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A G E N D A

KEIZER CITY COUNCIL WORK SESSION

Monday, June 8, 2020

7:30 p.m.

Robert L. Simon Council Chambers

930 Chemawa Road NE

Keizer, Oregon 97303

- 1. CALL TO ORDER**

- 2. ROLL CALL**

- 3. DISCUSSION**
 - a. Keizer Charter Review**

- 4. ADJOURN**

City of Keizer Mission Statement

Keep City Government Costs And Services To A Minimum By Providing City Services To The Community In A Coordinated, Efficient, And Least Cost Fashion

WORK SESSION MEETING: June 8, 2020

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: CHARTER AMENDMENT

The Keizer Charter review began with a Council work session on February 25, 2019. At that work session, the Council determined that it would be appropriate to delete Section 44 (No Special Rights amendment) from the Charter and review the Charter to see if other changes would be appropriate.

As background, the City of Keizer was incorporated in 1982. The first original Charter was adopted March 29, 1983. It was based on a model charter at the time. The Charter was amended in 1985 to require all water department funds to be used exclusively for water department fund expenses. It was also amended in 1992 to make several relatively minor changes.

In 1993, a third amendment was done by an initiative process. The No Special Rights Committee, together with the Oregon Citizens Alliance gathered sufficient signatures to place a measure on the ballot that prohibited the City from granting “special rights” to persons based on sexual orientation. (These groups had failed to have similar measures adopted statewide, and subsequently made a push to adopt them at the city and county level. Several of these local measures were passed around the state.)

Keizer voters approved the measure which was placed in the Charter as Section 44, a copy of which is attached. The City Council at the time had no involvement in this; it was entirely an enactment by the voters. Shortly after that, state law made all the local “no special rights” provisions unenforceable. ORS 659.870 also provides that a lawsuit can be brought if such local legislation is enacted or enforced.

Though state law makes the provision moot and unenforceable, that does not actually remove it from the Charter. To do that requires a Charter revision or amendment passed by the voters.

The City Council formed the Charter Review Committee to develop recommendations for changes to the Charter and forward such changes to the City Council.

The Charter Review Committee has compared the League of Oregon Cities' Model Charter with the current Keizer Charter and has made recommendations for consideration. Sections have been moved, grammatical revisions have been made, sections have been deleted, and some of the sections in the Keizer Charter have been replaced with the League of Oregon Cities' Model Charter to make it easier to read.

The Charter Review Committee has now completed its tasks and is recommending a proposed Charter to the City Council for its review.

Before you tonight is a brief outline of actions taken by the Charter Review Committee (see below), the current Keizer Charter, the recommended Charter, the matrix used by the Committee, and written testimony provided by citizens to the Committee at the public forum. If you desire to review the Charter Review Committee packets, they can be found on the City of Keizer website.

The Charter Review Committee began meeting on November 5, 2019. The first meeting was to provide background information and to suggest a method to review the Charter. I provided the Committee with a matrix and had suggestions with regard to whether the League of Oregon Cities (LOC) Model Charter section or the Keizer Charter section was recommended. For the most part, the Committee started at the beginning and worked toward the end.

The Committee deferred certain sections (Sections 3.1, 7.1, and 7.9 in LOC version, Sections 7, 8, and 30 in Keizer version) until they held a public hearing and received comments. These sections involved four issues. At the April 21, 2020 meeting, I outlined the issues to the Committee as follows:

A. Councilors are currently elected "at-large" meaning they are elected by all the registered voters of the City. A "ward" system elects the councilors from specific geographical areas ("wards") of the City. Do you prefer "ward" or "at-large" councilor positions? Section 3.1 of LOC version; Section 7 of Keizer version.

B. Currently, three councilors are elected every two years in "head-to-head" elections, meaning the candidates choose which numbered position to run for. Another method would be to have all the councilor candidates run against each other and the top three are elected to the three positions. If the at-large method is used, would you prefer "head-to-head", a "top three" or other method be used? Section 7.1 of LOC version; Section 8 of Keizer version.

C. Currently councilors serve four year terms. Would you like to continue with the current four year terms or would you like to see the councilors serve two years instead? Section 7.1 of LOC version; Section 8 of Keizer version.

D. Currently if a council office becomes vacant, the vacancy is filled by appointment. Do you want to change the method from an appointment method to a special election process? If you want to consider a special election process, does it matter how much time is left in the term? Section 7.9 of LOC version; Section 30 of Keizer version.

Due to concerns regarding Covid-19, we modified the April 21, 2020 Charter Review Committee meeting to be a “limited public forum” rather than a public hearing. We encouraged written comments and allowed some participation. We allowed limited in-person testimony. It was determined that full public hearings would be held at the City Council’s discretion.

The Committee has determined it is appropriate to recommend removal of Section 44 as well as change language from “elector” to “registered voter in the City” throughout the Charter. The Committee also recommends not changing the current language with regard to issues A through D above.

I want to point out that it is suggested to change the section relating to an Ordinance being adopted at a single meeting if it is provided five calendar days before the meeting instead of one week before the meeting (Section 4.2). This aligns the Charter and the Council Rules of Procedure.

I reviewed the recommended Charter with outside counsel. Based on that and some other items I discovered, I have some minor revisions to the proposed Charter. None of them are substantive. They are outlined in the fifth column (“Suggested Changes”) of the matrix. I will go over these with Council at the June 8, 2020 work session.

RECOMMENDATION:

Council should review the documentation provided, go over suggested revisions and any questions or concerns, determine if other amendments or revisions are appropriate, and set the matter for public hearings on June 15, 2020 and July 6, 2020.

Please let me know if you have any questions or concerns. Thank you.

ESJ/tmh

SECTION 44. PROHIBIT MINORITY STATUS FOR HOMOSEXUALITY.

- (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.
- (b) City funds shall not be expended to promote homosexuality or express approval of homosexual behavior.
- (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.
- (d) This Section shall not be construed to limit public libraries from providing materials for adults which address homosexuality.
- (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.
- (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 employment, unless such actions disrupt the workplace.
- (g) This Section shall be an explicit and necessary restriction and limitation upon the authority of the Council.
- (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. *[Initiative passed by the voters on November 9, 1993]*

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

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



Incorporated November 2, 1982

Adopted by the Voters on March 29, 1983

Amended by the Voters on March 26, 1985

Amended by the Voters on November 3, 1992

Amended by the Voters on November 9, 1993

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A CHARTER

To provide for the government of the City of Keizer, Marion County, Oregon.

Be it enacted by the people of the city of Keizer, Marion County, Oregon:

CHAPTER I: NAME AND BOUNDARIES

SECTION 1. TITLE OF ENACTMENT. This enactment may be referred to as the Keizer City Charter as amended.

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 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.

CHAPTER II: POWERS

SECTION 4 . P OWERS O F T H E C ITY. 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 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.

CHAPTER III: FORM OF GOVERNMENT

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.

SECTION 7. COUNCIL. The council shall be composed of a mayor and six councilors elected from the city at large by numbered positions.

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.

SECTION 9. MAYOR. The term of office of the Mayor in office when this charter is adopted is the term of office for which the mayor has been elected before adoption of the charter. The term of office of the mayor elected at the time of adoption of the charter shall begin as provided by Section 26 of this charter. At the next general election after this adoption, a mayor shall be elected for a two year term.

SECTION 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.

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.

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.

CHAPTER IV: COUNCIL

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.

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.

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.

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.

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.

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.

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.

CHAPTER V POWERS AND DUTIES OF OFFICERS

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.

SECTION 21. CITY MANAGER.

(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.

(b) **Term**

The manager shall be appointed by a majority of all members of the council for an indefinite term and may be 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.

(c) **Powers and Duties**

The powers and duties of the manager shall be as follows:

- (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.
- (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.
- (3) The city manager shall appoint and may remove appointive city officers and employees except as this charter otherwise provides, and shall have 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.

- (4) The city manager shall organize and reorganize the departmental structure of city government.
 - (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.
 - (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.
- (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.
- (e) **Manager Pro Tem**
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 tem, who shall possess the powers and duties of the manager. No manager pro tem, however, may appoint or remove a city officer or employe except with the approval of three-fourths of the members of the council. No manager pro tem shall hold the position as such for more than six months, and no appointment of a manager pro tem shall be renewed.
- (f) **Interference in Administration and Elections**
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 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.

