



**Keizer Charter Review Committee
Meeting Agenda
Wednesday, December 11, 2019, 6:00 pm
Keizer Community Center
Council Chambers**

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

MEETING DATES:

January 7, 2020
February 4, 2020
March 3, 2020
April 7, 2020
May 5, 2020



**CITY OF KEIZER
CHARTER REVIEW COMMITTEE MEETING MINUTES
November 5, 2019, 6:00 p.m.**

Attendance:

Elizabeth Smith, Chair
Garry Whalen, Vice Chair
Broderick Pack
Kathy Lincoln
Rick Kuehn
Shannon Flowers
Zaira Flores-Marin
Pat Fisher

Absent:

Kim Freeman

Staff:

Shannon Johnson, City Attorney
Debbie Lockhart, Deputy City Recorder

Meeting called to order 6:00 pm.

Election of Chair and Vice Chair: Elizabeth Smith and Garry Whalen were elected unanimously to serve as Chair and Vice Chair respectively.

Appearance of Interested Citizens: Michael DeBlasi suggested:

- Section 3.1: establishing wards or districts rather than having six councilors at large. He noted that since 1995 only two council members have been from the southeast portion of Keizer, the rest were either from west or north Keizer, and having a district or ward system would ensure that the voice of all citizens was on the council.
- Section 7.4: increasing the required residency time for eligibility to serve as Councilor or Mayor.
- Section 8.1: requiring that the City Manager reside in Keizer.
- Adding a guiding goal that Keizer will accommodate all methods of transportation (bike, pedestrian/bus/cars/trucks) throughout the city during any and all infrastructure projects.

Review of Charter: City Attorney Shannon Johnson summarized his staff report. Discussion followed regarding the process. Committee members agreed that they wished to keep the meetings at 90 minutes or less.

Committee then began review of the matrix with the following suggested changes approved by consensus:

Preamble: Use LOC version, replace 'voters' with 'the people of the city of Keizer'. Whenever the city is referred to as a governing body it should be capitalized.

Section 1.1: Use LOC version, add 'City'.

Section 1.2: Keep City version

Section 1.3: Use LOC version

Section 2.1: The following was discussed: Add 'now or hereafter' after 'grant municipalities', change 'city shall have' to 'city has'. Use LOC version, add 'now or hereafter'. Possibly consider second sentence. Shannon will work on this for the next draft.

Section 2.2: Keep City version

Section 2.3: Use LOC version as follows: Keep first two sentences, delete third and fourth sentences and leave in the sentence about delegation of authority.

Section 3.1: To be addressed at next meeting. The following was discussed: The issue of changing to wards is a policy question. Staff will get information about voter turnout for each area. Pat Fisher will get link to website that lists the pros and cons of zone vs. at large voting. Kathy Lincoln noted that another method is one with no specific positions - candidates receiving the most votes get seats. Another suggestion was to have three positions representing zones and three at large. Making arrangements for city growth would have to be addressed if wards or zones were adopted.

Section 3.2: Committee members suggested that the format be changed and Mayor/Councilors sections be consolidated. Mr. Johnson pointed out that the LOC version would need to be changed because Keizer rules have Council appointing the members of committees so that sentence would need to be deleted. Committee agreed to do this but requested that it be placed under the Council paragraph. They also requested that bullet points be used rather than paragraphs. Mr. Johnson will check the 3-day signature requirement and have the section ready for review at the next meeting.

Section 3.3: Keep City version but strike the 'by ballot'. Last line - replace 'president' with 'Council President'

Section 3.4 and 3.5: Committee members suggested (1) using bullet points for conditions of holding special meetings, and (2) using non-gender terms (as in LOC document). Mr. Johnson will check the state statute on meetings. It was noted that the LOC version has 'in accordance with the rules and laws of the State of Oregon' and that could cover the public meetings laws.

Section 3.6: No decision on this section. Mr. Johnson will come back with information on 'incumbent' and whether or not a quorum is the majority of the remaining members. Zaira Flores-Marin suggested that if the Keizer version is used, it be made into two sentences.

