



City of Ontario
City Charter Review Ad Hoc Committee
Agenda
May 13, 2021
City Hall 6:00 pm
[ZOOM](#)

1. Call to Order

2. Roll Call: Ken Hart ___ John Kirby ___ Sam Baker ___ Jaime Taylor ___ Robert Wheatley ___
Susann Mills ___ Michael Miller ___

3. Others: City Manager ___ Assistant City Manager ___ City Recorder ___ City Attorney _____

4. Pledge of Allegiance

5. Adoption of Minutes: April 29, 2021

6. New Business:

7. Discussion Items:

Last Meeting Concluded at Section 5.6

Business will begin at Section IV.

The attached table has the sections requested to be reviewed highlighted with proposed language for consideration and deliberation.

8. Adjournment



CITY CHARTER REVIEW AD-HOC MEETING MINUTES April 29, 2021

The scheduled meeting of the Ontario City Charter Review Ad-Hoc Committee was called to order by Chairman Ken Hart at 6:00 p.m. on Thursday, April 29, 2021, in the Council Chambers of City Hall. Committee members present were Ken Hart, John Kirby, Susann Mills, Jaime Taylor, Robert Wheatley, and Michael Miller. Sam Baker was excused.

Members of staff present were Adam Brown, Peter Hall, Tori Barnett, and Larry Sullivan.

The meeting was recorded, and copies are available at City Hall.

Ken Hart led everyone in the Pledge of Allegiance.

ADOPTION OF MINUTES

Member Mills wanted to note in the minutes from the previous meeting (April 15, 2021) that she had commented that former City Manager Henry Lawrence had not lived in the city limits. She wanted to add that while he had not lived in the city limits initially, he moved inside the city limits when hired for the job.

TAYLOR moved, KIRBY seconded, to adopt the minutes of the April 15, 2021, Charter Review Committee Meeting, with the addendum reflected in the above statement. Roll call vote: Hart-yes; Kirby-yes; Baker-out; Miller-yes; Mills-yes; Taylor-yes; Wheatley-yes. Motion carried 6/0/1.

OLD BUSINESS

Councilor Structure Options

Chairman Hart stated that had been discussed at a previous meeting and it was determined that was not something that they were seeking a change on at this time.

3.5 Digital Meetings

Mr. Brown stated staff had located no references to digital, virtual, or electronic meetings because it was covered by state law, which allowed virtual attendance.

Mr. Sullivan stated a meeting still had to be in the jurisdiction, but that only meant that the person recording the meeting had to be in the jurisdiction and everyone else could just call in.

Mr. Brown stated he thought it was something that could be addressed in the Council Rules and Procedures rather than the Charter.

Mr. Sullivan stated they could have something in the Charter that read that meetings could be held anyway authorized under Oregon laws, or something similar, and that would provide the city the broadest opportunity to conduct digital meetings; however, it was not necessary.

Section 3.8: Council President: Appointment and Removal

Chairman Hart stated at the last meeting, staff had been asked to provide clarifying language for this issue. Three options were reached: leave the language as currently written; amend the language to allow the majority to remove from the Council President position, but not removal from the Council; or remove the Council President position in its entirety.

Member Kirby stated regarding the majority option, that was how the individual was put in the position, so the majority could remove the person.

Mr. Brown stated staff had reviewed 65 different Charters, and none of them allowed for the removal of the Council President. He reminded them that in the absence of the Mayor, the Council President became Mayor pro tem.

Member Taylor agreed with either option #2 or #3, but she wouldn't leave it as it currently was. Amending it to read that someone could be removed from the position by a majority was necessary. If something happened to the Mayor, why couldn't the Council decide at that time who could fill the position of acting Mayor. This was partially due to what was currently taking place with city government.

Member Miller stated if they amended it to read that a majority would allow for removal, was there any language in the Charter stating reasons for removal?

Mr. Sullivan stated that was something the Council could determine. The difficulty with setting standards was that they created the possibility of a legal challenge as to whether the standards had been met. Saying they had to do it for cause, someone could sue the city and say it wasn't for cause, or that it wasn't cause enough to remove that person from that position.

Member Miller asked if they would be opening a can of worms if they went that route.

Mr. Sullivan stated no, because it was a position created to fill a gap when the Mayor was absent. The Council President was an elected official but was not elected as Council President. The Council determined who the Council President would be. The Council did not have to have a reason for selecting a particular person, but they also shouldn't have to – theoretically – have to have a reason for removal. There wasn't an ability to challenge that.

Chairman Hart stated he was not in favor of Option #3. When the Mayor was absent, it was important that the person be selected.

Member Wheatley stated the piece that bothered him about the proposed addition was the language "*can remove the Council President*". It appeared as if the person was being removed entirely. Could the language say "*replace*" or something similar?

Chairman Hart stated it could be tweaked to clarify it was only from the Council President position, not from the Council.

Member Mills asked when they removed a Councilor President would it be covered under an executive session, or would it be in an open session?

Mr. Sullivan stated it would have to be done in an open meeting.

MILLER moved, KIRBY seconded, **TO USE OPTION #2 TO AMEND THAT THE MAJORITY WOULD ALLOW FOR REMOVAL OF THE COUNCIL PRESIDENT AS PRESIDENT.** Roll call vote: Hart-yes; Kirby-yes; Baker-out; Miller-yes; Mills-yes; Taylor-yes; Wheatley-yes. Motion carried 6/0/1.