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 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.

SECTION 23. (This section left intentionally blank.)

CHAPTER VI: ELECTIONS

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.

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.

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.

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.

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.

CHAPTER VII: VACANCIES IN OFFICE

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 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.

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 tern 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.

CHAPTER VIII: ORDINANCES

SECTION 31. ENACTING CLAUSE. The enacting clause of all ordinances hereafter enacted shall be, "The City of Keizer ordains as follows:"

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 vote of all councilors present, upon being read first in full and then by title.
- (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.
- (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.
- (5) Upon the enactment of an ordinance the custodian of city records shall sign it with the date of its passage 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 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.

CHAPTER IX: PUBLIC IMPROVEMENTS

SECTION 3 4. CO NDEMNATION. 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 3 5. I MPROVEMENTS. 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".

SECTION 3 6. S PECIAL A SSESSMENTS. 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.

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.

CHAPTER X: MISCELLANEOUS PROVISIONS

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.

SECTION 3 9. E XISTING O RDINANCES 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.

SECTION 40. 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.

SECTION 41. NUMBER AND CA PTIONS. 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 42. TIME OF EFFECT OF CHARTER. This charter shall take effect upon its passage.

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. [Referred to the people by the city council; passed March 26, 1985.]

SECTION 44. PROHIBIT MINORITY STATUS FOR HOMOSEXUALITY.

- (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.
- (b) City funds shall not be expended to promote homosexuality or express approval of homosexual behavior.
- (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.
- (d) This Section shall not be construed to limit public libraries from providing materials for adults which address homosexuality.
- (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.
- (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 employment, unless such actions disrupt the workplace.
- (g) This Section shall be an explicit and necessary restriction and limitation upon the authority of the Council.
- (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. *[Initiative passed by the voters on November 9, 1993]*

***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__.

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER
City Council June 8-2020

LOC MODEL	CURRENT CITY	APPROVED LANGUAGE	COMMENT/DIFFERENCE	SUGGESTED CHANGES
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 “including powers hereafter granted or allowed”	
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.	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.	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)	Keizer version	

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER
City Council June 8-2020

<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 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 may not delegate its authority to adopt ordinances.</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>Section 3.1 Council. The council shall be composed of a mayor and six councilors elected from the City at large by numbered positions. (4-21-20)</p>	<p>Keizer version</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. The mayor is a voting member of the council and has no veto authority. a) With the consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution. b) The mayor must sign all records of council decisions. 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. 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. 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. (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</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</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. The council president shall be elected by a vote of not less than four (4) councilors. In the mayor's absence</p>	<p>Keizer version – deleted "by ballot". Added vote of not less than 4 councilors.</p>	<p>Section 3.3. Council President. At its first meeting of each odd-numbered year, the council members shall elect a president from its membership. The council president shall be elected by a</p>

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER
City Council June 8-2020

<p>as mayor when the mayor is unable to perform duties.</p>	<p>over it. Whenever the mayor is unable to perform the functions of the office, the president shall act as mayor.</p>	<p>from a council meeting, the council president shall preside. Whenever the mayor is unable to perform the functions of the office, the council president shall act as mayor. (11-5-19) (1-7-20) (3-3-20)</p>		<p>vote of not less than four (4) council members. 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.</p>
<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 ordinance adopt rules to govern committees, members and proceedings. (11-5-19) (2-4-20)</p>	<p>LOC version slightly modified – changed resolution to ordinance</p>	<p>Section 3.4. Rules. The council must adopt rules to govern committees, members and proceedings.</p>
<p>Section 3.5. Meetings. The council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with the rules and laws of the state of Oregon.</p>	<p>Section 13. Meetings. The council shall hold a regular meeting at least once each month in the city at a time and at a place which it designates. It shall adopt rules for the government of its members and proceedings. The mayor, upon his or her own motion may, or at the request of three members of the council shall, by giving notice thereof to all members of the council, call a special meeting of the council for a time after the notice is given. Special meetings of the council may also be held at any time by the common consent of all the members of the council.</p>	<p>Section 3.5. Meetings. a) The council shall hold a regular meeting at least once each month in the City at a time and at a place which it designates. b) The mayor may call a special Council meeting at mayor's own discretion, or at the request of three council members. Any special meeting shall occur as provided under state law. (12-11-19) c) Special meetings of the council may also be held at any time by the common consent of all the members of the council. d) All meetings shall be held and conducted pursuant to state law. (11-5-19)</p>	<p>Keizer version broken into subsections – moved “council rules” to Section 3.4 above. Added “state rules” in subsection (d).</p>	<p>Section 3.5. 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, and shall call a special meeting 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.</p>
<p>Section 3.6. Quorum. A majority of the council members is a quorum to conduct business. In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules.</p>	<p>Section 14. Quorum. A majority of the incumbent members of the council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.</p>	<p>Section 3.6. Quorum. A majority of the council members is a quorum to conduct business. In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules. (12-11-19)</p>	<p>LOC version</p>	<p>Section 3.6. Quorum. A majority of the members currently serving on the Council, excluding vacant seats, shall constitute a quorum. 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 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</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</p>	<p>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</p>	<p>Keizer version, adding “or other rules or laws”. Changed “provides” to “provide”.</p>	

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER
City Council June 8-2020

charter requires approval by a majority of the council.	quorum of the council is present shall decide any question before the council.	present shall decide any question before the council. (12-11-19) (3-3-20)		
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 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.	Section 3.8. Record. A record of council meetings must be kept in a manner prescribed by the council rules and the laws of the state of Oregon. (12-11-19)	LOC version	
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:".	Section 31. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, "The City of Keizer ordains as follows:"	Section 4.1. Ordinances Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, "The City of Keizer ordains as follows:" (12-11-19)	Keizer version	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:".
Section 4.2. Ordinance Adoption. a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings. b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council, provided the proposed ordinance is available in writing to the public at least one week before the meeting. 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) 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 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 vote of all councilors present, upon being read first in full and then by title. (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	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. (12-11-19)	LOC version changing "one week" to "five (5) calendar days." Add subsection (e) to LOC version and renumbers subsection (e) to (f).	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 if: (1) all members of the council present and voting approve the ordinance by unanimous vote; (2) the members of the council present and voting constitute a quorum of the council; and (3) 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 at a meeting, or made available in writing to the public, before the council adopts the amended ordinance. 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.

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	<p>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 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.</p>			<p>f) After adoption of an ordinance, the City custodian of records must endorse it with the date of adoption and the custodian's name and title.</p>
<p>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.</p>	<p>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.</p>	<p>Section 4.3. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause. (12-11-19)</p>	<p>LOC version</p>	
<p>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:"</p>		<p>Section 5.1. Resolutions. The approving clause for resolutions may state "The City of Keizer resolves as follows:" (12-11-19)</p>	<p>LOC version, deleting first sentence of Section 5.1</p>	<p>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:"</p>
<p>Section 5.2. Resolution Approval.</p> <p>a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.</p> <p>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.</p>		<p>Section 5.2. Resolution Approval.</p> <p>a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.</p> <p>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.</p>	<p>LOC version</p>	<p>Section 5.2. Resolution Approval.</p> <p>a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.</p> <p>b) Any substantive amendment to a proposed resolution must be read aloud at a meeting, or made available in writing to the public, before the</p>

