipal judge.
- f) 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.
- g) 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.
- h) In council meetings, councilors may discuss or suggest anything with the manager relating to City business. However, 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.

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.

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 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.

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

## **Section 9 PERSONNEL**

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. Councilors shall be unpaid except that they may be reimbursed for ordinary and necessary expenses incurred in the performance of their official duty.

## **Section 10 PUBLIC IMPROVEMENTS**

Section 10.1. Procedure. The council may by ordinance provide for procedures governing public improvements. 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.

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.

## **Section 11 MISCELLANEOUS PROVISIONS**

Section 11.1. 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.

Section 11.2. Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section 11.3. 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.

Section 11.4. 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.

Section 11.5. 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.

Section 11.6. 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.

Section 11.7. Time of Effect. This charter takes effect \_\_\_\_\_, 20\_\_.