Section 4.2: City Manager Vacancy

Mr. Sullivan stated that Member Mills had wondered if there should be a sentence inserted dealing with the removal of the pro tem Manager, but that was complicated language, and the only time that would arise was if there was a pro tem City Manager that had gone rogue and was refusing to leave. Once the Council ruled a person was done as City Manager pro tem, that was it. There wouldn't be a reason to expect them to continue in office beyond that. He didn't see that not having language dealing with the removal created any issues for the Council. The Charter would reflect the language as provided by the LOC model charter.

Chairman Hart read the language as presented by the LOC model charter. *"When the Manager is temporarily disabled from acting as Manager or when the office of the Manager becomes vacant, the Council must appoint a Manager pro tem. The Manager pro tem has the authority and duties of Manager, except that a pro tem Manager may appoint or remove employees only with Council approval."*

Mr. Sullivan stated for reference that it was Section 8.1(h) in the model charter, and Section 4.2 for the city Charter.

Mr. Brown stated the change was made in Section 4.1, and 4.2 would be just the vacancy provisions.

Chairman Hart stated currently in 4.2 it read that *the City Manager may appoint or dismiss a Department Head only with a 2/3 vote of the entire Council*. The language that was moved and seconded did not have that. The new language read *...the pro tem Manager may appoint or remove employees only with Council approval*. That was an additional change and he wanted them to be aware.

Mr. Sullivan stated the motion eliminated the 2/3 vote requirement from the Charter.

KIRBY moved, MILLS seconded, **THAT THE CITY ADOPT THE LANGUAGE FROM THE LEAGUE OF OREGON CITIES MODEL CHARTER FOR SECTION 4.2**. Roll call vote: Hart-yes; Kirby-yes; Baker-out; Miller-yes; Mills-yes; Taylor-yes; Wheatley-yes. Motion carried 6/0/1.

Section 5.2: Municipal Judge

Mr. Brown stated only 2 of the 65 Charters reviewed had terms. Medford had a 3-year term and Salem had a 4-year term. Most were appointed and removed from office by Council decision. A few were appointed by the Mayor with the consent of the Council.

Member Kirby asked if qualifications were ever discussed.

Mr. Sullivan stated it was similar to the role of Justice of the Peace. It was not required that they be qualified for the position. Many Municipal Judge's had the same qualifications of a Justice of the Peace. There were no minimum qualifications in most cases.

Mr. Brown stated upon review there had not been any mention of qualifications. That might be something addressed by ordinance rather than in the Charter. That would allow more flexibility.

Member Miller stated the city did not currently have a Municipal Judge, so they just needed to follow the language in the Charter in case one was appointed.

Mr. Sullivan stated one issue, in context with current events, in reading the LOC model charter language, it read that *"The municipal court has jurisdiction over every offense created by city ordinance."* In the Mayor's lawsuit against the city was the claim that the city shouldn't have hearings officers that imposed fines on individuals. The language from the LOC model charter implied that would have to go through the Municipal Court. That didn't prevent the city from having hearings officers that imposed fines, but it could

result in a legal battle as to what that language meant. That language could be read to mean that you couldn't have a hearings officer. If someone had a nuisance violation, it had to go to Municipal Court. They couldn't have a separate hearings officer for that. The current language in the Charter gave the city the right, by ordinance, to send its ordinance violations to a different tribunal. It currently read that *"The jurisdiction and proceedings of the municipal court are governed by the general laws of the state for justices of the peace and justice courts except as city ordinance prescribes to the contrary."* That gave the city the opportunity to say they still wanted hearings officers. He only raised the issue because of the current lawsuit, and it was a potential issue.

Mr. Sullivan stated if the Charter Committee decided to move forward with the LOC language, that was fine, but if it passed, he would inform the Council they'd need to review the language and decide if they wanted separate hearings officers imposing fines or if that language read that it prevented anyone, except a Municipal Judge, from hearing ordinance violations that imposed fines. It seemed to shift to the Municipal Court the ability of the city to have fines imposed as a result of ordinance violations unless it was done by a Municipal Judge.

Member Mills asked for an outline of the procedure.

Mr. Sullivan stated currently the city, based on Salem ordinances, created the hearings officer position in Ontario. The city had the right to hire, as independent contractors, hearings officers to hear ordinance violation cases. That was currently how it was done. The city did not have a Municipal Court. This bypassed the Municipal Court position. If the LOC model charter language were put in place, it lent some support to the idea that only the Municipal Judge could be the person imposing fines regarding city ordinances. There were currently no hearings officers in place.

Member Kirby stated initially the city had a Judge, and then the city contracted with the Justice Court to hear and rule on ordinance violations. But the Justice of the Peace decided she did not want to hear or rule on the city's ordinance issues.

Mr. Sullivan stated that was not what the Justice of the Peace said. She said that somebody within the city made the decision not to take those cases to the Justice of the Peace.

Mr. Brown stated the intent of the Council was to solicit applications for a hearings officer. That was done and the city received no interest.

Member Miller asked if the Ordinance Officer gave someone a summons or fine, what was the next step?

Mr. Sullivan stated a nuisance violation would go to the hearings officer if the person who was cited filed an appeal, which currently cost \$250. If the individual won their appeal, the \$250 was refunded. That was an additional issue that needed to be reviewed. There should be a way to not require people pay that fee if they couldn't afford it.