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<p>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.</p>		<p>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. (12-11-19)</p>		<p>council adopts the amended resolution. c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes. d) The mayor shall sign all resolutions within three (3) calendar days of passage. e) 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>Section 5.3. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution. (12-11-19)</p>	<p>LOC version</p>	
<p>Section 6.1. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Keizer orders as follows:"</p>		<p>Section 6.1. Orders. The approving clause for orders may state "The City of Keizer orders as follows:" (12-11-19)</p>	<p>LOC version, deleting first sentence of Section 6.1</p>	<p>Section 6.1. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Keizer orders as follows:"</p>
<p>Section 6.2. 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 endorse it with the date of approval and the custodian's name and title.</p>		<p>Section 6.2. Order Approval. a) Approval of an order requires approval by the council at one meeting. b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order. c) After approval of an order, the vote of each member must be entered in the council minutes. d) After approval of an order, the City custodian of records must endorse it with the date of approval and the custodian's name and title. (12-11-19)</p>	<p>LOC version, deleting references to quasi-judicial decision</p>	<p>Section 6.2. Order Approval. a) Approval of an order requires approval by the council at one meeting. b) Any substantive amendment to a proposed order must be read aloud at a meeting, or made available in writing to the public, before the council adopts the amended order. c) After approval of an order, the vote of each member must be entered in the council minutes. d) The mayor shall sign all orders within three (3) calendar days of passage. e) 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.</p>

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<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>Section 6.3. Effective Date of Orders. Orders take effect on the date of final approval, or on a later day provided in the order. (12-11-19)</p>	<p>LOC version, deleting reference to quasi-judicial decisions</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>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. (3-3-20) (4-21-20)</p>	<p>Renumbered to Section 7.3. Keizer version</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>Section 7.2. Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a two-year term. (12-11-19)</p>	<p>LOC version, change to provide for two year term</p>	
<p>Section 7.3. State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.</p>	<p>Section 24. Regulation of Election Generally. Except as this charter provides otherwise, or the council provides otherwise by ordinances, general laws of the state apply to city elections.</p>	<p>Section 7.1. 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. (12-11-19)(3-3-20)</p>	<p>LOC version. Renumbered to Section 7.1.</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.</p>	<p>Section 12. Qualifications of Officers. No person shall be eligible for an elective office of the city unless at the time of his or her election he or she is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. The council shall be final judge of the qualifications and election of its own members.</p>	<p>Section 7.4. Qualifications. a) The mayor and each councilor must be a registered voter 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.</p>	<p>LOC version – changed “qualified elector” to “registered voter”</p>	<p>Section 7.4. Qualifications. a) The mayor and each councilor must be a registered voter in the City under state law, at the time of election or appointment and during their term of office, 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.</p>

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<p>d) The council is the final judge of the election and qualifications of its members.</p>		<p>d) The council is the final judge of the election and qualifications of its members. (12-11-19)</p>		<p>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.</p>
<p>Section 7.5. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.</p>	<p>Section 28. Nominations. A qualified elector who has resided continuously in the city during the 12 months immediately preceding an election may be nominated for an elective city office to be filled at the election. The nomination shall be by a petition that specifies the office sought. The petition shall be signed by not fewer than 120 electors.</p>	<p>Section 7.5. Nominations. A Keizer resident who meets the qualifications in Section 7.4 may file to run for an elective City office to be filled at the election. The nomination shall be by a petition that specifies the office sought. The petition shall be signed by not fewer than 120 registered voters in the City. (12-11-19) (3-3-20)</p>	<p>Keizer version with revision to first sentence. Revised electors to registered voters</p>	
<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>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. (2-4-20)</p>	<p>LOC version</p>	
<p>Section 7.7. Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.</p>	<p>Section 27. Oath of Office. Before assuming city office, an officer shall take an oath or shall affirm that he or she will faithfully perform the duties of the office and support the constitution and laws of the United States and of the State of Oregon.</p>	<p>Section 7.7. Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon. (1-7-20)</p>	<p>LOC version</p>	
<p>Section 7.8. Vacancies. The mayor or a council office becomes vacant: a) Upon the incumbent's: 1) Death; 2) Adjudicated incompetence; or 3) Recall from the office. b) Upon declaration by the council after the incumbent's: 1) Failure to qualify for the office within 10 days of the time the term of office is to begin; 2) Absence from the city for 30 days without council consent, or from all council meetings within a 60-day period;</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</p>	<p>Section 7.8. Vacancies. The mayor or a council office becomes vacant: a) Upon the incumbent's: 1) Death; 2) Adjudicated incompetence; or 3) Recall from the office. b) Upon declaration by the council after the incumbent's: 1) Failure to qualify for the office within 10 days of the time the term of office is to begin; 2) Absence from the City for 30 days without council consent, or from all council meetings within a 60-day period without council consent;</p>	<p>LOC version, except removed conviction of misdemeanor and added "or other crime pertaining to their office". Added "council consent" at the end of subsection (b)(2). Add "intentional unlawful destruction of public records" as (b)(6) and renumber list. Replaced elector with registered voter in the City in subsection (b)(4).</p>	<p>Section 7.8. Vacancies. The mayor or a councilor 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</p>

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<p>3) Ceasing to reside in the city; 4) Ceasing to be a qualified elector under state law; 5) Conviction of a misdemeanor or felony crime; 6) Resignation from the office; or 7) Removal under Section 8.1(i).</p>	<p>without the consent of the council or upon his or her absence from meetings of the council for 60 days without like 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>3) Ceasing to reside in the City; 4) Ceasing to be a qualified registered voter in the City under state law; (3-3-20) 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). (1-7-20) (2-4-20)</p>		<p>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; (3-3-20) 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).</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>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 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. (4-21-20)</p>	<p>Keizer version</p>	
<p>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</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</p>	<p>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</p>	<p>LOC version – Changed removal from a majority of the council to require 4 votes. Added requirement for a bond. Added no control of city attorney. Removed (c). Removed (e)(8) and (e)(9).</p>	<p>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 councilors for the proper administration of all City</p>

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<p>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> <ol style="list-style-type: none"> 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) Encourage and support regional and intergovernmental cooperation; 9) Promote cooperation among the council, staff and citizens in 	<p>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 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</p>	<p>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. 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>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.</p> <p>d) The manager must:</p> <ol style="list-style-type: none"> 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. 	<p>Moved the last sentence in 8.1(h) to the beginning of 8.1(h).</p>	<p>business. The city manager will assist the mayor and councilors in the development of city policies, and carry out policies established by ordinances and resolutions.</p> <p>b) A vote of not less than four (4) council members is required to appoint or 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.</p> <p>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) council members. The council must fill the office by appointment as soon as practicable after the vacancy occurs.</p> <p>d) The manager must:</p> <ol style="list-style-type: none"> 1) Attend all council meetings unless excused by the mayor or councilor; 2) Make reports and recommendations to the mayor and councilors 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;
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<p>developing city policies and building a sense of community; 10) Perform other duties as directed by the council; and 11) Delegate duties, but remain responsible for actions of all subordinates. f) The manager has no authority over the council or over the judicial functions of the municipal judge. g) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions. h) When the manager is temporarily disabled from acting as manager or when the office of the manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval. i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.</p>	<p>reports annually, or more frequently if requested by the council, of all the affairs and departments of the city. (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. (3) The city manager shall appoint and may remove appointive city officers and employees except as this charter otherwise provides, and shall have 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. (4) The city manager shall organize and reorganize the departmental structure of city government. (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. (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. (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. (e) Manager Pro Tem</p>	<p>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. (2-4-20) (3-3-20)</p>		<p>6) Prepare and administer the annual City budget; 7) Have general supervision over 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, the city attorney's office, 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, council members 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.</p>
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COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER
City Council June 8-2020

	<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 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>			
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COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER
City Council June 8-2020

<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 8.2. 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. (2-4-20)</p>	<p>LOC version</p>	
<p>Section 8.3. Municipal Court and Judge. a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold 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;</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. 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</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 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;</p>	<p>LOC version</p>	<p>Section 8.3. Municipal Court and Judge. a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court at such place as the council directs. The court will be known as the Municipal Court. b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts. 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;</p>

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER
City Council June 8-2020

<p>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.</p>	<p>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 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>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. (2-4-20)</p>		<p>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 court.</p>
<p>Section 9.1. Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.</p>	<p>Section 11. Salaries. The compensation for the services of each city officer and employee shall be the amount fixed by the council. Councilors shall be unpaid except that they may be reimbursed for ordinary and necessary expenses incurred in the performance of their official duty.</p>	<p>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. (2-4-20)</p>	<p>LOC version – added last sentence from Keizer version</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. Council members shall be unpaid except that they may be reimbursed for ordinary and necessary expenses incurred in the performance of their official duty.</p>
<p>Section 9.2. Merit Systems. The council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and</p>		<p>LEAVE OUT (2-4-20)</p>		

