



City of Dallas Citizen Charter Committee

Wednesday, May 14, 2014

4:30 p.m.

Dallas City Hall
187 SE Court St.
Dallas, OR 97338

Members

David Shein
Chair

Mike Bollman

Fred Avera

LuAnn Meyer

Gene Henshaw

Nancy Moen

Kathy Voves

Debra Nord

Paul Trahan

1. Call to Order
2. Approval of Minutes of April 9, 2014 Meeting
3. Comments From Audience
This time is provided for audience members to comment on agenda items or other issues pertaining to the charter. The chair may impose time restrictions on comments.
4. Administrative Issues
5. Discussion of Specific Charter Issues
6. Staff Comments
7. Member Comments
8. Other Business
9. Adjournment

Staff

Brian Dalton
Mayor

Ron Foggin
City Manager

Lane Shetterly
City Attorney

Jeremy Teal
Recording Secretary

Citizen Charter Revision Committee
Wednesday, April 9, 2014

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Members Present: Chair David Shein, Fred Avera, Gene Henshaw, LuAnn Meyer, Nancy Moen, and Kathy Voves. Excused: Mike Bollman, and Paul Trahan. Absent: Debra Nord

Also Present: Mayor Brian Dalton, City Attorney Lane Shetterly, and Recording Secretary Jeremy Teal.

Chair Shein called the meeting to order at 4:30 p.m.

APPROVAL OF MINUTES OF MARCH 12, 2014, MEETING

The minutes of the March 12, 2014, meeting were approved as presented.

COMMENTS FROM AUDIENCE

ADMINISTRATIVE ISSUES

Chair Shein noted that Mr. Bollman had a family emergency and Mr. Trahan was coaching.

DISCUSSION OF SPECIFIC CHARTER ISSUES

Mr. Shetterly advised that number 14, requiring the Mayor to sign all checks would be left out of the Charter and made into an Ordinance.

Chair Shein announced number 16, the enumerated powers of the municipal judge, would be left out of the Charter.

Mr. Shetterly declared that number 9, regarding a candidate running for more than one city office at an election, due to state law was not allowed.

There was discussion regarding the creation of committees and appointing members by the Mayor and Council. It was decided by the Committee to allow the Council to create the committees and the Mayor appoint its members.

There was discussion regarding the Mayor endorsing bonds, licenses, contracts, or proposals. It was decided by the Committee to remove this from the Charter.

There was discussion regarding the residency of the City Manager throughout the term of office. It was decided by the Committee to leave the description unchanged.

There was discussion regarding the majority of Council being required to appoint and remove the City Manager from office. It was decided by the Committee to leave the description unchanged.

There was discussion regarding the execution of a bond by the City Manager. It was decided by the Committee to leave the description unchanged.

There was discussion regarding the term of the City Manager. It was decided by the Committee to leave the description unchanged.

Chair Shein announced that number 26 no longer applied with the removal of number 16.

1 There was discussion regarding the City Manager being the clerk of the council. It was decided by the
2 Committee to leave the description and Mr. Shetterly would add language stating the City Manager could
3 delegate duties but would still remain responsible for acts of all subordinates.

4 Chair Shein announced that numbers 28 and 29 no longer applied with the removal of number 16.

5 There was discussion regarding the requirement of the City Manager to sign all checks. It was decided by
6 the Committee to retain the description, but have Mr. Shetterly modernize the statement.

7 There was discussion regarding the City Attorney as chief legal officer of the City. It was decided by the
8 Committee to remove this from the Charter.

9 There was discussion regarding the City Attorney. It was decided by the Committee to remove this from
10 the Charter.

11 There was discussion regarding the staggered election process for Council members. It was decided by the
12 Committee to leave the description unchanged.

13 There was discussion regarding Sections 24 thru 28 relating to election regulations. It was decided by the
14 Committee to leave the description unchanged and run elections by state law.

15 There was discussion regarding the selection of City Department heads. It was decided by the Committee
16 to leave this out of the Charter.

17 There was discussion regarding the oath of office and how it was defined. It was decided by the
18 Committee to add language to include the City of Dallas ordinances.

19 There was discussion regarding the commencement of office. It was decided by the Committee that in-
20 coming Council members would begin their term on January 1.

21 **STAFF COMMENTS**

22 **MEMBER COMMENTS**

23 **OTHER**

24 Chair Shein shared that he could not attend the next meeting and that Vice Chair Bollman would facilitate
25 the meeting.

26 Chair Shein announced the next meeting would be May 14, 2014, at 4:30 p.m.

27 **ADJOURNMENT**

28 There was no other business and the meeting adjourned at 5:35 p.m.

Dallas City Charter

Key Decisions

1. Role of the Mayor ()

Nonvoting tiebreaker with veto v. full voting member

If the Mayor has a veto, how may it be overridden?

Unchanged -- keep current provisions

which ties should the Mayor be allowed to break, and which not?

Unchanged -- keep current provisions

2. Number of councilors

Nine

3. What should be the Mayor's term (2 years or 4)

Two years

4. What should be a council term (2 years or 4)

Four years

5. Should councilors be elected at large or by district?

At large

6. Will the city offices remain nonpartisan as at present?

Yes

7. How often shall the Council elect its president?

Every two years

8. What should be the residency requirement as a qualification for office? It is currently 12 months immediately preceding the election. Should this apply to *both* election *and* appointment to office?