Member Kirby asked if Judge Mahoney revealed who it was that asked that she not hear the cases.

Mr. Sullivan stated it was a former Police Chief.

Member Mills stated if there was a nuisance violation in process and there were no hearings officers and the Justice Court and Municipal Court weren't handling it, how long would it take and who chose the person to oversee the nuisance?

Mr. Sullivan stated there were two different things that could happen as a result of a nuisance violation. The Ordinance Officer would give an order to the person who committed the violation to fix it, whatever it might be. The Officer could also give a fine. If there wasn't a fine attached and it was just an order to fix the issue, and it wasn't done, the city had the right to hire someone to do the work and then impose a lien on the property for the costs. There would not be a trial if there was a nuisance that was being abated by the city for a private property.

Chairman Hart stated this might be an opportunity for the City Council to speak with the Justice Court. He asked that this be placed on a future Council Agenda for discussion.

Chairman Hart stated there were a few options available to them for this issue. They could leave the language as it currently was, which was a truncated Municipal Judge language; they could adopt the LOC model charter language which flushed out more the position of the Municipal Judge; or they could establish their own language.

MILLER moved, WHEATLEY seconded, **THAT THE COMMITTEE ACCEPT THE LEAGUE OF OREGON CITIES MODEL CHARTER LANGUAGE FOR THE POSITION OF MUNICIPAL JUDGE.** NO VOTE.

Member Mills asked if this had to be in the Charter, or could it be handled at the Council level by ordinance?

Mr. Sullivan stated most cities had the position in their Charter. The advantage of having it as a separate position was that it allowed that person to have some independence. The language proposed by LOC was better than the current Ontario Charter.

RETYPE MOTION:

MILLER moved, WHEATLEY seconded, **THAT THE COMMITTEE ACCEPT THE LEAGUE OF OREGON CITIES MODEL CHARTER LANGUAGE FOR THE POSITION OF MUNICIPAL JUDGE.** Roll call vote: Hart-yes; Kirby-yes; Baker-out; Miller-yes; Mills-yes; Taylor-yes; Wheatley-yes. Motion carried 6/0/1.

Mr. Brown asked for clarification on the issue. They talked of 8.3(a) and 8.3(d), but was that to add all the way through 8.3(e)(9)?

Chairman Hart stated yes, that was correct, the entire Municipal Judge section.

NEW BUSINESS

(Proposed New) Section 5.5 City Attorney

Mr. Brown asked for some clarification on the request. The language established an office of the City Attorney, which sounded like a full-time position on staff, or was the intent to continue to contract out the position? Either way, the current Charter specified that the City Attorney was appointed by the Council. In researching the issue, 37 cities had their City Attorney appointed by the Council, and 21 cities had the position hired by the City Manager. Without a full-time attorney, it made more sense to contract it.

Mr. Sullivan stated he did not see this language as creating a false impression that the city had to have a full-time City Attorney. He did not believe the city needed to have a full-time attorney as a city employee.

Member Miller stated by having a part-time contractual City Attorney, they saved money on benefits. There were many things that needed to be considered when looking at bringing someone on full-time.

Chairman Hart stated this issue was presented by him. It was not his intent that they would say there was a new FTE. In looking at the Finance Director, that was a contracted position; the Public Works Director and Department was contracted out. He was not advocating for a full-time position. The key point was that the Council would appoint the City Attorney, whether it be an employee or a contracted position.

Chairman Hart read the proposed language: *City Attorney – The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney may appoint, supervise, and may remove any employees who works in and for the City Attorney's office.*

Mr. Sullivan stated the last sentence caused a bit of confusion. If it was part-time, the last sentence made no sense.

Chairman Hart stated it was being done to establish that as the city grew, was maybe up to 100K people, the language would restrict them. It was being established in a way that it was a clearly reportable and accountable to the Council. That was the intent.

Mr. Sullivan suggested removing the last sentence as presented by the LOC model charter. Anyone that was a city employee was going to be hired by the City Manager, not by the City Attorney. He thought the last sentence would create confusion if left in the Charter.

Chairman Hart stated if it was a stand-alone department that reported to the Council, wouldn't that person select their own staff?

Mr. Sullivan stated they might, but if was in the Charter, that did not give city government the opportunity to make that decision. Removing that sentence, if a City Attorney were going to be hired, they could debate on who should work for that position and what voice that position would have for their staff. Leaving it in the Charter would mean that only the City Attorney could employ people to work in the City Attorney's office.

Mr. Brown stated there were cities that had that language in their Charter but were actually contracting out the position of City Attorney. It might be there so an attorney in the City Attorney's office could sit in for the City Attorney in their absence. Was that a possibility behind the language?

Mr. Sullivan stated that could be, and it could happen. It would be handy to have someone in the office who could cover an absence. If it were a department within the city and the people who worked in that department were all city employees, that language would say that the City Attorney made that decision.

Member Miller stated he believed the language should remain. If the city decided to put an attorney on staff full-time, that person would need that latitude to hire and remove employees in that department.

MILLER moved, MILLS seconded, **THAT THE COMMITTEE ACCEPT THE LEAGUE OF OREGON CITIES MODEL CHARTER LANGUAGE FOR THE OFFICE OF THE CITY ATTORNEY.** Roll call vote: Hart-yes; Kirby-yes; Baker-out; Miller-yes; Mills-yes; Taylor-yes; Wheatley-yes. Motion carried 6/0/1.