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER
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dismissal of city employees based on merit and fitness.				
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.	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".	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. (2-4-20)	LOC version – delete “the making, altering, vacating, or abandoning of a”	DELETE THIS SECTION.
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 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.	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. (2-4-20)	LOC version	DELETE THIS SECTION.
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.	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.	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. (2-4-20)	Keizer version	
Section 11.2. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.	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.	Section 4.4. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed. (2-4-20)	LOC version – renumbered this section to Section 4.4	

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER
City Council June 8-2020

Section 11.3. Repeal. All charter provisions adopted before this charter takes effect are repealed.		Section 11.2. Repeal. All charter provisions adopted before this charter takes effect are repealed. (2-4-20)	LOC version – renumbered to Section 11.2	
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.	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.	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. (2-4-20)	LOC version – renumbered to Section 11.3	
Section 11.5. Time of Effect. This charter takes effect _____, 20__.	Section 42. Time of Effect of Charter. This charter shall take effect upon its passage.	Section 11.7. Time of Effect. This charter takes effect _____, 20__. (2-4-20)	LOC version – renumbered to Section 11.7	Section 11.8. Time of Effect. This charter takes effect _____, 20__.
	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.	DO NOT INCLUDE – ALREADY INCLUDED IN SECTION 5.2. (2-4-20)		
	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.	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. (2-4-20)	Keizer version - renumbered to Section 7.10	
	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.	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. (2-4-20)	Keizer version – renumbered to Section 11.4	DELETE THIS SECTION
	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.	LEAVE OUT (2-4-20)		
	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.	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. (2-4-20) (3-3-20)	Keizer version – renumbered to Section 11.6	

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER
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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 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. (2-4-20)</p>	<p>Keizer version – renumbered to Section 11.5</p>	
	<p>Section 44. Prohibit Minority Status for Homosexuality. (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. (b) City funds shall not be expended to promote homosexuality or express approval of homosexual behavior. (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. (d) This Section shall not be construed to limit public libraries from providing materials for adults which address homosexuality. (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</p>	<p>REMOVE SECTION (2-4-20)</p>		

COMPARISON OF LOC MODEL CHARTER AND KEIZER CHARTER
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	<p>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 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>			
				<p>Section 11.7. Amendments and Revisions. No amendment, revision or repeal of this Charter may take effect unless approved by City voters. Either the council by a majority vote or City voters by an initiative petition may refer an amendment of this Charter to the City voters. Only the Council, by a majority vote, may refer a revision or repeal of this Charter to the City voters.</p>

From Dan Kohler

Date: April 20, 2020 at 8:12:56 PM PDT

To: charterreview@keizer.com

Subject: Wards

I have attended nearly all the charter review committee meetings. I thought the discussion of wards was put to bed long ago.

I am against changing from at large to wards.

Please contact me if you need more input from me.

Daniel R Kohler

Sent from Dan @ Professional Preneeds, Inc.

503-559-6300

My goal is to only let you down once.

From Carol Doerfler

Date: April 20, 2020 at 11:10 AM PDT

To: charterreview@keizer.com

Subject: Options

The only issue that you are putting up for public comment that I feel strongly about would be the "Term Limits" for Keizer City Councilors-

#1- I feel the Ward vs at-large issue has not had enough discussion-

2 -Council vacancies- to fill by Special election is too expensive-

#3 - Current Elections have run smoothly for years as is-

#4- Term Limits-

I feel 2 years is just NOT enough time to get your head wrapped around everything you are required to be familiar with and to become very knowledgeable about how the City works-

I would prefer that the current 4 years remain in place however if there is a strong enough feeling from past and present Councilors that this is too long perhaps 3 years would be an option-

Is there a reason" even" years have been chosen and have the past and present Councilors opinions been solicited?

Thank You for all of your hard work on this very important document-

Carol Doerfler

4615 Shoreline Dr. N.

Keizer, Oregon 97303

From: carol doerfler <kares97303@comcast.net>

Sent: Saturday, April 18, 2020 8:24 PM

To: smithe@keizer.org

Subject: Charter Review Public Hearing

As I sit here debating whether I want to "go" to the Public Hearing on the final draft review of the City of Keizer Charter revisions I am struck by how important this is and how hard you all have worked to "get this right" and how few of our Citizens will be unable , do not know , or will chose not to attend because of being electronically shy-

Has there been any consideration given to postponing this Public Hearing to give the Citizens a "true

voice " and choice to comment?

When does the Charter have to be submitted to appear on the Ballot? Is there enough time to postpone for a few weeks ?

Perhaps by then we can have a true "Public Forum"-

Thanks for your hard work on this very important document-

Carol Doerfler

From Garry Whalen

4/21/20

2:18 pm

On the four issues for public comment my position is that it is in the best interest of registered voters that council positions remain "at large" and in head to head elections. Terms for councilors should remain at 4 years so a new councilor can get acclimated and be productive before seeking reelection. Additionally for seated councilors a four year term allows them on conducting the business of the city rather than spending time on the distraction of a 2 year reelection.

Apologize for my unplanned and short notice absence.

Garry

From: Michael De Blasi <michaeldeblasi@yahoo.com>

Sent: Monday, April 20, 2020 1:55 PM

To: Smithe@keizer.org; clarkc@keizer.org

Subject: City Charter public meeting

Madam Mayor and Councilor Smith,

Tomorrow night the public meeting for the City Charter updates will be broadcast on Zoom. I believe that this work and the public input is too important to conduct the meeting over Zoom.

There will not be the level of public input as at a typical meeting and anyone who has testimony to present, as I do, will not have the same ease as would be at the normal meeting.

I recommend that we postpone the meeting until the restrictions are eased.

Thank you considering my request.

Stay well,

Mike

Michael A. De Blasi 541-226-6011



Elizabeth Smith

9 hrs · ▼



Ok Keizer, I need feedback on this. Divide Keizer into "Wards" like Salem? Or leave it alone?



Elizabeth Smith, Keizer City Council

9 hrs ·

Do you think Keizer should vote to change the City Charter to establish a "ward" system for elections? This would divide Keizer into "Wards" vs the "at large" system currently in place since the City was established? Written testimony may be submitted to CharterReview@Keizer.org

3

31 Comments

Like

Comment

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Marlene Parsons Keep the same

Like · Reply · 9h

3



Daniel Kohler Keep the same

Like · Reply · 9h



Bruce Anderson I agree with [Marlene](#): keep it as it is. Wards would breed selective focus to the ward and those voters. City Council needs to continue to be voted on by the entire city - accountability is key!

Like · Reply · 9h



Alicia Itzaina [Bruce Anderson](#) this is especially insightful coming from you with your knowledgeable and political background!

Like · Reply · 6h · Edited



Bruce Anderson Thanks, [Alicia](#)! Appreciate your kind words! Hope you are well!

Like · Reply · 6h



↩ View 1 more reply



Todd Smith Leave it alone! You will NEVER please everyone!

Like · Reply · 8h



Lauren Brouse Leave it alone.

Like · Reply · 8h



Scott Harms Yeah, leave it...

Like · Reply · 8h





Danielle Bethell I don't believe it necessary. People who want to run and serve, will. The school board has zones but is an at large vote. I have the opportunity to be a voice and present for all students, not just focus on the few.

I believe when you create segregation a narrow lens follows. I do not support the ward concept.

I also believe if there is a feeling that some of our community isn't represented then those individuals who feel that way need to step up and recruit and educate and seek individuals to engage.

Being chosen as a leader should be much more than starting with your address.

Like · Reply · 9h



Lore Christopher Danielle Bethell DITTO! Well said Danielle!

Like · Reply · 6h



Alicia Itzaina Danielle Bethell my sentiment as well. As someone who lived in Salem for about 25 years and has now been in Keizer for almost 7 years I believe no wards is the best way. Wards seem to have been divided by class in Salem and it feels like there are wealthy wards and poor wards. It often feels like the wealthy wards get better representation than other wards instead of looking at Salem as a whole unit.

