

RESOLUTION NO. 5582-21

A RESOLUTION REFERRING TO THE ELECTORS OF THE CITY OF TUALATIN THE QUESTION OF AMENDING THE CITY CHARTER TO MODIFY MAYORAL TERM LIMITS IN CERTAIN CIRCUMSTANCES.

WHEREAS, under Article XI, section 2 of the Oregon Constitution, the City of Tualatin has “home rule” authority over the civil affairs of its City;

WHEREAS, Article XI of the Oregon Constitution, and ORS Chapters 250 and 251, authorize the City to refer a matter to voters to amend the City’s Charter;

WHEREAS, pursuant to Chapter II, section 4, Chapter III, section 6, Chapter VI, section 23, and other relevant provisions of the Charter and State law, the Council has the power to refer a matter to voters; and

WHEREAS, the Council wishes to refer a matter to the voters to consider amending the Charter, as set forth in this resolution.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. Measure. A measure election is hereby called for the purpose of submitting to the electors of the City of Tualatin a measure amending the City Charter to modify Mayoral term limits in certain circumstances, a copy of which is attached as “Exhibit 1,” and incorporated herein by reference.

Section 2. Election Conducted by Mail. The measure election shall be held in the City of Tualatin on May 17, 2022, at the next statewide primary election. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerks of Washington & Clackamas Counties, according to the procedures adopted by the Oregon Secretary of State.

Section 3. Delegation. The City of Tualatin authorizes the City Manager, or the City Manager’s designee, to act on behalf of the City and to take such further action as necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

Section 4. Preparation of Ballot Title. The City Attorney has prepared the ballot title for the measure, which is attached as “Exhibit 2,” and incorporated by reference. The ballot measure approved and the City Attorney is hereby directed to deposit the ballot title with the city elections officer within the time established by law.

Section 5. Notice of Ballot Title and Right to Appeal. Upon receiving the ballot title for this measure, the city elections officer must publish in the next available edition of a newspaper of general circulation in the city a notice of receipt of the ballot title, including notice that an elector may file a petition for review of the ballot title.

Section 6. Explanatory Statement. The explanatory statement for the measure, is attached as "Exhibit 3," and incorporated herein by reference, is hereby approved.

Section 7. Filing with County Elections Office. The city elections officer shall deliver the Notice of Measure Election to the County Clerks for Washington & Clackamas County for inclusion on the ballot for the May 17, 2022, election.

Section 8. Effective Date. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 8th day of November, 2021.

CITY OF TUALATIN OREGON

BY _____
Mayor

APPROVED AS TO LEGAL FORM

ATTEST

BY _____
City Attorney

BY _____
City Recorder

EXHIBIT 1
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MEASURE LANGUAGE

Section 12(a) of the City of Tualatin Charter is amended as follows:

No person shall be eligible to serve on the City Council more than twelve (12) years in any twenty (20) year period, whether serving as Councilor, Mayor, a pro tem member, or a combination thereof, except if a person has served only two terms as a City Councilor, then that person shall be eligible to serve another two consecutive terms as Mayor. No person may be elected or appointed to an office on the City Council if completing that term of office would cause a violation of these term limits. The calculation of "years" shall include those preceding the passage of this Section, but shall not prevent any member of the City Council from completing a term of office that commenced prior to its passage. For the purposes of this Section, years of service on the City Council shall be calculated by first determining the aggregate number of days a person has served as a member of the City Council within an applicable window of twenty calendar years, and then attributing a year of service for every 365.25 days of service. This Section becomes effective immediately upon passage.

EXHIBIT 2

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BALLOT TITLE

Amends Charter to Modify Mayoral Term Limits in Certain Circumstances.

QUESTION

Should the Charter be amended to allow a two-term City Councilor the opportunity to serve two consecutive terms as Mayor?

SUMMARY

The Measure would amend the City of Tualatin Charter to modify the term limits for the Office of Mayor. If passed, the Measure would allow a person to serve two terms (8 years) as a City Councilor followed by two consecutive terms (8 years) as Mayor, in a 20-year period.

The existing City Charter imposes term limits on a person serving on City Council as Mayor, a Councilor, or a combination of the two offices, to no more than 12 years in a 20-year period. Under the current Charter language, if a person previously served two terms (8 years) as a City Councilor, the person is limited to serving one term (4 years) as Mayor, in a 20-year period. The measure would modify the Charter such that a person who previously served two terms (8 years) as a City Councilor could serve two consecutive terms (8 years) as Mayor, for a total of 16 years on City Council in a 20-year period. In all other circumstances, the 12-year term limit in a 20-year period applies.

EXHIBIT 3

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EXPLANATORY STATEMENT

This Measure, if approved, would amend Section 12(a) of the City of Tualatin Charter (“Charter”) to create a new term limits provision applicable to the Office of Mayor. If passed, the Measure would allow a person who has previously served two terms (8 years) as a City Councilor to be eligible to serve two consecutive terms (8 years) as Mayor, if elected, in a 20-year period.

The City Council consists of the Mayor and six City Councilors. The Charter provides that the Mayor is elected to a four-year term and each City Councilor is elected to a four-year term. The existing Charter language imposes term limits to prohibit a person from serving on City Council to no more than 12 years in any 20-year period. The 12-year limit in the Charter applies to the total amount of time a person serves on the City Council, whether the person is serving as a Mayor, a Councilor, or any combination of the two offices.

This Measure would amend the Charter to modify the term limits applicable to the Office of Mayor in the circumstance where the person has previously served two terms (8 years) as a City Councilor. Under the existing Charter language, if a person has previously served two terms (8 years) as a City Councilor, the person can only serve one term (4 years) as Mayor, in a 20-year period. If approved, this Measure would allow a person to serve as Mayor for two consecutive terms (8 years), instead of only one term (4 years).

The effect of the Measure would allow a person to possibly serve a total of 16 years on City Council in a 20-year period. In all other circumstances, the general term limits of 12 years in any 20-year period would apply to the Office of Mayor. The Measure does not change the term limits for City Councilors.

This Measure would become effective immediately upon passage.