Adjourn ~ Meeting adjourned at 7:30 pm.

Minutes approved: _____

MEETING: December 3, 2019

TO: CHARTER REVIEW COMMITTEE

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: CHARTER REVIEW

Thank you for your efforts in reviewing the draft charter revisions; it is a lot of work and it is much appreciated.

I have attached election information you requested together with a memo from Tracy Davis explaining the information. I also attached information on wards that Debbie Lockhart sent out previously. There is also the start of the new charter using the sections you have preliminarily approved.

I have also attached a new matrix showing the work from last meeting. Here are some tips on reviewing this new matrix:

1. There is a new third column with the committee's recommended language. If it is blank, the committee has not yet decided on that section.
2. I put the date of the last meeting (11-5-19) in the cells (boxes) that the committee preliminarily decided on. This goes through most of page 4.
3. Through page 4, the "Comment/Difference" does not say "Prefer LOC version" or "Prefer Keizer version". It may have notes on how one of these versions was modified.
4. I have added some commentary through page 12. We can work past that page if the committee wishes to do so.

With regard to the discussion on a possible ward or other system, this is purely a policy question for the committee, and ultimately for the City Council. In terms of process, the committee may want to consider the following options regarding the timing of the in-depth discussion on this issue:

- A. The committee could have a brief discussion to determine if there is preliminary interest in discussing the ward system or other options further. If there is limited or no interest, then the matter would be concluded. If there appears to be some interest, the committee could decide to move to Option B1 or B2 below.

B1. The committee could have a full discussion and decide on a preliminary direction at the December 3, 2019 meeting. If this option is chosen, and if the direction is to make a change from the current charter, I would come back at the January meeting with draft language at the direction of the committee.

OR

B2. The committee could determine that it wishes to have a public hearing on this issue prior to discussion and debate. If this option is chosen, the committee needs to decide if such hearing should be in January or at a later date possibly towards the end of the process.

As always, please feel free to contact me if you have any questions. My direct line is 503-856-3432 or you can reach me at johnsons@keizer.org. Thank you.

ESJ/tmh



CITY OF KEIZER

OFFICE OF THE CITY RECORDER

MEMORANDUM

DATE: November 25, 2019

TO: Charter Review Committee Members

FROM: Tracy L. Davis, MMC
City Recorder

SUBJECT: Election History – Candidates and Ballot Return Information

During the Committee's discussion on November 5th questions were raised of which areas of the city Council candidates resided as well as the voter turnout for certain areas. I have prepared two separate reports providing this information.

