



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: January 29, 2024		Subject: City Charter – Term Limits (Continued)	
		Staff Member: Amanda Guile-Hinman, City Attorney	
		Department: Legal	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments: N/A	
Staff Recommendation: N/A			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Whether to consider advancing a charter amendment to the Wilsonville electorate to clarify mayoral term limits and to direct staff regarding next steps.

EXECUTIVE SUMMARY:

During public comment at the March 20, 2023 City Council meeting, members of the community requested that the Council consider a charter amendment to treat the mayoral term(s) separately from councilor term(s). Upon discussion with Council at the March 20, 2023 meeting regarding the community input received, staff reviewed information regarding term limits and the process to refer a charter amendment for a vote of the Wilsonville electorate, if so desired by the Council. This staff report discusses how to refer a ballot measure to amend the City Charter to separate the mayoral term(s) from the councilor term(s) and examines similar processes by surrounding jurisdictions.

If Council's direction is to move forward with a ballot measure to amend the City Charter, the next policy question is what type of terms is Council interested in exploring to refer to the voters? Currently, all members of Council are limited to 12 years in a 20 year period, regardless of position (mayor or councilor). The Council could consider separating the mayoral position from councilor position in several different ways. As explained below, Tualatin, where voters amended its charter to create council term limits following an initiative process, recently amended its Charter regarding the mayoral terms. Similarly, Tigard is referring a ballot measure to its voters in May 2024 to repeal and replace its charter, which includes revising its mayoral terms. There are many iterations of options available for calculating the mayoral terms if the Council is interested in treating mayoral terms separate from councilor terms. Upon Council's direction, staff can prepare appropriate authorizing legislation for Council consideration.

This staff report explores the steps necessary to pursue a charter amendment to the City Council term limits in light of recent public comment requesting the City consider proposing such charter amendment. Particularly, this staff report first provides background information regarding the current charter provision concerning term limits, then outlines the steps for Council to refer a ballot measure to the voters, and finally summarizes the steps that the City of Tualatin and City of Tigard took to refer to their respective voters revisions to their term limits provision of their city charters.

I. Background

In 2019, the City received an initiative petition from voters in Wilsonville to amend the Wilsonville City Charter to impose term limits on all members of the City Council. A similar term limit charter amendment had recently passed in the City of Tualatin in 2016. In the May 2020 primary election, a majority of voters voted in favor of term limits, which provision is now codified in Section 29 of the Wilsonville City Charter. This Section limits terms to 12 years in any 20 year period, regardless of position held (Councilor, Mayor, pro tem member, or any combination thereof). Section 29 states:

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. 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 enactment of this Section, but shall not prevent any member of the City Council from completing a term of office. To be eligible for election or appointment to an office on the City Council, prior years of service on the City Council shall be calculated by first determining the aggregate number of days a person has previously served as a member of the City Council within the period of twenty calendar years prior to the commencement of the proposed term, and then attributing a year of service for every 365.25 days of service within that period.

During the March 20, 2023 City Council meeting, members of the community requested that the Council consider a charter amendment to treat the mayoral term(s) separately from councilor term(s). Staff offered to review the requests and provide information to Council regarding term limits and referring a charter amendment at a future work session.

II. Steps to Refer a Ballot Measure to the Voters

The requirements to refer a ballot measure are found in both the Wilsonville Code (WC) and state law. Attached hereto as **Attachment 1** is an excerpt of the State's Referral Manual concerning city referrals. While state law provides options with some of the steps, this staff report explains the steps staff recommends to follow to ensure sufficient time for completing the necessary processes.

Pursuant to WC 2.410, to begin the referral process, Council must approve a resolution calling for the referral of a ballot measure and designating either the regular election date or the special election date when the Council seeks to have the electorate vote on the ballot measure. For efficiency, such resolution should include a ballot title written by the City Attorney that complies with the requirements of ORS 250.035(1) that the Council approves as part of the resolution.

ORS 250.035(1) requires a ballot title to include a caption of not more than 10 words identifying the subject matter, a question of not more than 20 words that phrases the chief purpose of the measure so that an affirmative response corresponds to an affirmative vote on the measure, and a statement of not more than 175 words summarizing the measure and its major effect.

In addition to the ballot title, the city will also need to prepare an explanatory statement of 500 words or less describing the ballot measure, which must be approved by the Council to be included in the voters' pamphlet. See OAR 165-022-0040. This explanatory statement can be approved by Council via the same resolution as the ballot title.

