



## **COBURG CITY COUNCIL DISCUSSION ITEM**

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### **TOPIC: Revisions to City of Coburg City Charter**

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Meeting Date: April 12, 2022  
Staff Contact: Anne Davies, City Attorney  
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### **SUGGESTED COUNCIL ACTION**

N/A Discussion only; possible direction to staff for next council meeting

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### **POLICIES OR COUNCIL GOAL(S) FY22**

- 2022 City Council Goals: Dynamic Operational Capacity
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### **INTRODUCTION**

This memorandum is the result of efforts to address some high-level concerns about the division of authority as spelled out in the City Charter. It also addresses some instances where the Charter simply needed to be updated to reflect the current structure of the City government. Attached to this memo is a copy of the current City Charter and a copy of the proposed changes to the Charter, shown in legislative format. This memorandum is intended as a key or guide for those documents so the reader can track the intent and purpose of each proposed change. The Section numbers, unless clarified otherwise, are to remain the Section numbers in the current version of the Charter.

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### **CITY CHARTER CHANGES**

**Section 12 (Officers):** The current version of the Charter lists the following officers: a municipal judge, City Recorder, and Treasurer. The proposed version would remove the Treasurer as an officer (that position now falls under the management of the City Administrator) and would add the City Administrator and the City Attorney.

**Section 13 (Salaries):** The current version prohibits elected officials from being paid a salary. This prohibition could preclude lower income folks from serving. Accordingly, the proposed version removes that prohibition.

**Section 14 (Qualifications of Officers)**: The current version prohibits a mayor or councilor from serving more than eight years (excluding partial terms). The proposal is to remove that prohibition.

**Section 15 (Meetings)**: The proposed version of the Charter includes two options for the Council to take a recess; i.e., not hold a regular meeting each month. The first option would provide for two built-in recesses for summer and winter holidays. The second option would allow the Council to vote to take up to two recesses at other times.

**Added Section 16 (Council Rules)**: The current version mentions the Council Rules in Section 15. That reference is proposed to be removed, and a new section added, requiring the adoption of Council Rules by resolution and requires that they be reviewed every five years.

**Section 20 (Vote Required)**: The current version of the Charter contains some rather confusing language about how votes are counted in the event of an abstention. That confusing language is proposed to be removed, and, hopefully, a clearer explanation provided in the Council Rules. The general rule, that approval by a majority of a quorum of the council is necessary to decide a question, remains in the Charter.

**Section 21 (Mayor)**: Subsection (1) The mayor will be authorized to appoint members of any committees that are established by Council Rules, with the consent of Council. We are proposing to add a provision that authorizes the Mayor to appoint members of ad hoc committees without the consent of Council. Previously, the Charter was silent on this point.

Added subsection (3): The mayor will be authorized to supervise all officers listed in Section 12 and other officers appointed pursuant to Section 12, except the municipal judge and city attorney.

**Added Section 23 (City Administrator)**: The current Charter does not provide for a City Administrator. The City now has a City Administrator, so the revised Charter will provide for that officer position. The Mayor appoints the City Administrator with consent of the Council.

**Added Section 24 (City Recorder)**: Because the City Recorder is an Officer, it makes sense to add a Section briefly describing that position, as is done with the other officer positions.

**Added Section 25 (City Attorney)**: The current Charter does not provide for a City Attorney. The City Attorney is appointed and may be removed by a majority of the Council.

**Section 26 (Vacancies in Office)**: The current Charter makes a distinction between excused and unexcused absences from Council meetings. It provides that four consecutive unexcused absences provide a basis for removal from office. The proposed language removes the excused/unexcused absence distinction. It would provide that a councilor or mayor's office would become vacant if they miss two Council meetings in a 60-day period or if they miss four Council meetings in a 12-month period. The idea is that, whether the

absences are excused or not, if a councilor cannot regularly attend the meetings, then the seat should be filled by someone who can attend.

**Added Section 37:** See discussion under Section 34, below.

**Section 29(5) (Mode of Enactment):** After an ordinance is enacted, the City Recorder endorses it; the mayor does not thereafter endorse it and date it. So that second step will be removed from the Charter.

**Section 34 (Repeal of Previously Enacted Provisions):** The provision currently mentions a provision from a previous version of the charter that is intended to be retained. It is referenced but the language is not provided. We propose merely including the language of that new provision in a new Section (numbered as Section 37).

**Section 37 (Time of Effect of Charter):** This provision states that the Charter becomes effective upon voter approval. Examples of other charters provide specific effective dates with a reference to when the voters approved the measure. That approach may be a clearer way to determine the effective date.

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#### **ELECTION TIMELINE FOR REFERRAL:**

There are two options for placing the proposed revised City Charter on the ballot: August 23, 2022 or November 8, 2022.

August 23, 2022 Election –

- If the measure is the only one on the ballot, Coburg would pay the full cost of the election (estimated cost \$2500)
- Final Council action required at or before May 10, 2022 City Council Meeting. City Recorder must notify Lane County (Form 802) by June 23, 2022 that the issue will be placed on the ballot.

November 8, 2022 Election –

- General Election we will have 3 Councilor and Mayor on the ballot.
- Final Council action required at or before August 9, 2022 meeting. City Recorder must notify Lane County (Form 802) by September 8, 2022 that the issue will be placed on the ballot.

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#### **RECOMMENDATION**

Direction to staff for next council meeting

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#### **BUDGET / FINANCIAL IMPACT**

No impact.

**PUBLIC INVOLVEMENT**

Staff would provide neutral information to the public leading up to the election.

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**NEXT STEPS**

The next steps will depend on the direction provided by Council. Possible preparation of ordinance or resolution to initiate vote on Charter revisions.

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**ATTACHMENTS**

- 1992 City Charter
  - Track Changes version of the proposed Coburg City Charter
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**REVIEWED BY**

**Anne Heath, City Administrator**