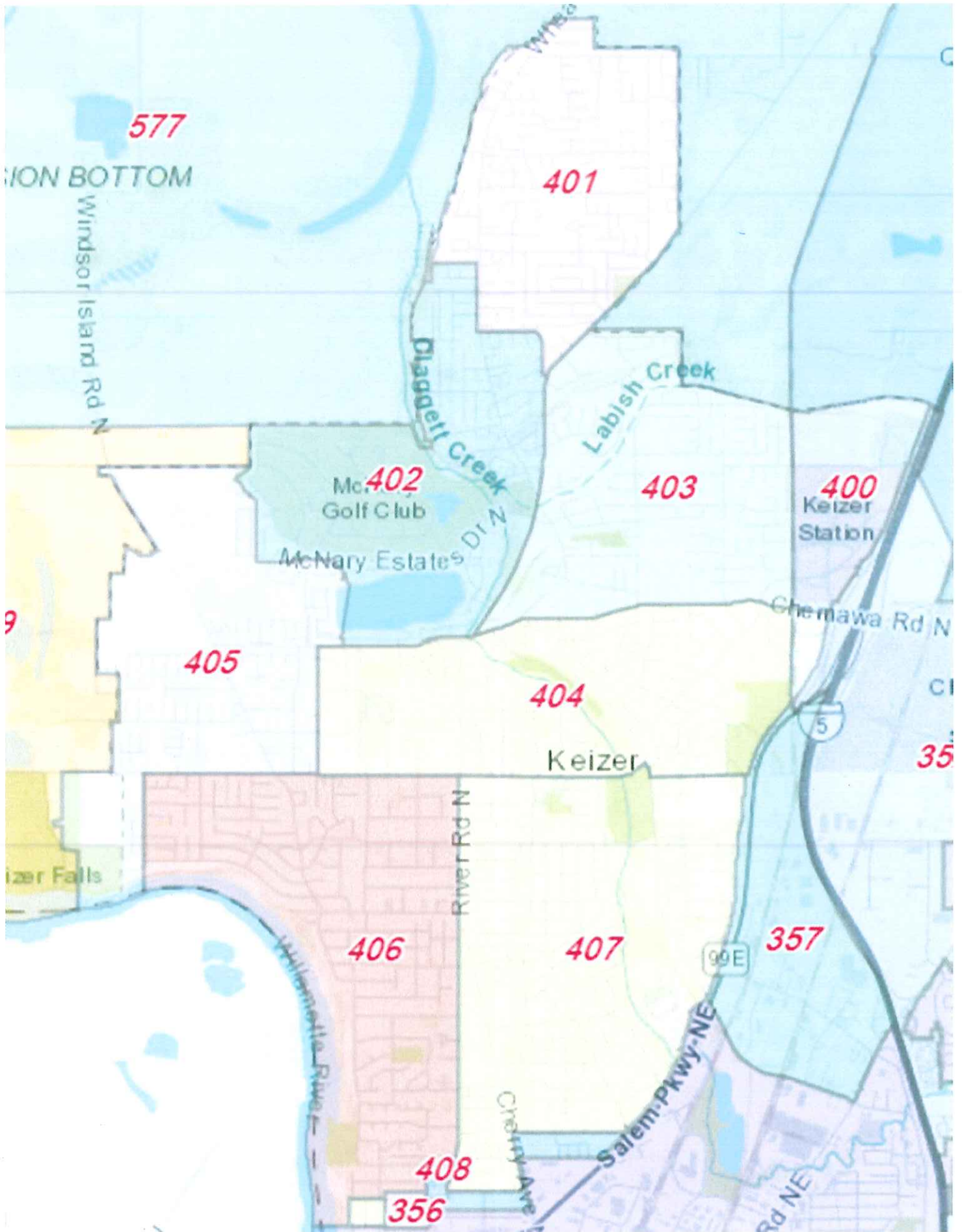
Voter Turn Out

The City of Keizer is divided into 9 precincts – 400 thru 408. The attached map shows the different precincts. I have prepared a report for the last 4 general elections – 2012 thru 2018. (City Council members are elected at a general election every 2 years. Council positions are staggered as Councilors serves 4-year terms. The Mayor position is a 2-year term so there is a Mayor elected at each general election.) The attached table shows the election date, the ballots cast in each precinct, the number of registered voters within that precinct at the time of the election, and the voter turnout percentage for that precinct.

City Council Candidate Residence

The second report goes back to November 1990 listing all of candidates who ran for a position on the City Council. Their address is provided, the Council position they filed for, and if they were successful in the election. I also included information on Councilors who were appointed to fill vacancies created by the resignation of a Council member.

I hope these reports are helpful in your discussion. If I can provide any other election information, please let me know. Thank you.



Election Information – Precinct Voter Report November 2019

Precinct	Election Date	Ballots Cast in Precinct	Registered Voters in Precinct	Voter Turnout Percentage
	November 2018			
Precinct 400		0	0	0%
Precinct 401		2692	3711	72.54%
Precinct 402		1965	2665	73.73%
Precinct 403		2630	3902	67.40%
Precinct 404		2173	3463	62.75%
Precinct 405		1584	2497	63.44%
Precinct 406		2715	4133	65.69%
Precinct 407		2458	4486	54.79%
Precinct 408		89	246	36.18%
	November 2016			
Precinct 400		0	0	0%
Precinct 401		2967	3523	84.22%
Precinct 402		2112	2498	84.55%
Precinct 403		2881	3565	80.81%
Precinct 404		2264	3050	74.23%
Precinct 405		1689	2197	76.88%
Precinct 406		2995	3853	77.73%
Precinct 407		2795	4066	68.74%
Precinct 408		120	199	60.30%
	November 2014			
Precinct 400		0	0	0%
Precinct 401		2279	3120	73.04%
Precinct 402		1781	2281	78.08%
Precinct 403		2157	3022	71.38%
Precinct 404		1707	2549	66.97%
Precinct 405		1222	1760	69.43%

