

RESOLUTION NO. 4627

A RESOLUTION REFERRING TO THE VOTERS OF BEAVERTON A MEASURE PROPOSING A NEW CITY CHARTER, ADOPTING A BALLOT TITLE, AND AUTHORIZING RELATED MATTERS

Whereas, Beaverton's current city charter provides for a mayor-council form of government with an elected full-time mayor serving as the administrative head of the city; and

Whereas, the Beaverton City Council held nine work sessions in open public meetings on September 3, 2019; September 10, 2019; October 1, 2019; October 15, 2019; November 5, 2019; December 3, 2019; December 17, 2019; January 7, 2020; and February 4, 2020 to review and revise the city's current charter; and

Whereas, the Beaverton City Council held two public hearings in open public meetings on January 14, 2020 and January 28, 2020 to receive public feedback on the revised city charter; and

Whereas, based on the foregoing, the Council determined to submit to the voters of Beaverton a ballot measure proposing a new city charter that provides for a council-manager form of government and makes other changes; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF BEAVERTON, OREGON:

Section 1. The Council refers to the May 19, 2020, election a measure proposing a new city charter to the voters of Beaverton.

Section 2. The Council adopts the following ballot title for the referral:

CAPTION:
ADOPTS NEW CHARTER FOR BEAVERTON CITY GOVERNMENT

QUESTION:
Shall the city of Beaverton adopt a new charter to replace its current city charter?

SUMMARY:
If adopted, this measure would provide a new charter for the city. The new charter would change the city's form of government. The mayor would no longer be the city's administrative head. Instead, the city council would appoint a full-time city manager to oversee the city's day-to-day operations.

The new charter also makes other changes. The council would expand from five to seven members: six part-time city councilors and one full-time mayor. The council would serve as the city's governing body and be responsible for the city's

legislative functions. In addition to serving on the council, the mayor would serve as the city's chief elected official.

All council positions would be nonpartisan and elected at-large by Beaverton voters. The councilors and the mayor would be limited to three consecutive four-year terms in office for their respective positions.

Beaverton's current charter uses gender-exclusive references. The proposed charter contains no gender-exclusive references.

Complete copies of the proposed charter showing all changes are available from the city recorder's office and at www.BeavertonOregon.gov.

Section 3. The ballot title adopted by this resolution shall be filed with the city elections officer. The city attorney and the city elections officer are jointly and severally authorized and directed to take all necessary steps for and on behalf of the city to effectuate this resolution, including by providing public notice and submitting required materials to the county and city elections officers so as to cause the measure to appear on the ballot for the May 19, 2020, election and to otherwise carry out the intent and purpose of this resolution.

Section 4. The council authorizes and directs the city attorney to draft an impartial, simple and understandable statement of 500 words or less explaining this measure and its effect. The council shall review and, at its discretion, revise the draft explanatory statement and adopt by resolution the final form of the explanatory statement for publication in the City and County voters' pamphlets for the May 19, 2020, election.

Section 5. The proposed charter that is the subject of this referral is set forth in full in the attached Exhibit A.

Section 6. This resolution takes effect immediately upon passage.

Adopted by the City Council this 11th day of February 2020.

Approved by the Mayor this 12th day of February 2020.

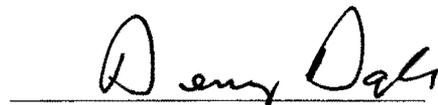
Ayes: 4

Nays: 1

Attest:

Approved:


Catherine Jansen, City Recorder


Denny Doyle, Mayor

The Beaverton Charter of 2021

PREAMBLE

We, the voters of the City of Beaverton, Oregon, exercise our power to the fullest extent possible under the constitution and laws of the State of Oregon and enact this home rule charter.

**Article 1
Names and Boundaries**

- 1.1 **Titles.** This enactment may be referred to as the Beaverton Charter of 2021.
- 1.2 **Name.** The City of Beaverton, Oregon, continues as a municipal corporation with the name City of Beaverton.
- 1.3 **Boundaries.** The city includes all territory within its boundaries as they now exist or are legally modified in the future.