Like · Reply · 6h





Kenny Engelking I think it's good as it is; we live up in the Meadows and recognize the differences between my area and parts of south Keizer. I think you could do something like the SKSB and have an at large vote, with certain positions assigned to "districts/wards."

However, I don't see a benefit to changing. Looking at Salem and their council structure isn't exactly compelling at this point.

Like · Reply · 8h



Ross Day LEave it alone

Like · Reply · 8h



James Marshall I feel that the current system of non assigned counselors is best.

By creating wards, you run the risk of creating unintended economic or class divisions, which I believe would be harmful to the Keizer community as a whole. ... [See More](#)

Like · Reply · 8h



Bob Parsons I'm opposed to ward's. The current system allows for a resident of the city to reach out to any or all councilors. Ward's would limit that input. I further believe it would be much harder to find canidates to run.

Like · Reply · 7h



Caithlin Kapsner Please let's leave it alone.

Like · Reply · 7h





Alicia Itzaina I must admit I am not knowledgeable enough to know any discernible difference between wards and no wards. However, based on what I can assume and being someone who lived in Salem and is now in Keizer I think no wards is the best way. Wards seem to have... [See More](#)

Like · Reply · 6h



Lore Christopher LEAVE IT ALONE! Elected officials should make policy decisions based on the collective impact, not on a specific smaller segment. In a town of 40,000 you would be representing only 5,700 people, with specific interests.

Like · Reply · 6h



Alicia Itzaina Would it be beneficial to submit written testimony?

Like · Reply · 6h



Elizabeth Smith Alicia Itzaina - yes. Please email charterreview@Keizer.org . Also cc SmithE@keizer.org

Like · Reply · 5h



Alicia Itzaina Elizabeth Smith will do!

Like · Reply · 4h



Jeff Anderson Keizer is to small for wards

Like · Reply · 5h



Kimberly Perkins Leave it as is.

Like · Reply · 5h





Melissa Martin-Freed No to wards. The status quo ensures all of Keizer is represented fairly and equally.

Like · Reply · 5h



Larry Jackson Leave it alone. People with agenda's want a way to slip in and change keizer that does not represents keizer as a whole

Like · Reply · 4h · Edited



Rob Conahey I also agree with Marlene let's keep it the way it is the current system makes the council work for everyone not just those in their ward. It also reduces the possibility of corruption and favorable and preferential treatment of a particular group or area

Like · Reply · 4h



Bry Taylor-Campos What would the benefit be to have wards?

Like · Reply · 4h



Christine Jones Dieker If it is not broke don't fix it. 🙄

Like · Reply · 3h



Michelle Gander What's the purpose?

Like · Reply · 3h



Jim Taylor Not enough population. We're small enough to be able to cover everybody's needs. We looked at this before and nothing's changed.

Like · Reply · 45m

PUBLIC INPUT REVISED DUE TO COVID-19 – SEE NOTICE AT END

2020 CHARTER REVISION SUMMARY

A Charter is the constitution for the local governments. It lays out the basic framework for how the City governs itself. The original Keizer Charter was adopted March 29, 1983. The Charter was amended in 1985 to require all water department funds to be used exclusively for water department fund expenses. It was also amended in 1992 to make several relatively minor changes.

In 1993, a third amendment was done by an initiative process. The No Special Rights Committee, together with the Oregon Citizens Alliance gathered sufficient signatures to place a measure on the ballot that prohibited the City from granting “special rights” to persons based on sexual orientation. Keizer voters approved the measure which was placed in the Charter as Section 44. Because it was by initiative petition, the City Council had no involvement in its adoption. Shortly after that, state law made all the local “no special rights” provisions unenforceable. However, to remove the provision from the Charter, a Charter amendment or revision must be passed by the voters.

Last year, the City Council determined that it would be appropriate to delete Section 44 from the Charter and review the Charter to see if other changes would be appropriate. The City Council formed a Charter Review Committee to receive recommendations for changes to the Charter, hold public hearings on proposed changes and recommend changes to the City Council.

The Charter Review Committee has compared the League of Oregon Cities’ Model Charter with the current Keizer Charter and has made recommendations for consideration. Sections have been moved, grammatical revisions have been made, sections have been deleted, and some of the sections in the Keizer Charter have been replaced with the League of Oregon Cities’ Model Charter to make it easier to read. Below is a highlight of some of the major revisions:

1. The Keizer Charter has Section 44 as mentioned above. The Charter Review Committee is recommending removal of this Section to be consistent with state law.

This is a good proposal.

2. The current Keizer Charter states that an Ordinance must be available one week before the first reading of the Council. The suggestion is to change this from one week to five calendar days.

I would recommend longer. I would say 10 business days. In the spirit of true transparency, I believe that 5 days is not enough. This will better allow citizens to do research and prepare items for discussion, it will also allow more time for councilors to review and ask staff questions.

3. The current Keizer Charter uses the term “elector” throughout the document. It is recommended that this term be revised to “registered voter in the City.”

The Keizer Charter Review Committee would like input on the draft Charter, especially on three sections. These sections have a placeholder in the current draft Charter and are left blank (Sections are 3.1, 7.1 and 7.9). These sections have been deferred for public input. Questions to consider for these sections are as follows:

A. Councilors are currently elected “at-large” meaning they are elected by all the registered voters of the City. A “ward” system elects the councilors from specific geographical areas (“wards”) of the City. Do you prefer “ward” or “at-large” councilor positions?

I believe the current approach to electing councilors is the most appropriate. With a city geographically as small as Keizer is, it would be too challenging to carve out wards. What we need to focus on is engaging people in all areas of the city to participate and not force it.

B. Every two years, three councilors are elected in “head-to-head” elections, meaning the candidates choose which numbered position to run for. Another method would be to have all the councilor candidates run against each other and the top three are elected to the three positions. If the at-large method is used, would you prefer an at-large, a “top three” or other method be used?

The current method works and creates a good plan of succession. Going to this other suggested model could severely disrupt the flow of work and have extensive negative impacts on the work the city is engaged in. Allowing councilors to elect on different cycles ensures continuity and also retains knowledge and expertise.

C. Currently councilors serve four year terms. Would you like to continue with the current four year terms or would you like to see the councilors serve two years instead?

Four years is good, for the most part it takes 18 months to get on their feet. We are short staff time anyways, so having to retrain new councilors over and over is a waste of time and resources that need to be focused on the work Keizer needs to accomplish. Not to mention the burden of running campaigns every two years. It is a waste of money.

D. Currently if a council office becomes vacant, the vacancy is filled by appointment. Do you want to change the method from an appointment method to a special election process? If you want to consider a special election process, does it matter how much time is left in the term?

Keep it the way it is.

PUBLIC FORUM NOTICE

The Charter Review Committee will hold a limited public forum on April 21, 2020 at 6:00pm at the Keizer Civic Center. Please relay any input you have on the draft Charter to charterreview@keizer.org or Debbie Lockhart, Deputy City Recorder at LockhartD@Keizer.org, PO Box 21000, Keizer, OR 97307 or 930 Chemawa Road NE, Keizer, OR 97303. Due to concerns regarding COVID19, we would like to encourage anyone who wishes to participate in the meeting on April 21, 2020 at 6:00 p.m. to provide public testimony via email or written correspondence, rather than attending the meeting in person. Please provide your comments on or before April 21, 2020 at 5:00 p.m. The following options are available for participation:

- Written comments may be submitted by email or mail as indicated above. City Hall is currently closed to the public, but comments may be dropped off at a table in the Civic Center lobby.
- Individuals may participate online through the ZOOM web conferencing platform. Contact Debbie Lockhart at lockhartd@keizer.org or by phone at (503)856-3418 no later than 3:00 p.m. on April 21, 2020 to register for ZOOM participation.

- We will be practicing social distancing and other safety measures within the Council Chambers. There will be very limited allowance to testify in person at the Council Chambers.

Your time and input is appreciated. Thank you.

I come to you tonight to illustrate how the At-Large system of electing City Council members does not represent all the residents of Keizer. Only by creating Wards with dedicated Council seats can we truly represent all residents in the city.