(Proposed New) Section 5.6: Police Chief

Mr. Brown stated staff had researched through the 65 Charters and found that 63 of the 65 showed it was the City Manager who hired and/or terminated the Police Chief. One Charter indicated the Council could hire and fire the Police Chief, and one Charter stated the Council could remove the Police Chief.

Member Miller stated it would be better if there were more eyes reviewing that type of position, instead of just one person making the decision. If the City Council had more input, it would be a better situation. But, with that many cities doing it the way they were, maybe....

Member Mills stated when she was on the City Council, they had formed a committee with city employees, citizens at large, and City Councilors. After the initial applications were reviewed, the top number were presented to the committee who then reviewed and discussed the applications. After that, while the City Manager was also on the Committee, it was a consensus to narrow it down to the top candidate, who was then taken before the Council. She could not recall if the Council made the final decision, or the City Manager. Did Ms. Barnett remember?

Ms. Barnett stated there had been a committee, but the final decision was made by the City Manager.

Member Kirby saw the benefit of both. He like the advice of the community on the input; however, Mr. Brown had been all over the United States, in multiple cities, so he might want to challenge the following statement, but maybe have multiple eyes on the applicants, then narrow it down to the top three or four for the Manager to consider. He liked the citizen input at the beginning, but how that placed in the Charter he was no sure of. The broader base, the better success.

Member Miller stated that could go both ways. There could be a new set of City Councilors versus a long time City Manager, who had the background to make the best decision.

Chairman Hart stated he had presented the proposed language. His thinking was beyond just the selection. Given the debate in the nation related to police and police practices, the idea of an elected body having a more direct tie to the community if a change were needed in the local Police Department whereas currently that would have to go from the Council to the Manager to the Police Chief. The way it was structured, the language was similar to the City Attorney. Everybody under the Police Chief, which would roll up to the Council. He was looking beyond just the idea of the Council having a role in the selection, but also making sure it was a clear direct line to the Council to hold whoever was in that position accountable to the public.

Member Taylor stated the suggestion by the committee echoed what Chairman Hart said. The Chief of Police was appointed or removed by the majority of the City Council, not the City Manager. She believed they were discussing if the City Manager should have that responsibility, or should it be the City Council. But what was suggested was that the City Council would have the authority to do that. Maybe add the City Manager role in with that. Something like the City Council, with input from the City Manager, regarding the Chief of Police, because they were all valid.

Member Miller stated in looking at the numbers, 63 out of 65 had the City Manager hiring and terminating the Police Chief. That said a lot. To have outside comments, either from the Council or community, was also good. It clearly had been successful to have that high of percentage.

Mr. Brown stated he felt strongly about this issue. He had worked in three states, in both county and city governments. When the position was not under the City Manager, it became a very politicalized position. He spoke with the current Ontario Police Chief, who indicated that he probably wouldn't have come to Ontario if that were how it was done. Many Police Chiefs wouldn't have applied under that situation. He had 21 years working with law enforcement executives, and with the Council now, there was no one there that had been serving over three years. That's what he had been trained to do. There was a way for the City Council to deal with issues with law enforcement, which was to work with the Manager, who was held accountable for that. What was going on in the world currently, he did not see that changing the form of how Police Chief's reported up through City Managers in over 95% of the country.

Member Mills stated this appeared to be trying to take away the responsibilities of what was done in the City Manager position in a sense that when the City Manager was hired, that was probably one of the qualifications, to know who would be best qualified for a department head position. When the committee was together, there had been five applicants and they discussed them, resulting in two candidates. Those two appeared before the committee for an interview. The committee ranked for the best choice but looked to the City Manager for his input because that was his job. Having the committee was good, but it now looked like they were taking away the City Manager's job.

Mr. Brown stated that was a very integral part of the toolbox, and doing it differently was a terrible form of government. There was a close team here, and they all came to each other's aid when needed. As a management team, it was his personal philosophy to run the city as a team, and they made decisions together. The Police Chief was just one of the Department Heads, but they all contributed to helping the city move in the direction the Council wanted.

Mr. Sullivan stated the City Manager of Ontario liked being in charge of hiring and firing because it created a clear chain of command. It minimized the amount of micromanaging the Council could do, and it eliminated any advantage to any individual employees running to the Council and speaking against the City Manager. The City Manager, as long as he had the authority to fire that employee, was probably going to do just that if that employee was taking those type of steps. He had seen situations here where the City Council about ten years back had a number of micromanagers on the Council and they didn't have any hesitation in going to individual employees and developing alliances with those employees, and it created a lot of disruption. That's the kind of problem they could get if they had a Police Chief who had independent authority apart from the City Manager and served at the pleasure of the Council. At that point, any time the Police Chief wanted to do something that undermined the City Manager, he could do it because the City Manager had no control over that position.

Member Taylor asked if Mr. Brown said he spoke with the current Police Chief about this, who said he would not have come to Ontario had it not been under the City Manager, but rather under the Council?

Mr. Brown stated that was correct. That had been stated by the current Police Chief.

Member Taylor stated it would be interesting to know more about their take on this. Like what Member Miller said, obviously 63 out of 65 cities chose to have the City Manager do the hiring and firing of the Police Chief, and there was probably a good rationale behind that. She could see where if they made alliances with the Council, that could become muddy and convoluted.