Upon approval of the resolution, the City Recorder publishes notice in a newspaper of general circulation that any voter may challenge the ballot title, with information of the deadline for filing a petition for review of the ballot title and the ballot title provider or information on how to obtain a copy of the ballot title. In addition, the notice may also be published for a minimum of seven (7) days on the City's website.

Assuming no appeal within the allowed timeframe, or upon completion of an appeal of the ballot title, the final ballot title is then certified via a state elections form that is provided to the county elections official who then assigns a measure number.

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

III. Tualatin Charter Amendment and Proposed Tigard Charter Replacement

After Tualatin voters approved a term limit charter amendment in 2016, its council referred a ballot measure to its voters in 2022 to separate the terms of the mayoral position from the councilor position. That ballot measure passed in the May 2022 election. For Council’s reference, attached as **Attachment 2** is Tualatin’s Resolution referring the amendment to the voters. The Tualatin Charter originally limited a person to serving in any position on Council for 12 years within a 20 year period (what the Wilsonville charter amendment was modeled after). The Tualatin charter amendment changed the term limits as follows:

- If a person served two consecutive terms as Councilor, the person could serve an additional two consecutive terms as Mayor, instead of just one term.

Tigard seeks to clarify confusing language in its current charter concerning term limits. Under Tigard’s current charter, no Councilor may serve for more than 8 consecutive years and no Mayor may serve for more than 8 consecutive years, but in no case may any person serve on the Council for more than 12 consecutive years. Thus, Tigard’s current charter precludes a person from serving 8 years as Councilor and 8 years as Mayor. Unlike Tualatin or Wilsonville, however, Tigard’s charter does not count the filling of an unexpired term to these limitations. If approved by its voters, Tigard’s proposed new charter will change the council term limits as follows:

- Setting term limits as two consecutively elected or appointed terms as Councilor and two consecutively elected or appointed terms as Mayor. And no more than four terms total.
- State that a two-year break in service is required to reset term limits.
- Defining that a ‘term’ is a length of service greater than 3 years.

The proposed new Tigard charter is attached as **Attachment 4**. Tigard’s revisions retain the limitation of two terms as Councilor and two terms as Mayor, but removes the 12-consecutive-year limitation. It further requires a minimum of a two-year break before resetting. Defining a

“term” as being more than 3 years appears to avoid the issue of when a Mayor or Councilor is appointed or elected part way through an existing term.

EXPECTED RESULTS:

If Council is interested in pursuing a referral to amend the City Charter, staff recommends that staff relatively quickly begin drafting a proposed resolution to refer the matter, a ballot title, and an explanatory statement. Since Council will not hold its regular Council meeting on the first Monday of February, Council will need to consider a resolution to refer an amendment to the City Charter at its February 22, 2024 meeting.

Should Council direct staff to work on drafting the necessary documents, staff anticipates referring a City Charter amendment in the May 21, 2024 election.

TIMELINE:

As noted above, the deadline for submission to the City Recorder is March 1, 2024, so if Council wishes to move forward with a referral, staff plans to bring back a resolution for consideration at Council’s February 22, 2024 meeting.

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:

The separation of or additional term for the mayoral position may allow a mayor to serve additional time as mayor if they also served as city councilor. This can provide additional experience, consistency, and leadership to the mayoral role. Currently, if a councilor has served two terms (8 years) and then is elected mayor, that person can only serve as mayor for one term (four (4) years). Additionally, if a councilor who is in the middle of a first term (2 years) is elected mayor, as mayor, that person can only serve two terms (8 years) as mayor, because the City Charter currently prohibits any candidate from seeking election if they would not be able to serve the full term within the term limits. Similarly, if a councilor who is in the middle of a second term (6 years) is elected mayor, as mayor, that person can only serve only 1 term as mayor.

When the City of Tualatin referred its ballot measure to the voters, only arguments in favor were submitted for the voters’ pamphlet. Those statements are provided here as **Attachment 3** explaining the reasons community members in Tualatin believed that revising the term limits for the mayoral position was in the best interest of that community.

ALTERNATIVES:

Determine not to move forward with a referral.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Excerpt of State Referral Manual (with 2023 dates; 2024 dates are included at the end of Attachment 1)
2. City of Tualatin Resolution No. 5582-21
3. Excerpt of May 17, 2022 Washington County Voters Pamphlet regarding Tigard Ballot Measure
4. Tigard Proposed Charter