The maps that you are seeing show the address of all the councilmembers at the time they served since 1990. The districts that you can see are the voting districts established by Marion County. For simplicity, I have used these districts rather than subdivide the city some other way. Some of these districts have no residences, so they were not included in this comparison. I obtained the addresses from the city records and marked where they are on the maps.

On the graph, I have shown the total number of candidates per District, the number of candidates within each district as a percentage of the total and a similar method showing those elected.

There are clear “winners” amongst the Districts.

When you look at the numbers, since 1990 District 403 - Gubser and District 406 – southwest Keizer, have had most of the candidates and most of the elected officials. The Gubser district has had 27 candidates, 20 of whom have been elected and SW Keizer has had 25 candidates, also 20 who have been elected. As Keizer has grown to the north, the Gubser district influence has waned while SW Keizer has maintained a strong influence.

Ironically, there have been three councilors from within 300 feet of my house. However, they served in the 1990’s and early 2000’s.

As you can see in these maps and graph, only 5 candidates from District 407, in the southeast portion of Keizer, have run for a Council seat. Of those 5, only 1 has been elected – Joe Egli. Most of the 5 candidates ran for office in the 1990’s when the far northern part of Keizer was still sparsely populated. It should be expected that District 407 would have a higher number of candidates. But even then, this part of Keizer was still not seeing itself represented on the Council.

District 408, which is a very small district within Keizer but still with residences, has had no candidates.

District 401, the far north part of Keizer, has had 7 people run for Council 5 of which have won, with the majority in this last decade. I have included 2 aerial photos of Keizer, one from 1967 and the other from 1984 to show Keizer’s early development pattern. The older photo shows where the earliest mid-century growth occurred; it was mostly in the southern part of Keizer, with the Districts 403, 404 and 405 only just

beginning to get developed. By 1984, just after the city incorporated, the southern part of Keizer had filled in and Districts 403, 404 and 405 were filling in.

It is hard to make an argument that the At-Large system is fair and yet the most recently populated part of the city has had more candidates and more councilors than one of the oldest and poorest, parts of town.

The flip side of the Disenfranchisement Coin is keeping those not in power from having a voice in the City's decision-making. It would also be naïve to assume that those with financial resources and the political and social connections will have the same chance at getting elected to office as those with out those resources and connections. Even just attempting to run for office requires time and resources. Without connections, it is highly doubtful that a person would receive money and assistance from special interest groups. And without connections, a person would not be part of the groups with influence and money.

I believe it is safe to assume that not every person who has been in office was the best person for the job. But structural hurdles placed by the At-large positions prevent those potentially better qualified from running for, much less winning, a council seat.

I do not believe that when the city was established, the At-Large system was created without the understanding that certain people will have more control. And since then, there has been either an unspoken understanding that the current system favors certain people and parts of the city OR there is an unknown bias that certain people are "better" to be on the Council. Even today this bias is ignored. For example, during the last Charter Review committee meeting, Councilor Smith read testimony from several past council members and mayors – all of whom support the current "At-Large" system. It would be naïve to think that those who have benefitted from the At-Large system would fairly and unbiasedly judge that system.

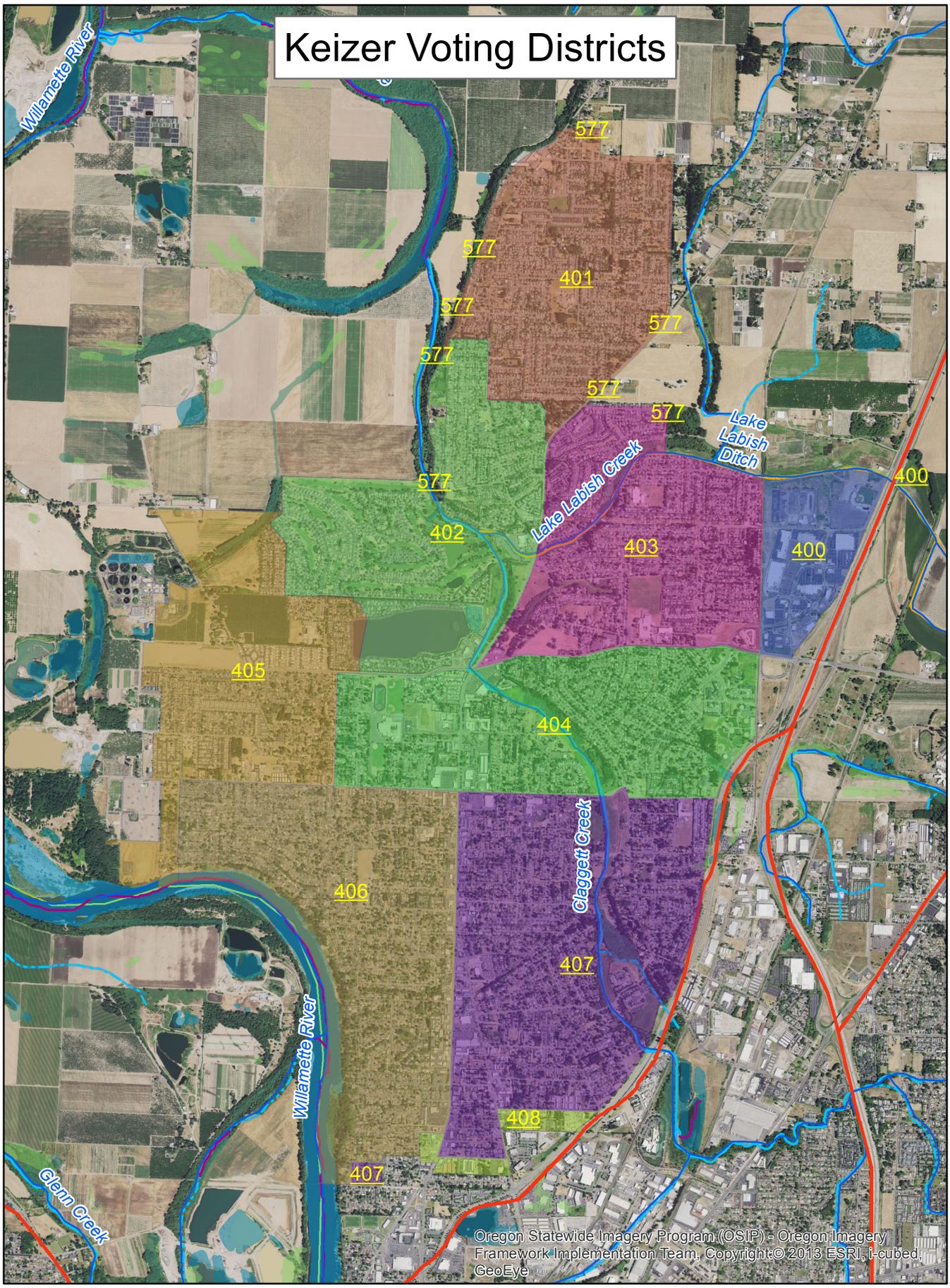
My proposal is to have at least 4 council seats that have councilors who must b from those seats. My preference is to have all of them as this system, as the Mayor could be considered an At-Large and should be looking to represent the entire city. But, while I would be willing to compromise, less than 4 seats would still concentrate power in too few hands.