Member Miller stated they needed to have one person in charge to steer the ship. They couldn't have multiple personalities or multiple ideas. They needed one person to make the ultimate decision, whether it be to hire, fire, or whatever.

Member Wheatley stated what he heard was that a majority of them felt it was in the proper hands as it was now, where the City Manager would do the hiring. But he also felt there was a strong sense of liking the idea of having a steering committee that would help in sorting out and narrowing down the applicants with the City Manager making the final decision.

Chairman Hart stated possible language could be that if there were a vacancy in the Police Chief position, the City Manager would make a recommendation with the consent of the Council.

Member Mills stated the consensus that there were several people working on the committee with the City Manager, to her, worked well for what they were doing. Committees were good if they weren't too large.

Member Miller stated it was a great idea, but the ultimate decision should come from the City Manager after the input session from whoever else was brought in – Councilors, businesspeople, or citizens – but it should come down to a decision by the City Manager.

Member Kirby asked if the contract would come before the Council.

Mr. Brown stated the Police Chief position in Ontario was not a contract employee. That position would fall under the same hiring guidelines and benefits system as all the other department heads. Currently, any finalists for a position here were brought before the leadership team. The question came down to which candidate could best help them meet the Council's goals together. The challenge was that the problems were too complex for any one department, or even one organization, to resolve on their own. He reserved the right to differ from the team, but he hadn't, and it would be a hard decision to go in a different direction from the team.

Member Miller stated whether it was Mr. Brown in the position or somebody else, they had to meet all kinds of qualifications before they'd get the job, so he wanted the ability to hire and fire people. They weren't going to hire someone with no experience. Going forward there would be qualified people in the position of Manager, and they'd have the ability to make those decisions.

Chairman Hart stated the downfall of the idea was the possibility of politicalizing that department and that leader.

Mr. Brown stated that might also stop other City Manager candidates from applying here.

Chairman Hart stated he was not getting the sense that anyone had desire to make a change to the current makeup.

Further Matrix Review Beginning at Section 6: Municipal Officers and Employees

Chairman Hart stated there was one more meeting before the next Public Hearing.

Mr. Brown stated if there was more homework for staff, let them know and it would be researched.

ADJOURN

MILLER moved, MILLS seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Hart-yes; Kirby-yes; Baker-out; Miller-yes; Mills-yes; Taylor-yes; Wheatley-yes. Motion carried 6/0/1.

ACCEPTED:

ATTEST:

Ken Hart, Chairman

Tori Barnett, MMC, City Recorder



Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
I. INTRODUCTORY PROVISIONS					
1.1	Title. This enactment shall be referred to as the Ontario Charter of 1985	1.1	Titles. This charter may be referred to as the 2021 Ontario Charter.		Titles. This charter may be referred to as the 2022 Ontario Charter.
1.2	Corporate Name of City. The municipality of Ontario, Malheur County, Oregon, shall continue to be a municipal corporation with the name "CITY OF ONTARIO."	1.2	The City of Ontario, Oregon, continues as a municipal corporation with the name [City of Ontario]		Corporate Name of City. The municipality of Ontario, Malheur County, Oregon, shall continue to be a municipal corporation with the name "CITY OF ONTARIO."
1.3	Boundaries The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified pursuant to law. The custodian of City records shall keep an accurate, up-to-date description of the boundaries and make copies of this Charter and the boundary descriptions available for public inspection.	1.3	Boundaries The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries.		Boundaries The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified pursuant to law. The custodian of City records shall keep an accurate, up-to-date description of the boundaries and make copies of this Charter and the boundary descriptions available for public inspection.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
			<p>Distribution [Section 2.3 in Model] The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi- judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.</p>		
II. POWERS		POWERS			
2.1	<p>Except as this Charter provides to the contrary, all power of the City is vested in the Council, the representative legislative body of the City.</p>		<p>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.</p>		<p>Except as this Charter provides to the contrary, all power of the City is vested in the Council, the representative legislative body of the City.</p>