**Article 2
Powers**

- 2.1 **Powers.** The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.
- 2.2 **Construction.** This charter is liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.
- 2.3 **Where Powers Vest.** All powers of the city are vested in the city council, except as otherwise provided by law or this charter.

**Article 3
Council**

- 3.1 **Council Composition and Powers.** The council is comprised of a mayor and six councilors nominated and elected from the city at large.
- (a) A majority of the entire council must appoint, manage and remove the city manager. The council may appoint a city manager for a definite or an indefinite term. The council must fill the office of city manager by appointment as soon as practicable after a vacancy occurs.
- (b) The council must conduct an annual review of the performance of the city manager.

- (c) The council's appointment or removal of the city manager must be made without regard to political considerations and solely on the basis of matters relating to or arising out of the city manager's demonstrated skill, knowledge, experience, performance, and conduct in local government management.
- (d) When the city manager is temporarily disabled from acting as city manager or when the office of the city manager becomes vacant, the council must appoint a city manager pro tempore. The city manager pro tempore has the authority and duties of city manager, except that a pro tempore city manager may appoint or remove direct reports to the city manager only with council approval.
- (e) A majority of the entire council must appoint, manage and remove the city attorney.
- (f) A majority of the entire council must appoint, manage and remove a municipal judge and designate one municipal judge to serve as the court's presiding judge.
- (g) A majority of the entire council must appoint, manage and remove the city auditor.
- (h) A minimum of five affirmative votes is required to censure or discipline a council member.
- (i) A minimum number of five affirmative votes is required to remove a council member pursuant to 3.10.
- (j) A majority of the entire council may appoint, manage and remove council support staff.
- (k) The council must determine the compensation of the mayor and councilors, but no change in compensation is effective for the mayor or councilors in office when the decision is made. The changes in compensation take effect at the start of the term following the end of the term of each council member in office when the determination was made.

3.2 Council President. At its first meeting each calendar year, the council must elect a councilor to serve as the council president. The president presides in the absence of the mayor and acts as mayor when the mayor is unable or unavailable to perform duties.

3.3 Mayor. Except as otherwise provided in this charter, the mayor is the full-time official head of the city for political, ceremonial, emergency management, and military purposes. The mayor is a voting council member and has no veto authority.

- (a) In exercising the powers of the mayor, the mayor must:
 - (1) Attend all meetings of the council, except when circumstances necessitate otherwise.
 - (2) Preside over and facilitate council meetings, preserve order, enforce council rules, and determine the order of business under council rules.
 - (3) Sign the authorized writings and records of council decisions.
 - (4) Work with the city manager and councilors to develop and implement short and long-term goals for the city.

- (5) Work with the city manager and councilors to define roles and responsibilities of individual councilors on intergovernmental issues.
 - (6) Annually report to the community, and as needed to council, as to the affairs and needs of the city and such legislation, policies, or measures the mayor deems necessary or desirable.
 - (7) With the consent of the council, appoint and remove members of boards, commissions, and committees established by ordinance or resolution. An appointment or removal made by the mayor to any board, commission, or committee does not take effect unless the council confirms the appointment or removal or the council fails to act upon an appointment or removal within 15 calendar days after the council's notice of the mayor's action.
- (b) In exercising the powers of the mayor, the mayor may:
- (1) Engage in other employment, business, or activities unless the council determines that the outside employment, business, or activities interfere with the mayor's performance or ability to meet the needs of the city, in which instance the mayor must terminate or curtail the outside employment, business, or activities.
 - (2) Appoint, manage and remove support staff.
 - (3) Have other lawful powers and duties that are conferred or imposed by ordinance or resolution of the city.
- (c) Except for support staff of the mayor or council, the mayor must not direct or order any employee or official of the city, including the city manager.

3.4 No Interference. No council member may directly or indirectly attempt to coerce the city manager or a candidate for the office of city manager in executing the city manager's powers and duties. In council meetings, council members may discuss or suggest anything with the city manager relating to city business.