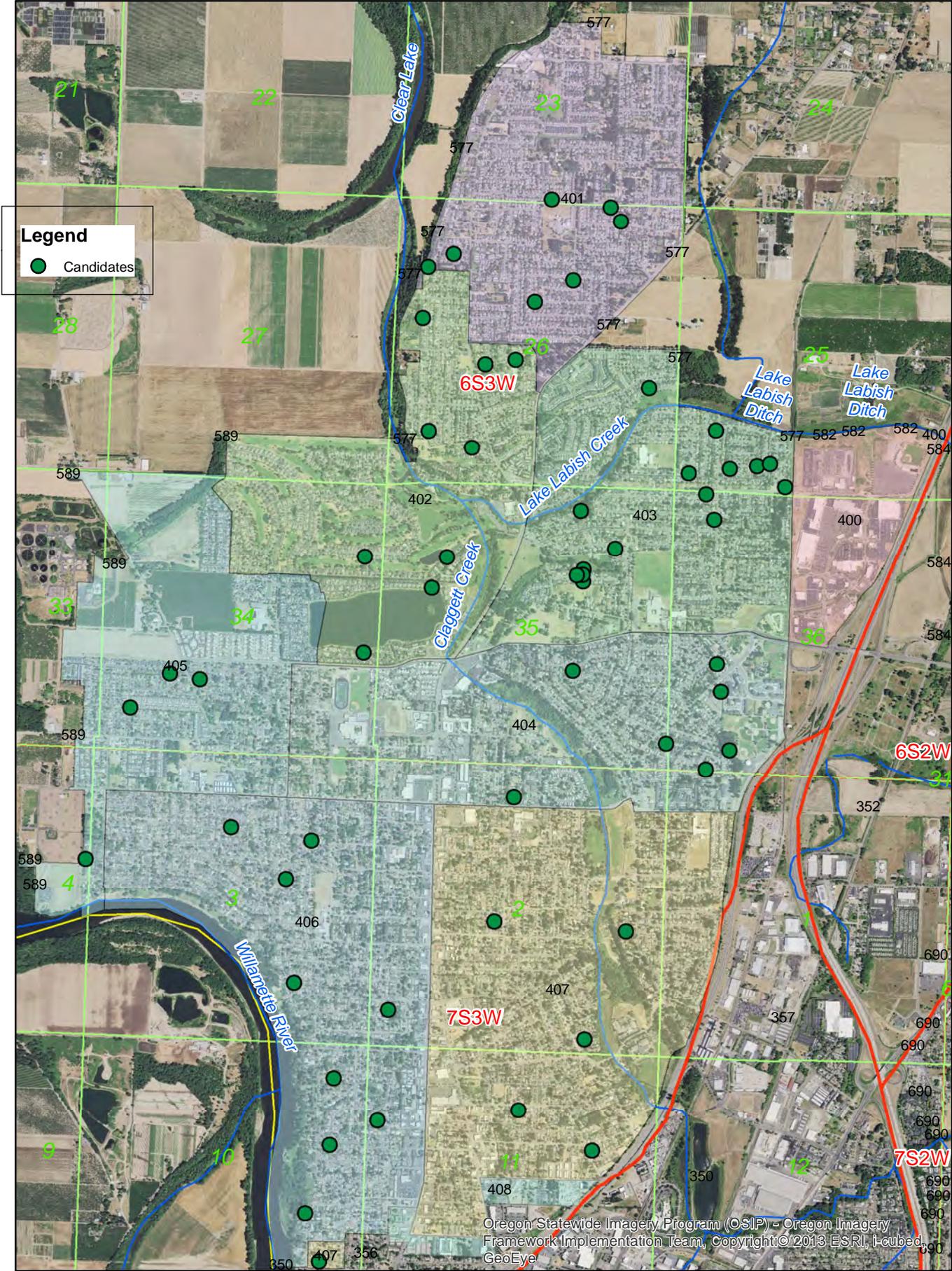
To those who believe that a Ward system would lead to parochial representation and not take the best interests of the whole city in mind, I can say that the current system clearly has not considered the entire city's needs. And the argument that we are not a big enough city to need Wards diminishes the needs of those in Keizer who have no voice. It also ignores the fact that throughout the country's history many cities have used the district system, even when they were smaller than Keizer is today.

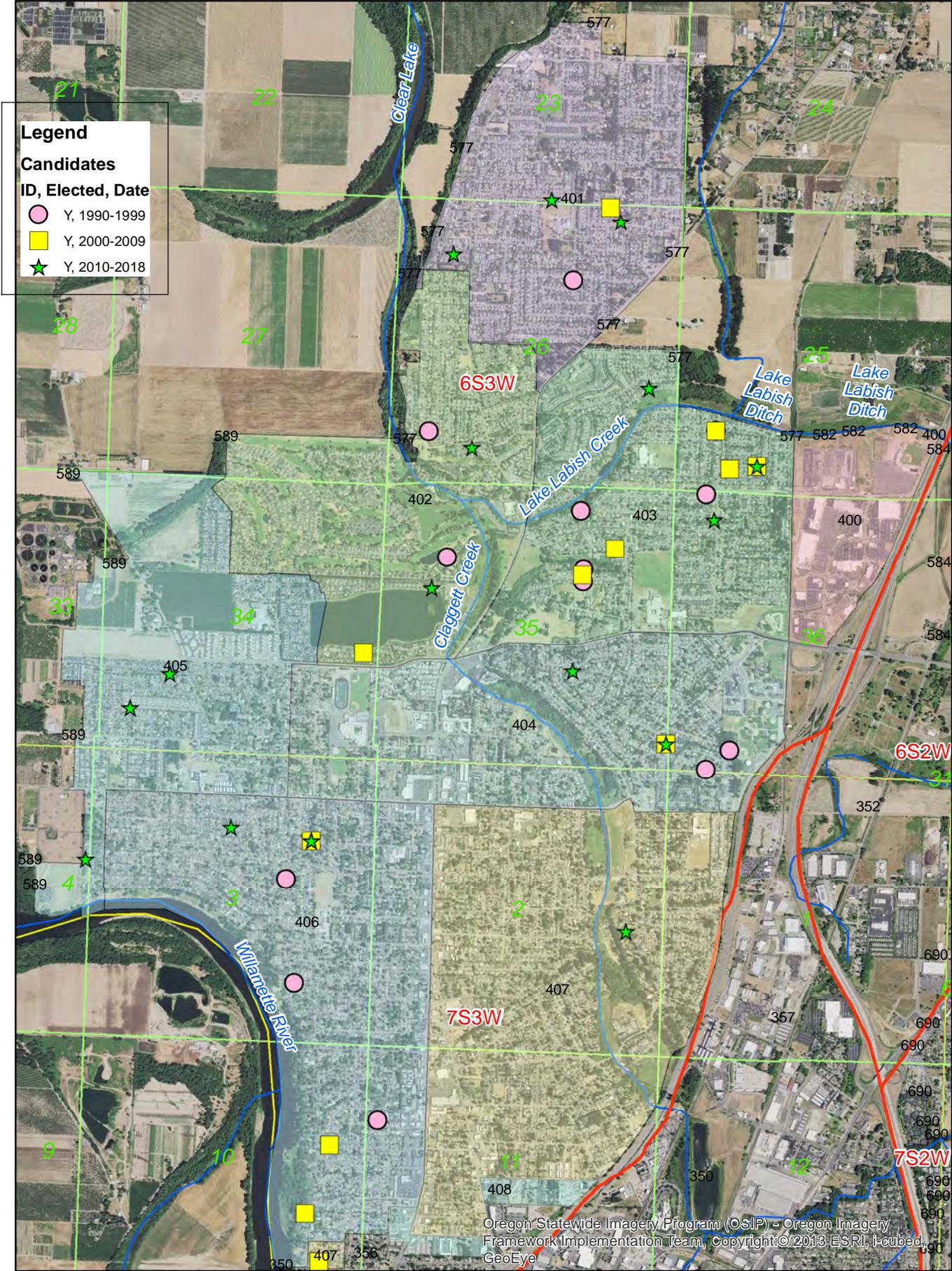
I have presented evidence that the At-large system is unfair and does not adequately represent all the residents of Keizer. The Ward system will do a better job of representing those people as that councilor would better know the needs within the district. Even if a councilor under the At-Large system believes that they know the whole city and care about everyone, there is no way to truly understand people without having "walked in their shoes".

To ignore the evidence will make you complicit with this disenfranchisement.