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
2.2	The City has all powers that the constitution or laws of the United States or of this state expressly or impliedly grant or allow cities, as fully as if this Charter specifically stated each of those powers.		Construction. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.		The City has all powers that the constitution or laws of the United States or of this state expressly or impliedly grant or allow cities, as fully as if this Charter specifically stated each of those powers.
2.3	In this Charter no mention of a particular power may be construed to be exclusive or to restrict the scope of the powers that the City would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the City have all powers necessary or convenient for the conduct of its affairs, including all powers that cities may assume under state laws or the provisions of the state constitution regarding municipal home rule.		Distribution. The Oregon Constitution reserves initiative and referendum powers to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.		In this Charter no mention of a particular power may be construed to be exclusive or to restrict the scope of the powers that the City would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the City have all powers necessary or convenient for the conduct of its affairs, including all powers that cities may assume under state laws or the provisions of the state constitution regarding municipal home rule.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
III.	CITY COUNCIL AND MAYOR	III.	COUNCIL		
3.1	Council Membership The Council of the City shall be composed of a mayor and six councilors elected from the City at large.	3.1	Council. The council consists of a mayor and six councilors nominated and elected from the city at large.	The council consists of seven members who shall be elected as provided in this charter. A mayor and two councilors shall be elected by the city at large. Four councilors, one residing from each of the four districts, shall be elected by the city at large.	Council Membership The Council of the City shall be composed of a mayor and six councilors elected from the City at large.
3.2	Council: Election. All elections for purposes of electing a mayor and/or councilors shall be conducted on a non-partisan basis. Each councilor shall be elected for four years and shall hold office until a qualified successor is elected or appointed. The first election of councilors shall take place in 1986 at which time an election will be held to fill the vacancies of the three existing councilors whose terms will expire December 31, 1986. At each subsequent biennial general election, three councilors shall be elected, each for a term of four years.	7.1	Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors LOC Model Charter for Oregon Cities will be elected for four-year terms.	[if by district, changes will need to be made to this section]	Council: Election. All elections for purposes of electing a mayor and/or councilors shall be conducted on a non-partisan basis. Each councilor shall be elected for four years and shall hold office until a qualified successor is elected or appointed. The first election of councilors shall take place in 1986 at which time an election will be held to fill the vacancies of the three existing councilors whose terms will expire December 31, 1986. At each subsequent biennial general election, three councilors shall be elected, each for a term of four years.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
3.3	<p>Mayor: Election At the biennial general election held in 1986 and every fourth year thereafter a mayor shall be elected for a term of four years. The term of office of the mayor incumbent at the time this Charter is adopted shall continue until the beginning of 1987.</p>	7.2	<p>Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term.</p>	District elections 4 districts, two at large plus mayor	<p>Mayor: Election At the biennial general election held in 1986 and every fourth year thereafter a mayor shall be elected for a term of four years. The term of office of the mayor incumbent at the time this Charter is adopted shall continue until the beginning of 1987.</p>
3.4	<p>Council : Meetings The Council shall prescribe times and places for its meetings. It shall meet regularly at least once each month. At a meeting it may adjourn to the next succeeding regular meeting or to some specified time prior thereto. The mayor or a majority of the councilors may call special meetings of the Council in accordance with the laws of the State of Oregon.</p>	3.5	<p>Meetings. The council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with the rules and laws of the state of Oregon.</p>		<p>Council : Meetings The Council shall prescribe times and places for its meetings. It shall meet regularly at least once each month. At a meeting it may adjourn to the next succeeding regular meeting or to some specified time prior thereto. The mayor or a majority of the councilors may call special meetings of the Council in accordance with the laws of the State of Oregon.</p>

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
3.5	<p>Council : Quorum A majority of the councilors constitute a quorum for the transaction of Council business, except that a lesser number may meet and compel the attendance of absent members. A quorum may also compel the attendance of absent members. The mayor shall be deemed a councilor for the purpose of constituting a quorum.</p>	3.6	<p>Quorum. A majority of the council members is a quorum to conduct business. In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules.</p>	<p>Request staff to see if there is other language about virtual meetings. Staff research found no mention of digital, virtual, or electronic meetings in 60 charters reviewed. State Law allows virtual attendance by video, telephone, and electronic participation.</p>	<p>Council : Quorum A majority of the councilors constitute a quorum for the transaction of Council business, except that a lesser number may meet and compel the attendance of absent members. A quorum may also compel the attendance of absent members. The mayor shall be deemed a councilor for the purpose of constituting a quorum.</p>

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
3.6	<p>Council: Record of Proceedings The Council shall keep a record of its proceedings. Except where exempted by state law, the Council's deliberations and proceedings shall be public and its records available for inspection during business hours.</p>	3.8	<p>Record. A record of council meetings must be kept in a manner prescribed by the council rules and the laws of the state of Oregon.</p>		
3.7	<p>Mayor: Functions The mayor shall preside at Council meetings and shall have a vote on all matters before the Council. The mayor shall have authority to enforce the rules of the Council and determine the order of business under those rules. The mayor shall appoint the Council committees provided by the rules of the Council. The mayor shall have no veto power and shall sign all ordinances passed by the Council. The mayor shall function as councilor unless specifically designated otherwise within the sections referencing "mayor."</p>	3.2	<p>Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council and has no veto authority.</p>	<p>Mayor: Functions The mayor shall preside at Council meetings and shall have a vote on all matters before the Council. The mayor shall have authority to enforce the rules of the Council and determine the order of business under those rules. The mayor shall appoint the Council committees provided by the rules of the Council.<u>The mayor and council shall appoint or remove committee members by majority vote.</u> The mayor shall have no veto power and shall sign all ordinances passed by the Council. The mayor shall function as councilor unless specifically designated otherwise within the sections referencing "mayor." The</p>	<p>Mayor: Functions The mayor shall preside at Council meetings and shall have a vote on all matters before the Council. The mayor shall have authority to enforce the rules of the Council and determine the order of business under those rules. The mayor shall appoint the Council committees provided by the rules of the Council. The mayor shall have no veto power and shall sign all ordinances passed by the Council. The mayor shall function as councilor unless specifically designated otherwise within the sections referencing "mayor."</p>