Precinct 406		2344	3399	68.96%
Precinct 407		1955	3193	61.23%
Precinct 408		69	137	50.36%
	November 2012			
Precinct 400		0	0	0%
Precinct 401		2659	3129	94.98%
Precinct 402		2045	2366	86.43%
Precinct 403		2516	2997	83.95%
Precinct 404		2003	2511	79.77%
Precinct 405		1375	1732	79.39%
Precinct 406		2841	3482	81.59%
Precinct 407		2274	3152	72.14%
Precinct 408		87	134	64.93%

**City of Keizer – City Council Candidates
1990 to 2018**

Election Date	Candidate	Address	Position	Elected
November 1990				
	Andrew Orcutt	2100 Kinglet Way NE	Mayor	X
	Dennis Koho	3796 Hart Drive N	Councilor #4	
	Al Miller	259 McNary Estates Dr N	Councilor #5	X
	Dawn Meier	1212 Mandarin Street NE	Councilor #5	
	Jerry McGee	4310 Shoreline Drive N	Councilor #6	X
	Jim Nightengale	608 Dennis Lane N	Councilor #6	
November 1992				
	Mike Hart	6955 9 th Court NE	Mayor	
	Dennis Koho	3796 Hart Drive N	Mayor	X
	Bob Newton	6064 12 th Ave NE	Mayor	
	Jerry Watson	1237 Manzanita Way NE	Councilor #1	X
	Betsy DalPonte	520 Snead Drive N	Councilor #1	
	Chet Patterson	1983 Petty Grove Court NE	Councilor #2	X
	Jim Keller	1919 Mistwood Drive NE	Councilor #3	X
November 1994				
	Dennis Koho	3796 Hart Drive N	Mayor	X
	Jim Keller	1919 Mistwood Drive NE	Mayor	
	Carl Beach	810 Ventura Street N	Councilor #4	X
	Al Miller	259 McNary Estates Dr N	Councilor #5	X
	Jerry McGee	4310 Shoreline Drive N	Councilor #6	X
November 1996				
	Dennis Koho	3796 Hart Drive N	Mayor	X
	Stanley Compton	1927 Modoc Drive NE	Councilor #1	
	Paul Gorlinsky	7164 Lawnridge Street NE	Councilor #1	
	Garry Whalen	1156 Glaze Meadow Street NE	Councilor #1	X
	Dawn Meier	1212 Mandarin Street NE	Councilor #2	X

	Jim Warner	7245 Wheatland Rd N	Councilor #2	
	Donald Harris	1410 Shady Lane NE	Councilor #3	
	Jim Keller	1919 Mistwood Drive NE	Councilor #3	X
November 1998				
	Bob Newton	6064 12 th Ave NE	Mayor	X
	Carl Beach	810 Ventura Street N	Councilor #4	X
	Ken Gierloff	4055 Arnold Street NE	Councilor #4	
	Jacqueline Moir	6745 McLeod Lane NE	Councilor #4	X
	L. Craig Campbell	6736 Fenwick Court N	Councilor #5	X
	Jerry McGee	4310 Shoreline Drive N	Councilor #6	X
	Mark Matlack	1220 Clearview Ave NE	Councilor #6	
November 2000				
	Lore Christopher	6598 Stone Mason Lane NE	Mayor	X
	Roy Duncan	6972 Offenbach Court NE	Councilor #1	
	Judy Smith	1211 Mandarin Street NE	Councilor #1	X
	Ray Kelly	2034 Heatherstone Court NE	Councilor #2	X
	Charles Lee	3445 Willamette Drive N	Councilor #3	X
	Dee Lane	5427 Steven Court N	Councilor #3	
November 2002				
	Lore Christopher	6598 Stone Mason Lane NE	Mayor	X
	Charles Lee	3445 Willamette Drive N	Mayor	
	Jacqueline Moir	6745 McLeod Lane NE	Councilor #4	X
	Richard Walsh	523 Lakefair Place	Councilor #5	X
	Patrick Sieng	7097 Ridgemont Drive N	Councilor #6	
	Jim Taylor	3225 Mayfield Place N	Councilor #6	X
November 2004				
	Lore Christopher	6598 Stone Mason Lane NE	Mayor	X
	David McKane	674 Fall Creek Drive N	Councilor #1	X
	Hersch Sangster	832 Maine Ave	Councilor #1	
	Troy Nichols	1298 Barnick Rd NE	Councilor #2	X