3.5 Rules and Meetings. The council must determine its own rules and order of business. The council must meet at least once a month at a time and place designated by its rules, and it may meet at other times in accordance with its rules and Oregon law.

3.6 Quorum. A majority of the council members is a quorum to conduct business, but a smaller number may meet and compel attendance of the absent council members in a manner provided by law. In the event of a vacancy due to death, resignation, or loss of contact during a state or federal state of emergency within the city, the quorum is reduced accordingly. Every council member who is present must be counted for the purpose of constituting a quorum, even if the council member does not vote on one or more issues.

3.7 Record. A record of council meetings must be kept in a manner prescribed by the council rules and Oregon law.

3.8 Voting. Except as otherwise provided in this charter, the express approval of a majority of the council members present and voting is necessary for any council decision.

3.9 Representing the City. When taking a position on a city issue outside of a council meeting, a council member must express the majority position of the city council, but may also express the individual's personal opinion on the issue.

3.10 Removal from Office. In addition to censure and discipline, the council may remove a council member, after notice and an opportunity to be heard, if a minimum of five members of the council determines that the council member:

- (a) Is convicted of a crime punishable by a term of imprisonment;
- (b) Has violated any applicable rule of governmental ethics;
- (c) Fails to participate in at least one council meeting within a 60-day period without notifying the council;
- (d) Fails to qualify for the office within 30 days of the scheduled date of assuming office;
- (e) Coerces the city manager in violation of Section 3.4.

Article 4

Powers and Duties of City Officers

4.1 City Manager. The office of city manager is established as the administrative head of the city government. The city manager is responsible to the council for the proper administration of all city business.

- (a) The city manager has no authority over:
 - (1) The mayor,
 - (2) The councilors,
 - (3) The support staff of the mayor or council,
 - (4) The city attorney,
 - (5) The auditor,
 - (6) The municipal judges,
 - (7) The judicial functions of the municipal judges, or
 - (8) The legal services functions of the city attorneys.
- (b) The city manager must:
 - (1) Provide high quality professional management and leadership to city government.
 - (2) Assist the council in the development of city policies and carry out policies established by ordinances, resolutions, and orders.
 - (3) Attend all council meetings unless excused by the mayor.
 - (4) Make reports and recommendations to the council about the needs of the city.
 - (5) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, codes, and other city decisions.

- (6) Determine the personnel rules and practices of the city and appoint, manage, and remove all city employees over which the city manager has authority.
- (7) Organize departments and administrative structure over which the city manager has authority.
- (8) Propose and administer the city budget.
- (9) Administer city utilities and property.
- (10) Consistent with council direction and in cooperation with the mayor, encourage regional and intergovernmental cooperation.
- (11) Involve the council in the development and implementation of short and long-term goals for the city; the short and long-term agenda process; and the development of budget principles and priorities.
- (12) Promote cooperation among the mayor, council, staff, and residents in developing city policies and building a sense of community.
- (13) Perform other duties as directed by the council.
- (14) Delegate duties but remain responsible for actions of all subordinates.
- (15) Permit conversation between council members and city staff, to include suggestions, opinions, and information, with the understanding that no individual council member shall give orders to the city manager or to any city staff member.
- (16) Express the majority position of the city council when taking a position on a city issue, but may at the same time, express the city manager's personal opinion on the issue.

4.2 City Attorney. The office of city attorney is established and remains and continues as the chief legal officer of the city government. The city attorney appoints, manages, and may remove any employees who work in and for the city attorney's office. The city attorney must be a member in good standing of the bar of the state of Oregon.

4.3 Municipal Court and Judges. The Municipal Court of the City of Beaverton, Washington County, Oregon, is established and remains and continues to operate as a municipal court.

- (a) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court. The municipal court has subject matter jurisdiction over every offense created by city ordinance and to the fullest extent allowed by law over all misdemeanors and violations defined and made punishable under state law, unless limited by city ordinance.
- (b) All municipal judges must be members in good standing of the bar of the state of Oregon. The presiding judge exercises general supervision over the judicial functions of the municipal court and its judges and has authority over the dockets and assignment of cases. The council may assign other duties to the presiding judge.