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		3.2(a)	With the consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution.		
		3.2(b)	The mayor must sign all records of council decisions.		
		3.2(c)	The mayor serves as the political head of the city government.		
3.8	Council : President At the first meeting of the Council each odd-numbered year or as soon thereafter as practical, the Council shall choose one of its members to preside over the Council and perform the duties of mayor in the absence of the mayor from the City or in case of the mayor's inability to act as such. In functioning as mayor while the mayor is absent from the City on leave granted by the Council or after the mayor is absent from the City for 30 days or physically unable to function as mayor for 30 days, the president of the Council has the legal powers, and is subject to the legal limitations of the mayor.	3.3	Council President. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.	Council : President At the first meeting of the Council each odd-numbered year or as soon thereafter as practical, the Council shall choose one of its members to preside over the Council and perform the duties of mayor in the absence of the mayor from the City or in case of the mayor's inability to act as such. In functioning as mayor while the mayor is absent from the City on leave granted by the Council or after the mayor is absent from the City for 30 days or physically unable to function as mayor for 30 days, the president of the Council has the legal powers, and is subject to the legal limitations of the mayor. <u>By majority vote, the council can remove the Council President and appoint another.</u>	Council : President At the first meeting of the Council each odd-numbered year or as soon thereafter as practical, the Council shall choose one of its members to preside over the Council and perform the duties of mayor in the absence of the mayor from the City or in case of the mayor's inability to act as such. In functioning as mayor while the mayor is absent from the City on leave granted by the Council or after the mayor is absent from the City for 30 days or physically unable to function as mayor for 30 days, the president of the Council has the legal powers, and is subject to the legal limitations of the mayor. <u>By majority vote, the council can remove the Council President as President and appoint another.</u>

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
3.9	Council: Vote Required Except as this Charter otherwise provides, a concurrence of a majority of the members of the Council (including the mayor) present at a Council meeting shall be necessary to decide any question before the Council.	3.7	Vote Required. The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council.		Council: Vote Required Except as this Charter otherwise provides, a concurrence of a majority of the members of the Council (including the mayor) present at a Council meeting shall be necessary to decide any question before the Council.
3.10	Council: Conflict of Interest No councilor or mayor may vote upon any contract, the expenses of which are to be paid by the City or upon any subject in which pecuniarily interested, and shall declare publicly the conflict of interest.				Council: Conflict of Interest No councilor or mayor may vote upon any contract, the expenses of which are to be paid by the City or upon any subject in which pecuniarily interested, and shall declare publicly the conflict of interest.
3.11	Council and Mayor: Immunity No councilor or mayor may be held liable, or questioned in any other place, for words uttered in any meeting of the Council, its subcommittees, commissions and boards.				Council and Mayor: Immunity No councilor or mayor may be held liable, or questioned in any other place, for words uttered in any meeting of the Council, its subcommittees, commissions and boards.
3.12		3.4	Rules. The Council must by resolution adopt rules to govern its meetings.		
IV	CITY MANAGER	8.1	City Manager [Under Section 8 in model Ordinance]		CITY MANAGER

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
	<p>City Manager: Appointment and Qualifications</p> <p>The Council shall appoint a city manager for an indefinite term who shall hold office during the pleasure of the Council and may be removed at any time with or without cause by two-thirds vote of the entire Council. The city manager shall be chosen without regard to political considerations and solely on the basis of executive and administrative qualifications. The city manager need not</p>	8.1(a)	<p>The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.</p>	<p>City Manager: Appointment and Qualifications</p> <p>The Council shall appoint a city manager for an indefinite term who shall hold office during the pleasure of the Council and may be removed at any time with or without cause by a majority vote of the entire Council. The city manager shall be chosen without regard to political considerations and solely on the basis of executive and administrative qualifications. The city manager need not be a resident of the City or state at the time of</p>	<p>City Manager: Appointment and Qualifications</p> <p>The Council shall appoint a city manager for an indefinite term who shall hold office during the pleasure of the Council and may be removed at any time with or without cause by a majority vote of the entire Council. The city manager shall be chosen without regard to political considerations and solely on the basis of executive and administrative qualifications. The city manager need not be a resident of the City or state at the time of</p>
		8.1(b)	<p>A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.</p>		
		8.1(c)	<p>The manager need not reside in the city. [Alternate language - “but must become and remain a resident of the city while manager.”]</p>		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
4.1	<p>be a resident of the City or state at the time of appointment, but promptly thereafter shall become and remain a resident of the City while in office. No councilor nor mayor may be appointed city manager until one year after the expiration of his or her service in the office of councilor or mayor.</p>	8.1(d)	<p>The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.</p>	<p>appointment, but promptly thereafter shall become and remain a resident of the 8C school district while in office. No councilor nor mayor may be appointed city manager until one year after the expiration of his or her service in the office of councilor or mayor.</p>	<p>appointment, but promptly thereafter shall become and remain a resident of the 8C school district while in office. No councilor nor mayor may be appointed city manager until one year after the expiration of his or her service in the office of councilor or mayor.</p>

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
4.2	<p>City Manager: Vacancy If the office of city manager becomes vacant or if the city manager is absent from the City or disabled, the Council may designate a city manager pro tem. The city manager pro tem shall perform the duties of city manager but may appoint or dismiss a department head only with a two-thirds vote of the entire Council. The term of office of the city manager pro tem ends when the city manager returns to the City or takes office.</p>	8.1(h)	<p>When the manager is temporarily disabled from acting as manager or when the office of the manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.</p>	<p>City Manager: Vacancy When the manager is temporarily disabled from acting as manager or when the office of the manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.</p>	<p>When the manager is temporarily disabled from acting as manager or when the office of the manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.</p>
4.3	<p>City Manager : Powers and Duties The city manager shall be the chief administrative officer of the City government and shall be responsible to the Council for the proper performance of his or her duties. The city manager shall:</p>	8.1(e)	The Manager Must:		<p>City Manager : Powers and Duties The city manager shall be the chief administrative officer of the City government and shall be responsible to the Council for the proper performance of his or her duties. The city manager shall:</p>
4.3 (a)	<p>City Manager : Powers and Duties The city manager shall be the chief administrative officer of the City government and shall be responsible to the Council for the proper performance of his or her duties. The city manager shall:</p>	8.1(e)(1)	Attend all council meetings unless excused by the mayor or council;		<p>City Manager : Powers and Duties The city manager shall be the chief administrative officer of the City government and shall be responsible to the Council for the proper performance of his or her duties. The city manager shall:</p>
4.3 (b)	<p>Keep the Council advised of the affairs and needs of the City.</p>				<p>Keep the Council advised of the affairs and needs of the City.</p>