Yes. Applies to both.

9. Can a person be a candidate for more than one city office at one election?

No (state law).

10. How often should the Council be required to meet?

Once a month

11. Should the Mayor or at the request of three (or other number of) council members, be able to call a special meeting of the Council?

Leave as is (present charter)

12. Is a simple majority of a quorum present sufficient to decide any question before the Council?

Leave as is (Quorum of five required to make decisions, majority of the full council required to pass a measure)

13. How is an abstention treated?

Abstentions will not be permitted.

14. Should the Mayor be required by charter to countersign *all* checks regardless of amount or purpose, or would this be more suited to a directive by ordinance?

Decide by ordinance.

15. The current city Charter contains a nepotism clause.

Leave as is (present charter)

16. What should be the enumerated powers of the municipal judge? (The specific powers enumerated in the LOC model charters seem to be more definitive than those listed in our current charter)

Omit from charter, leave up to council to determine.

17. Can a smaller number of Councilors than a quorum compel the attendance of absent members? [Typically yes with the procedure detailed by ordinance or "Council rules" - decide which]

Leave current provisions in place.

18. Does the Mayor break tie votes on ordinances?

Yes. Allow the Mayor to break ties.

19. What is the role of the Council President? [Typically to preside over Council meetings in the absence of the Mayor or two act as Mayor when the Mayor is unable to perform the functions of his/her office.]

Leave current provisions in place and add additional clarifying language.

20. The Mayor typically appoints various committees either under the rules provided by the Council (current charter) or with the "consent of Council" as suggested by the LOC model charter. There is a difference and a decision is required which direction to go.

Here is a clarification. "Under Council rules" really means that the Charter is deferring decisions and procedures on various matters to the Council instead of embedding that particular process into the Charter. This is typically executed by ordinances – the Code – and resolutions.

Council will establish committees, Mayor will appoint member under rules/ordinances established by Council.

21. Is it necessary to require that the Mayor by Charter endorse bonds for licenses, contracts, or proposals? If this is necessary, can this be compelled by an ordinance?

No.

22. Should the city manager be required to become and remain a resident of the city throughout the term of his/her office?
23. Should a majority of the Council (or some other number) be required to appoint and remove the city manager?

Leave as is.

24. Should the Charter require the new city manager to execute a bond as is the current case? [This is not mentioned in the LOC model charter]

Leave as is.

25. Should the manager be appointed for a definite or an indefinite term? Or should the charter wording allow for either as does the model LOC charter?

Leave as is (indefinite).

26. Should the city manager have any supervisory authority over the municipal judge? [Typically not, both under the model charter and the current charter]
27. Is the city manager the "Clerk of the Council" and should he/she "keep a fair and correct Journal of the proceedings of the Council" as suggested in the current charter? [The LOC model charter does not specify these roles which are typically the realm of the City Recorder who works under the supervision of the city manager]
28. Should the municipal judge be appointed for a term of two years or some other number?

Omit from charter, leave up to council to determine.

29. What should be the enumerated powers of the municipal judge? [The specific powers enumerated in the LOC model charters seem to be more definitive than those listed in our current charter]

Omit from charter, leave up to council to determine.

30. Should the city attorney be established as the "chief legal officer of the city government" by charter? [The current city charter makes no mention of the "city attorney".

Omit from charter, leave up to council to determine.

31. Should the city attorney be appointed and removed by a majority of the city Council by charter?

Omit from charter, leave up to council to determine.

32. Should we continue with the practice of a staggered election for Counselors where roughly half are elected in each cycle (for example, 5 seats in one election cycle and 4 seats the next election cycle, assuming there are 9 Councilors)?

Leave as is.

33. Should sections 24 thru 28 of the current charter be retained? These sections relate to the regulation of elections. They are not addressed in the LOC model charter and may be either covered by state law or delegated to the ordinance process. A decision has to be made whether or not to include these sections in the charter.

Replace with language deferring to state law.

34. Should the council approve the selection of city department heads as the US Senate does for cabinet officers nominated by the president?

No.

35. The current charter spells out in fine detail the nomination process for elective office. The model LOC charter prescribes that an ordinance be adopted covering this topic. Which approach should we take?

UNRESOLVED

36. How shall oath of office be defined? The current charter and the LOC model charter have somewhat different wordings amounting to more or less the same thing. Should we anything regarding upholding the ordinances of the city of Dallas?

Yes - include City ordinances in the oath.

37. There is a difference between the current charter and the LOC charter regarding commencement of terms of office. Our current charter says the office commences "the first of the year" and the LOC charter begins the terms at the "first Council meeting of the year." An exception is made for the Mayor who assumes office at the first of the year.

Terms will begin January 1.

38. Section 32 of the present charter sets for the criteria for declaring an office vacant. Should this section be modified, or left as is?

39. Section 33 specifies the procedure for filling vacancies. Does it need to be more detailed? In particular, should the procedure for dealing with a tie vote be explicitly spelled out?

40. Should we retain the current provision that permits an ordinance to be adopted after a only a single reading , provided that the vote is unanimous?

41. Should we retain the current provision that requires a roll call vote to secure passage of an ordinance?

42. Should we retain the current provision that permits any council member to request a roll call vote whenever a vote is taken?