- (c) A municipal judge may render judgments and impose sanctions on persons and property; order the arrest of anyone accused of an offense against the city; commit to jail or admit to bail anyone accused of a city offense; issue and compel obedience to subpoenas; compel witnesses to appear and testify and jurors to serve for trials before the court; penalize contempt of court; issue processes necessary to enforce judgments and orders of the court; issue search warrants; and perform other judicial and quasi-judicial functions as allowed by law.

4.4 **Auditor.** The city council must provide for an independent, annual financial audit of all city accounts and may provide for more frequent audits and such other audits and studies as the council deems appropriate. The auditor or firm conducting a financial audit must be duly licensed to practice as an auditor under state law.

4.5 **Compensation.** The council must authorize the compensation of city officers and employees pursuant to the city budget process.

Article 5 Elections

5.1 **City Elections.** City elections must conform to state law, unless this charter or city ordinances provide otherwise. All elections for city offices are nonpartisan.

5.2 **Qualification of Electors.** Every person who is a resident of the city and who qualifies as a legal voter under state law may vote in a city election.

5.3 **Eligibility.** Each council member must be a qualified elector under state law and reside within the city for at least six months immediately before election or appointment to office. A person, after taking office, must remain a resident of the city and qualified elector of the state to continue to hold office. No person may be a candidate at a single election for more than one city office. Except when a state trial court has jurisdiction over the matter, the council is the final judge of the election and eligibility of its members.

5.4 **Nominations.** The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.

5.5 **Voters' Pamphlet.** All candidacies and measures submitted to the voters of the city in a primary, general, or special election must be publicized by a voters' pamphlet published by the city in accordance with city ordinance. No voters' pamphlet will be prepared for any election for which no city measure is submitted to the voters and not more than one person has filed or been nominated for any city office.

5.6 **Oath.** The mayor and each councilor must subscribe and swear or affirm an oath to the effect that the person will faithfully discharge to the best of the person's ability the duties of the office being assumed and will support the constitutions and laws of the United States and the State of Oregon and the charter and ordinances of the City of Beaverton. The oath

must be administered and attested to by a notary public or other person duly authorized to administer oaths. The oath may be taken up to 30 days prior to the scheduled date of assuming office.

5.7 Terms. After January 1, 2020, council positions one, two, and five will be elected every four years starting with the 2022 general election and the mayor and council positions three, four, and six will be elected every four years starting at the 2024 general election. The mayor and each councilor's term of office is four years and commences on the first day of January after the election to office. A mayor may serve no more than three consecutively-elected four-year terms. A councilor may serve no more than three consecutively-elected four-year terms; the limit applies even if one or more of the consecutive terms is served in different numbered council positions. If a mayor or a councilor is appointed or elected for a term that is less than three years, the partial term does not count as a term; in addition to the partial term, a mayor or a councilor may also serve three consecutively-elected four-year terms.

5.8 Vacancies in Office. The mayor or a council office becomes vacant upon the mayor or councilor's:

- (a) Death;
- (b) Resignation from the office;
- (c) Recall from office;
- (d) Ceasing to reside in the city;
- (e) Ceasing to be a qualified elector under state law; or
- (f) Removal from office pursuant to Section 3.10.

5.9 Filling Vacancies. Vacancies must be filled as follows:

- (a) If less than one year remains in the term of the person who held that vacant office, the council may fill the vacancy by majority vote of the remaining council members, and the appointee will serve the unexpired term of the predecessor to the office; or
- (b) If one year or more remains in the term of the person who held the vacant office or if for any reason the office is not filled and no person takes office when the term of office otherwise would have commenced, council may fill the vacancy by majority vote of the remaining council members, and the appointee will serve as an interim city councilor until a successor to the office is duly elected and is qualified to take office.
- (c) The election to fill the vacancy for the unexpired term of office must be held at the election that is next available pursuant to state law which occurs no sooner than the one hundred twentieth day after the date upon which the vacancy occurred. At the election, the person elected must receive a majority of the votes cast for all candidates for the office. If no candidate receives a majority, then a run-off election between the two candidates receiving the highest number of votes must be held at the election that is next available pursuant to state law.