	Charles Lee	3445 Willamette Drive N	Councilor #3	X
November 2006				
	Lore Christopher	6598 Stone Mason Lane NE	Mayor	X
	Cathy Clark	715 Ventura Street N	Councilor #4	X
	Richard Walsh	523 Lakefair Place	Councilor #5	X
	Jerry Nuttbrock	4260 Toni Avenue N	Councilor #5	
	Jim Taylor	3225 Mayfield Place N	Councilor #6	X
November 2008				
	Lore Christopher	6598 Stone Mason Lane NE	Mayor	X
	David McKane	674 Fall Creek Drive N	Councilor #1	X
	Martin Matiskainen	1771 Stone Hedge Drive NE	Councilor #2	
	Brandon Smith	1716 Brian Court NE	Councilor #2	X
	Mark Caillier	1388 Marigold Street N	Councilor #3	X
November 2010				
	Lore Christopher	6598 Stone Mason Lane NE	Mayor	X
	Cathy Clark	715 Ventura Street N	Councilor #4	X
	Joe Egli	4675 Verda Lane NE	Councilor #5	X
	Jim Taylor	1986 Meadowlark Drive NE	Councilor #6	X
November 2012				
	Lore Christopher	6630 Craftsman Loop N	Mayor	X
	David McKane	674 Fall Creek Drive N	Mayor	
	Dennis Koho	1142 Larchwood NE	Councilor #1	X
	Ken LeDuc	4789 Tate Avenue N	Councilor #2	X
	Eamon Bishop	2434 Hassell Court NE	Councilor #3	
	Marlene Quinn	1256 Trent Avenue N	Councilor #3	X
	Matthew Chappell	5025 Bailey Road NE	Councilor #3	
November 2014				
	Cathy Clark	715 Ventura Street N	Mayor	X
	Roland Herrera	1515 Parkside Court NE	Councilor #4	X
	Matthew Chappell	5025 Bailey Road NE	Councilor #5	

	Amy Ripp	308 Crystal Springs Lane N	Councilor #5	X
	Brandon Smith	1716 Brian Court NE	Councilor #6	X
November 2016				
	Cathy Clark	715 Ventura Street N	Mayor	X
	Allen Barker	6602 Koufax Lane NE	Councilor #1	
	Laura Reid	1062 Merlot Avenue NE	Councilor #1	X
	Kim Freeman	1029 Juniper Street NE	Councilor #2	X
	Marlene Parsons	1492 Lydia Avenue N	Councilor #3	X
November 2018				
	Cathy Clark	715 Ventura Street N	Mayor	X
	Roland Herrera	1515 Parkside Court NE	Councilor #4	X
	Shawn Lapof	1994 Chemawa Rd NE	Councilor #5	
	Elizabeth Smith	1335 Prairie Clover Ave NE	Councilor #5	X
	Michael DeBlasi	1191 Mandarin Street NE	Councilor #6	
	Daniel Kohler	182 Cedar Bluff Circle N	Councilor #6	X

