



**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date: February 22, 2024</p>	<p>Subject: 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</p> <p>Staff Member: Amanda Guile-Hinman, City Attorney</p> <p>Department: Legal</p>	
<p>Action Required</p> <p><input checked="" type="checkbox"/> Motion</p> <p><input type="checkbox"/> Public Hearing Date:</p> <p><input type="checkbox"/> Ordinance 1st Reading Date:</p> <p><input type="checkbox"/> Ordinance 2nd Reading Date:</p> <p><input checked="" type="checkbox"/> Resolution</p> <p><input type="checkbox"/> Information or Direction</p> <p><input type="checkbox"/> Information Only</p> <p><input type="checkbox"/> Council Direction</p> <p><input type="checkbox"/> Consent Agenda</p>	<p>Advisory Board/Commission Recommendation</p> <p><input type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input checked="" type="checkbox"/> Not Applicable</p> <p>Comments: N/A</p>	
<p>Staff Recommendation: Staff recommends Council adopt Resolution No. 3126.</p>		
<p>Recommended Language for Motion: I move to adopt Resolution No. 3126.</p>		
<p>Project / Issue Relates To:</p>		
<p><input type="checkbox"/> Council Goals/Priorities:</p>	<p><input type="checkbox"/> Adopted Master Plan(s):</p>	<p><input checked="" type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL:

Whether to refer a ballot measure to the Wilsonville electorate to clarify how years of service are calculated relating to term limits.

EXECUTIVE SUMMARY:

Section 29 of the City Charter explains the term limits for serving on City Council. Section 29 also explains how terms are calculated by assigning a “year of service” for every 365.25 days served on City Council. Section 29 is silent regarding whether serving less than 365.25 days counts as a year of service. However, when Section 29 was referred to the Wilsonville electorate for consideration, the accompanying Explanatory Statement indicated that any number of days served would equal at least one year of service. After the City Council received public comment requesting the City Council consider a charter amendment to treat the mayoral term(s) separately from councilor term(s), the City Council also discussed an apparent confusion between the definition of “years of service” in Section 29 and the Explanatory Statement. Expressed mathematically, “years of service” is defined in Section 29 as follows:

365.25 days = 1 year of service = 1 term on City Council

The information in the Explanatory Statement, however, appears to express “years of service” differently:

1 day, up to and including, 365.25 days = 1 year of service = 1 term on City Council

City Council discussed whether the Wilsonville electorate has a common understanding of what constitutes a “year of service.” In particular, the City Council noted that there are commonly vacancies on City Council that, when a person is appointed to fill the vacant position, the time served in that appointment is less than 365.25 days. Since Section 29 and the Explanatory Statement appear inconsistent with one another, the City Council considered whether to refer a ballot measure to the Wilsonville electorate to clarify the “year of service” definition in Section 29.

At its January 18, 2024 and January 29, 2024 work sessions, the City Council reviewed different scenarios regarding years of service. In the City Charter, if a position on City Council is vacant, the remainder of the City Council appoints a community member to fill the vacancy until the next general election, regardless of whether that seat would be up for election or not. Thus, the City Council considered a few different scenarios:

- A person fills a vacant position when less than one year remains on the term of that position
- A person fills a vacant position that has more than one year remaining but less than two years remaining (thus there is no off-cycle election)
- A person fills a vacant position that has more than two years remaining and so must also be elected during the off-cycle election to retain the position
- A person fills a vacant position that has more than two years remaining, but either chooses not to run or fails to win the election

The City Council determined that the purpose of Section 29, as approved by the Wilsonville voters, should, at a minimum, count any partial term where at least 365.25 days were served by

the individual. Thus, the City Council did not seek to refer a ballot measure that would exclude any partial term from the calculation of years of service. Instead, the City Council narrowly focused on the distinct issue when a person serves less than one year filling a previously vacated position. In that scenario, the person has not been elected to a term and has not served 365.25 days (which equals a year of service, as defined in Section 29).

The City Council, thus, directed staff to draft a ballot measure for the Wilsonville voters to consider whether to exclude from the calculation of “years of service” the time period a person is appointed to fill a vacant position if that appointment is less than 365.25 days. **Exhibit A** to Resolution No. 3126 (**Attachment 1** to the Staff Report) is the ballot measure language drafted by staff in response to the City Council’s direction.

To reiterate, City Council did not direct staff to exclude from the calculation of “years of service” any appointed time in excess of 365.25 days or any time that a person serves when elected to a position. The ballot language is narrowly focused on the scenario when a person is appointed to fill a vacancy for a period of less than 365.25 days.

EXPECTED RESULTS:

If Council adopts Resolution No. 3126, then Exhibits A-C will be provided to the City Recorder for publication of notice.

TIMELINE:

The timeline for all work is based on the anticipated election date. Assuming a May election date, the above-described steps must be completed by the following dates:

- March 1, 2024 – Last day to file with City Recorder ballot title for publication of notice
- March 21, 2024 – Last day to file Notice of City Election Measure (Form SEL 801) with county elections officials (can only be filed after completion of ballot title challenge process, if any)
- March 25, 2024 – Last day to file arguments for inclusion in voters’ pamphlet

May 21, 2024 – Election Day

CURRENT YEAR BUDGET IMPACTS:

N/A

COMMUNITY INVOLVEMENT PROCESS:

Once a ballot measure is referred, the City may only answer factual questions but cannot advocate any position on the measure. Factual information can be provided on the City’s website and in the Boones Ferry Messenger.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

If serving less than 365.25 days in an appointed position on City Council means that the person is prohibited from being elected to three terms on City Council, individuals may be discouraged from seeking appointment on City Council. In such case, the City Council will have either long vacancies, will have limited applicant pools, or will have individuals who can only serve essentially two terms on City Council instead of the potential three terms allows in Section 29.

The community will benefit by this ballot measure in the following ways: (1) regardless of the outcome of the election, the City Council and the community will have clarity on the meaning of “year of service” in Section 29; (2) if passed, an individual who serves less than 365.25 days to fill a vacant City Council position will not have to count those days as a “year of service,” and thus will be eligible to serve up to three full terms (12 years) on City Council; and (3) the City will be less likely to encounter extended vacancies on City Council.

ALTERNATIVES:

Determine not to move forward with a referral.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Resolution No. 3126
 - A. Measure Language
 - B. Ballot Title
 - C. Explanatory Statement