The term of office for a person elected to fill a vacancy for an unexpired term of office commences upon the certification of the election.

Article 6 Ordinances

6.1 Ordaining Clause. The council exercises its legislative authority by adopting ordinances. The enacting clause for all ordinances must state “The City of Beaverton ordains as follows:”.

6.2 Adoption. Except as otherwise provided in this charter, the council must do the following to adopt an ordinance:

- (a) Publish a draft of the proposed ordinance for public inspection at least seven days before a public hearing on the proposed ordinance;
- (b) Read the ordinance by title only and announce the public hearing date at a council meeting;
- (c) Publish, in accordance with applicable law, the title of the ordinance in a written meeting agenda for a subsequent meeting;
- (d) Hold a public hearing at a subsequent meeting;
- (e) Move to adopt the ordinance at the same meeting the public hearing is held or at a subsequent meeting; and
- (f) Vote whether to adopt the ordinance.

6.3 Immediate Adoption. The council may adopt an ordinance at a single meeting by the unanimous approval of the council members present and voting on the matter, provided the proposed ordinance is available in writing to the public at least seven days before the meeting, unless there is an emergency. With the consent of the councilors present, the council may adopt an ordinance to address the emergency with such abbreviated notice and process as the council determines to be necessary under the circumstances.

6.4 Amendment to Proposed Ordinance. Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.

6.5 Record of Vote. After the adoption of an ordinance:

- (a) the mayor must sign the ordinance.
- (b) the city recorder must attest to the adoption and date of adoption of the ordinance and enter into the council minutes the vote of each council member regarding the adoption of the ordinance.

6.6 Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon

as adopted or on another date less than 30 days after adoption if it contains an emergency clause.

Article 7

Public Improvements; Urban Renewal; Debt

7.1 **Public Improvements.** The council must order the making of a public improvement upon petition of the owners of 60% of the area of the real property that would be subject to special assessments for the cost of the improvement.

7.2 **Urban Renewal.** The council shall not approve any urban renewal plan unless approved by a majority vote in the City of Beaverton at a general or primary election. Further, any urban renewal agency board shall not be comprised exclusively of council members.

7.3 **Debt.** City indebtedness may not exceed debt limits imposed by state law.

Article 8

General Provisions

8.1 **Ordinance Continuation.** All ordinances and other enactments consistent with this charter and in force when this charter takes effect remain in effect until amended or repealed.

8.2 **Pending Matters.** All rights, claims, causes of actions, duties, contracts, and legal administrative proceedings that exist when this charter takes effect continue and are unimpaired by this charter, except as modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the city department, office, or agency appropriate under this charter.

8.3 **Severability.** The terms of this charter are severable. If any provision of this charter is held invalid by a court, the invalidity does not affect the validity of the remaining parts of the charter.

8.4 **Time of Effect.** This charter takes effect 30 days after the day on which it is approved by a majority of voters, and except as otherwise provided is operative January 1, 2021. The city may take any action before this charter's operative date that is necessary to enable the city on or after the operative date to exercise all duties, functions, and powers conferred on the city by this charter.

8.5 **Saving Clause.** All charter provisions adopted before this charter takes effect continue in force and effect until repealed.

8.6 **Repeal.** All charter provisions adopted before this charter takes effect are repealed when this charter becomes operative on January 1, 2021.

Article 9
Transition

9.1 **Terms.** For each elected official in office on January 1, 2020, all preceding consecutive terms served by the elected official will apply towards the maximum of three consecutively-elected four-year terms allowed under the 2021 charter.

9.2 **Compensation.** The compensation of the mayor and each councilor when this charter takes effect must continue in effect until changed in accordance with the provisions of this charter.

9.3 **New Council Position.** The city must hold an election the same day as the 2020 general election to fill the sixth councilor position. The person elected to council position six will serve a four-year term of office to begin on the first day of January following the election and receive the same compensation as other councilors.

9.4 **Codification.** The provisions of this Article 9 shall not be codified.