Councilors Appointed between 1990 and 2018

January 1993	Marlene Wellin	1311 McNary Estates Dr N	Councilor #4	Fill vacancy created by the election of Dennis Koho to Mayor
August 1995	Bob Newton	6064 12 th Ave NE	Councilor #2	Chet Patterson resignation
July 1998	Lore Christopher	6598 Stone Mason Lane NE	Councilor #2	Dawn Meier resignation

November 1999	J.L. Wilson	236 Evans Avenue N	Councilor #1	Garry Whalen resignation
August 2000	Richard Walsh	523 Lakefair Place	Councilor #5	Craig Campbell resignation
May 2002	Michel Gaynor	1743 Springtime Court NE	Councilor #2	Ray Kelly resignation
March 2007	Jacqueline Moir	6745 McLeod Lane NE	Councilor #3	Charles Lee resignation
September 2007	Brandon Smith	1716 Brian Court NE	Councilor #2	Troy Nichols resignation
June 2013	Kim Freeman	1029 Juniper Street NE	Councilor #2	Ken LeDuc resignation
April 2016	Bruce Anderson	1220 Jays Drive NE	Councilor #6	Brandon Smith resignation
July 2016	Mark Caillier	1388 Marigold Street N	Councilor #1	Dennis Koho resignation

Cities 101 -- At-Large and District Elections



Background

The form of municipal elections varies from city to city, with three common variations: some cities elect their local representatives by at-large elections, some by district, and some using a mixed system.

The election system of a given city is determined by the nature of the council members' constituency and by the presence or absence of party labels on the ballot. With regard to the first feature, there are two types of constituencies for city council members: at-large and district.

At-Large

All at-large members are elected to serve the same constituency, which is the population of the city as a whole. At-large election proponents favor having council members elected by the entire city because:

- ▶ Council members in an at-large system can be more impartial, rise above the limited perspective of a single district and concern themselves with the problems of the whole community;
- ▶ Vote trading between councilmembers may be minimized; and
- ▶ The number of candidates available for election tends to be larger.

However, at-large elections can weaken the representation of particular groups, such as people of color, especially if the group does not have a citywide base of operations or is an ethnic or racial group concentrated in a specific ward.

At-large election systems are prevalent at the municipal level and a considerable majority make use of at-large voting in some way. At-large elections tend to be more practical in small cities and more homogeneous areas.

District

These elections select a single council member from a corresponding geographical section of the city, called a district or ward. District election proponents favor having council members elected to represent individual wards because:

- ▶ District elections give all legitimate groups, especially those with a geographic base, a better chance of being represented on the city council, especially communities of color. Several court decisions have forced jurisdictions to switch from at-large elections to district elections, and in most cases the reason was to allow more representation by specific ethnic and racial groups acknowledging that the prior system was a denial of equal access to the city's political process. (See: *McNeil v. City of Springfield, IL, 1987*; and *Williams v. City of Dallas, 1990*; and *Montes v. City of Yakima, 2014*);
- ▶ District councilmembers are more attuned to the unique problems of their constituents, such as crime levels, small lot development, trash pick-up, potholes, and recreation programs; and
- ▶

District elections may improve citizen participation because councilmembers who represent a specific district may be more responsive to their constituency.

However, councils elected by district elections may experience more infighting and be less likely to prioritize the good of the city over the good of their district. Larger municipalities tend to use district elections (Chicago and Philadelphia are examples).

Mixed-System

More than twenty percent of municipalities combine these two methods by electing some council members at-large and some from districts. Mixed systems which provide more district seats than at-large seats are more likely to stand Constitutional scrutiny.

Sources

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Moulder, Evelina. "Municipal Form of Government: Trends in Structure, Responsibility, and Composition." In *The Municipal Year Book, 2008*. Washington, DC: International City/County Management Association, 2008.

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Svara, James H. *Two Decades of Continuity and Change in American City Councils*

(<http://www.skidmore.edu/~bturner/Svara%20citycouncilrpt.pdf>). Washington, DC: National League of Cities, 2003.

