

**RESOLUTION NO. 3126**

**A RESOLUTION OF THE CITY OF WILSONVILLE REFERRING TO THE ELECTORS OF THE CITY OF WILSONVILLE THE QUESTION OF AMENDING THE CITY CHARTER TO CLARIFY THE CALCULATION OF YEARS OF SERVICE RELATING TO TERM LIMITS.**

WHEREAS, under Article XI, Section 2 of the Oregon Constitution, the City of Wilsonville has “home rule” authority over the civil affairs of the City; and

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 Charter; and

WHEREAS, pursuant to Chapter II, Section 4; Chapter III, Section 6; Chapter VI, Section 24 of the City Charter, and other relevant provisions of the City Charter, Wilsonville Code, and Oregon state law, the City Council has the power to refer a matter to voters; and

WHEREAS, in May 2020, the Wilsonville electors voted to amend the City Charter to add Section 29 that established term limits for Councilors and Mayor; and

WHEREAS, Section 29 of the City Charter was modeled after an amendment made to the Tualatin City Charter in 2016 that established term limits; and

WHEREAS, Section 29 includes a calculation that every 365.25 days equals a year of service relating to the term limits stated therein; and

WHEREAS, Section 29 does not explicitly state whether serving fewer than 365.25 days counts as a year of service; and

WHEREAS, the City Council is periodically required to appoint a community member to fill a vacancy on the City Council that has a remaining term of less than 365.25 days; and

WHEREAS, the explanatory statement that accompanied the ballot title to amend the Wilsonville Code indicated that any number of days of service, even when filling a vacancy, would equal a year of service; and

WHEREAS, the City Council finds that years of service discussed in Section 29 is in need of clarification due to its silence on calculating days of service that are fewer than 365.25 days; and

WHEREAS, the City Council further finds that such clarification is needed when a person is appointed to the City Council to fill a vacant position for a period of less than 365.25 days.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

Section 1. Measure. A measure election is hereby called for the purpose of submitting to the electors of the City of Wilsonville a measure amending the City Charter to clarify the calculation of years of service relating to term limits when a person is appointed to fill a vacant position, a copy of which is attached as **Exhibit A**, and incorporated by reference herein.

Section 2. Election Conducted by Mail. The measure election shall be held in the City of Wilsonville on May 21, 2024, 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 Council authorizes the City Manager or 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 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 B**, and incorporated by reference herein. The City Council approves the ballot measure, and the City Attorney is hereby directed to deposit the ballot title with the City Recorder 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 Recorder must publish in the next available edition of a newspaper of general circulation in the city a notice of receipt of 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 attached as **Exhibit C**, and incorporated by reference herein, is hereby approved by the City Council.

Section 7. The City Recorder shall deliver Notice of Measure Election to the County Clerks for Washington & Clackamas County for inclusion on the ballot for the May 21, 2024 election.

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

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 22nd day of February, 2024, and filed with the Wilsonville City Recorder this date.

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JULIE FITZGERALD, MAYOR

ATTEST:

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Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Linville

Councilor Berry

Councilor Dunwell

EXHIBITS:

- A. Measure Language
- B. Ballot Title
- C. Explanatory Statement