Keizer Voting Districts







Legend

Candidates

ID, Elected, Date

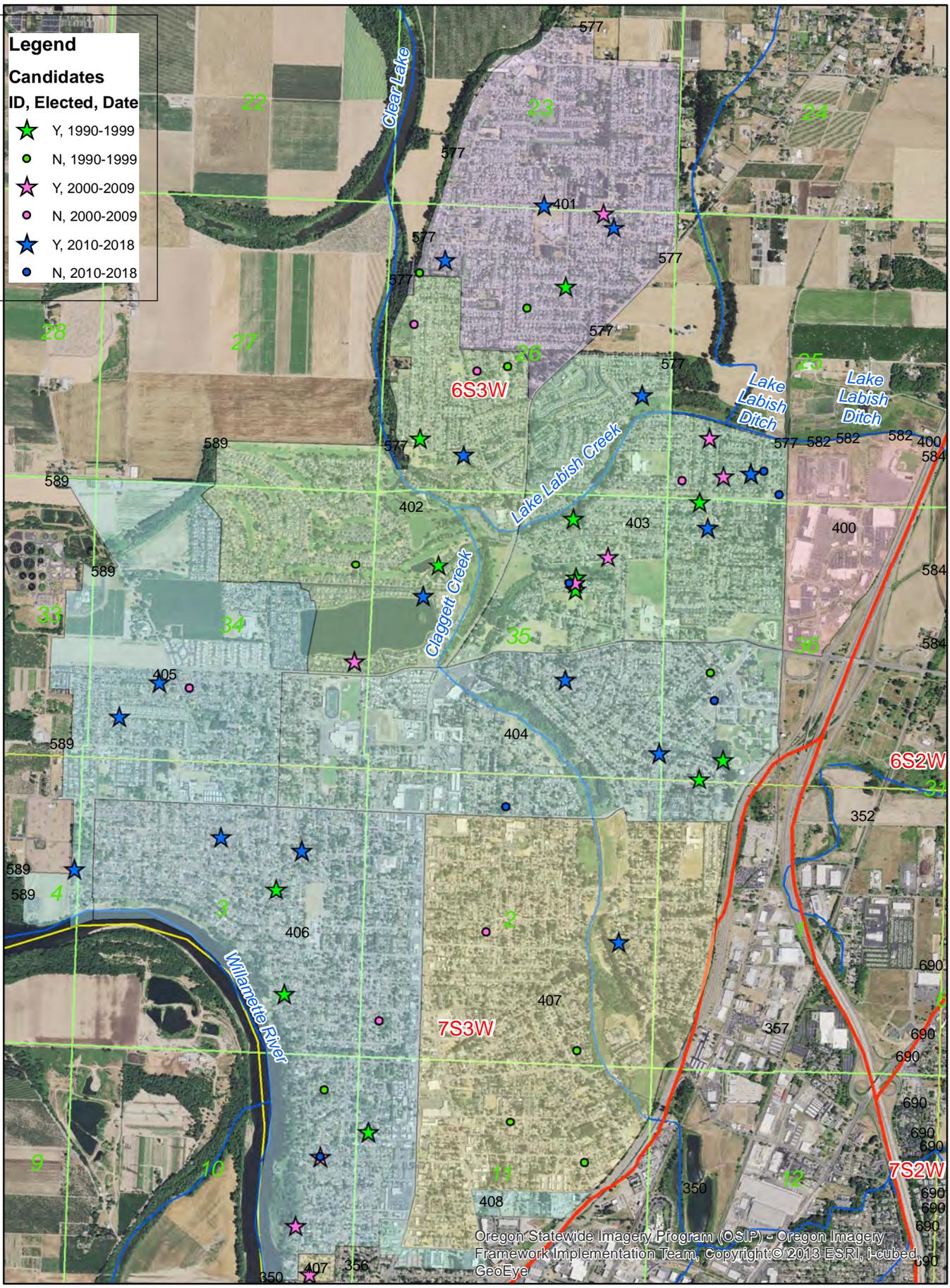
- Y, 1990-1999
- Y, 2000-2009
- ★ Y, 2010-2018

Legend

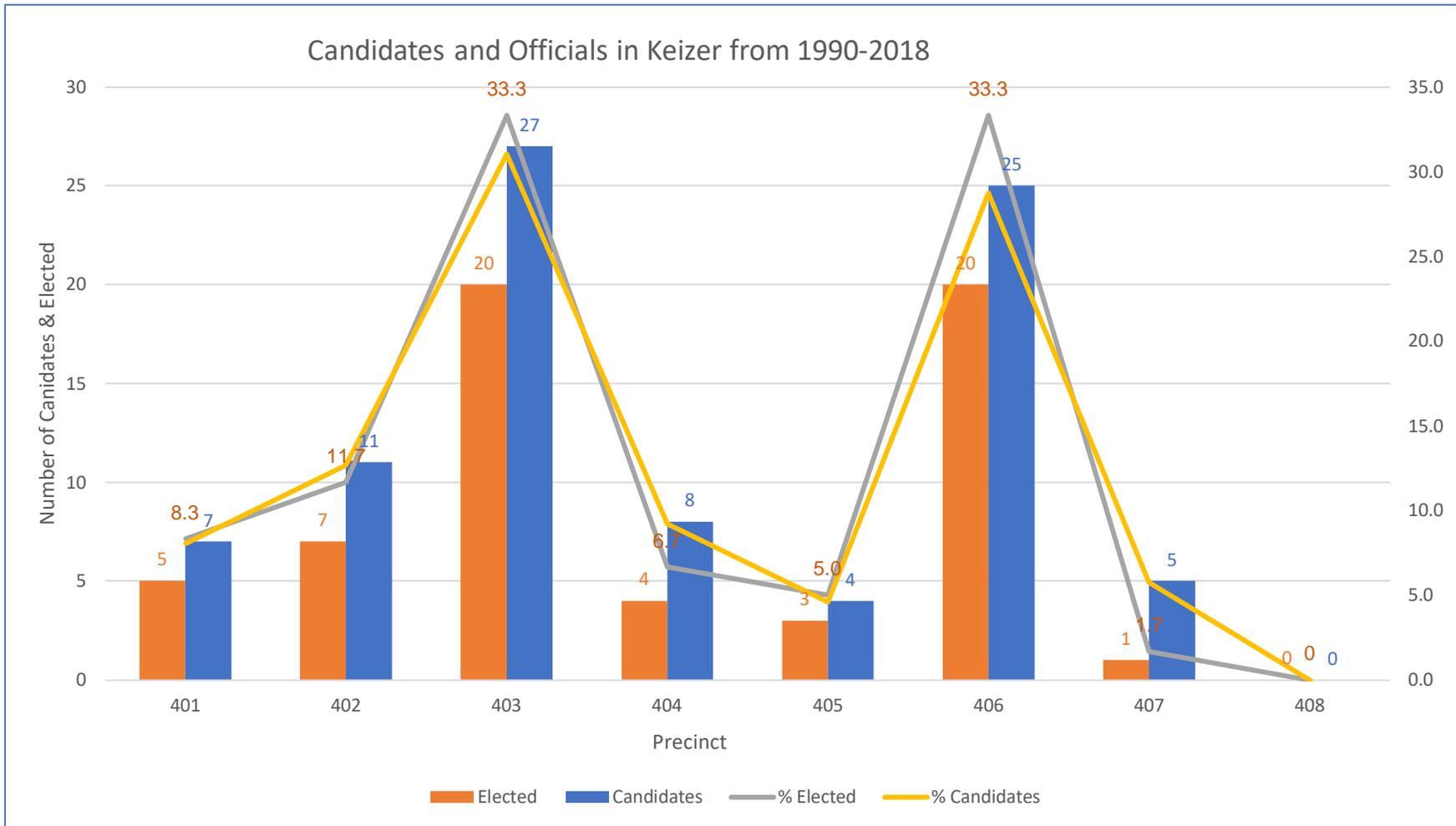
Candidates

ID, Elected, Date

- ★ Y, 1990-1999
- N, 1990-1999
- ★ Y, 2000-2009
- N, 2000-2009
- ★ Y, 2010-2018
- N, 2010-2018



	401	402	403	404	405	406	407	408
Candidates	7	11	27	8	4	25	5	0
Elected	5	7	20	4	3	20	1	0
% Candidate:	8.0	12.6	31.0	9.2	4.6	28.7	5.7	0
% Elected	8.3	11.7	33.3	6.7	5.0	33.3	1.7	0
%E-%C	0.3	-1.0	2.3	-2.5	0.4	4.6	-4.1	0



Keizer, 1967



Keizer, 1984