Tags

**FACT SHEET (/RESEARCH-PUBLICATIONS?
FIELD_TAGS_RESOURCE_TARGET_ID=WORKBENCH_ACCESS.ACCESS_SCHEME.I**

Program Area

***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.

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. In the mayor's absence from a council meeting, the council president shall preside over it. 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 resolution 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, upon the mayor's 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.

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.

Section 3.7. Vote Required.

Section 3.8. Record.

Section 4 LEGISLATIVE AUTHORITY

Section 4.1. Ordinances.

Section 4.2. Ordinance Adoption.

Section 4.3. Effective Date of Ordinances.

Section 5 ADMINISTRATIVE AUTHORITY

Section 5.1. Resolutions.

Section 5.2. Resolution Approval.

Section 5.3. Effective Date of Resolutions.

Section 6 QUASI-JUDICIAL AUTHORITY

Section 6.1. Orders.

Section 6.2. Order Approval.

Section 6.3. Effective Date of Orders.

Section 7 ELECTIONS

Section 7.1. Councilors.

Section 7.2. Mayor.

Section 7.3. State Law.

Section 7.4. Qualifications.

Section 7.5. Nominations.

Section 7.6. Terms.

Section 7.7. Oath.

Section 7.8. Vacancies.

Section 7.9. Filling Vacancies.

Section 8 APPOINTIVE OFFICERS

Section 8.1. City Manager.

Section 8.2. City Attorney.

Section 8.3. Municipal Court and Judge.

Section 9 PERSONNEL

Section 9.1. Compensation.

Section 9.2. Merit Systems.

Section 10 PUBLIC IMPROVEMENTS

Section 10.1. Procedure.

Section 10.2. Special Assessments.

Section 11
MISCELLANEOUS PROVISIONS

Section 11.1. Debt.

Section 11.2. Ordinance Continuation.

Section 11.3. Repeal.

Section 11.4. Severability.

Section 11.5. Time of Effect.

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER
Charter Review Committee December 3, 2019

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”

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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 ward system – See staff report and materials</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 over it. Whenever the mayor is unable to perform the functions of the office, the council president shall act as mayor. (11-5-19)</p>	<p>Keizer version – deleted “by ballot”</p>

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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, upon the mayor's 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. 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>Prefer 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>Prefer Keizer version. Suggest adding “or other rules or laws” after “this charter”</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>Prefer 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>Prefer 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</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>Prefer LOC version as more straight-forward and easier to read. Suggest changing “one week” to “five (5) calendar days.”</p>

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<p>writing to the public at least one week before the meeting.</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) 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>Renumber LOC version subsection (e) to (f). Add subsection (e): "The Mayor shall sign all ordinances within three (3) calendar days of passage."</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.		Prefer 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:"			Keizer version does not have similar section. LOC version is appropriate, but suggest 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			Keizer version does not have similar section. LOC version is appropriate

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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>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>Keizer version does not have similar section. LOC version is appropriate</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>Keizer version does not have similar section. LOC version is appropriate, but suggest 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>Keizer version does not have similar section. LOC version is appropriate</p>

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<p>endorse it with the date of approval and the custodian's name and title.</p>			
<p>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.</p>			<p>Keizer version does not have similar section. LOC version is appropriate</p>
<p>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.</p>	<p>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.</p>		<p>(Ward question)</p>
<p>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.</p>	<p>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.</p>		<p>Prefer LOC version, but change last sentence to provide for two year term.</p>

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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>Prefer 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>Prefer 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>Prefer Keizer version (needs further review)</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>Prefer 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>Prefer LOC version; however there are some substantive differences: 1. Keizer version appears to apply to City Manager, City Attorney and Municipal Judge. 2. Level of crime. 3. Absent "from council meetings within a 60-day period" is allowed with council consent in Keizer version; not same in LOC version. 4. "Unlawful destruction of public records" is not a listed reason in LOC version.</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>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>Prefer Keizer version</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>		
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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 manger 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 manger 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 manger, 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>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>		

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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>		

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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>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>		

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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>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>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>Section 11.3. Repeal. All charter provisions adopted before this charter takes effect are repealed.</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>		

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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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