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
4.3 (c)	Make annual reports, or more frequently if requested by the Council, about the affairs and departments of the City.	8.1(e)(2)	Make reports and recommendations to the mayor and council about the needs of the city;		Make annual reports, or more frequently if requested by the Council, about the affairs and departments of the City.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
4.3 (d)	See that all ordinances are duly enforced.				See that all ordinances are duly enforced.
4.3 (e)	See that all franchises, leases, contracts, permits and privileges granted by the City are observed.	8.1(e)(3)	Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits and other city decisions;		See that all franchises, leases, contracts, permits and privileges granted by the City are observed.
4.3 (f)	Appoint and remove all appointive officers and employees except as otherwise provided by this Charter.	8.1(e)(4)	Appoint, supervise, and remove city employees;		Appoint and remove all appointive officers and employees except as otherwise provided by this Charter.
4.3 (g)	Generally supervise and control appointive officers and employees in their work.				Generally supervise and control appointive officers and employees in their work.
4.3 (h)	Organize and, as necessary, disband and reorganize the various City departments, investigate the affairs of the City or any departments thereof.	8.1(e)(5)	Organize city departments and administrative structure;		Organize and, as necessary, disband and reorganize the various City departments, investigate the affairs of the City or any departments thereof.
4.3 (i)	Prepare the annual budget for transmittal to the Council.	8.1(e)(6)	Prepare and administer the annual city budget;		Prepare the annual budget for transmittal to the Council.
4.3 (j)	Supervise the operation of all city-owned public utilities and city-owned property.	8.1(e)(7)	Administer city utilities and property;		Supervise the operation of all city-owned public utilities and city-owned property.
		8.1(e)(8)	Encourage and support regional and intergovernmental cooperation;		
		8.1(e)(9)	Promote cooperation among the council, staff and citizens in developing city policies and building a sense of community;		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
4.3 (k)	Perform such other duties as the Council directs, not inconsistent with the City Charter, City Law or ordinance.	8.1(e)(10)	Perform other duties as directed by the council; and		Perform such other duties as the Council directs, not inconsistent with the City Charter, City Law or
		8.1(e)(11)	Delegate duties, but remain responsible for actions of all subordinates.		
		8.1(f)	The manager has no authority over the council or over the judicial functions of the municipal judge.		
4.4	City Manager : Council Meetings The city manager and such other officers of the City as the Council designates may sit with the Council but may not vote on questions before the Council. The city manager may take part in all Council discussions, but shall have no control over the Council.	8.1(g)	The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.		City Manager : Council Meetings The city manager and such other officers of the City as the Council designates may sit with the Council but may not vote on questions before the Council. The city manager may take part in all Council discussions, but shall have no control over the Council.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
4.5	<p>City Manager : Interference in Administration No member of the Council shall directly or indirectly, by suggestion or otherwise, attempt to coerce the city manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies; or attempt to exact any promise relative to any appointment from any candidate for manager; or discuss directly or indirectly with him the matter of specific appointments to any City office or employment. Nothing in this section shall be construed, however, as prohibiting the Council while in open session from fully and freely discussing with or suggesting to the city manager anything pertaining to City affairs or the interests of the City.</p>	8.1(i)	<p>No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.</p>	<p>City Manager : Interference in Administration No member of the Council shall directly or indirectly, by suggestion or otherwise, attempt to coerce the city manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies; or attempt to exact any promise relative to any appointment from any candidate for manager; or discuss directly or indirectly with him the matter of specific appointments to any City office or employment. <u>Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing.</u> Nothing in this section shall be construed, however, as prohibiting the Council while in open session from fully and freely discussing with or suggesting to the city manager anything pertaining to City affairs or the interests of the City.</p>	<p>City Manager : Interference in Administration No member of the Council shall directly or indirectly, by suggestion or otherwise, attempt to coerce the city manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies; or attempt to exact any promise relative to any appointment from any candidate for manager; or discuss directly or indirectly with him the matter of specific appointments to any City office or employment. Nothing in this section shall be construed, however, as prohibiting the Council while in open session from fully and freely discussing with or suggesting to the city manager anything pertaining to City affairs or the interests of the City.</p>

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
V.	MUNICIPAL COURT AND JUDGE	8.3	MUNICIPAL COURT AND JUDGE		
5.1	<p>Municipal Court : Creation and Jurisdiction</p> <p>The Council may continue the court known as the municipal court and prescribe the time and place the court shall transact judicial business. The jurisdiction and proceedings of the municipal court are governed by the general laws of the state for justices of the peace and justice courts except as City ordinance prescribes to the contrary. The municipal court has original jurisdiction over all offenses defined and made punishable, and over all actions to recover or enforce forfeitures or penalties defined or authorized, by the ordinances of the City.</p>	8.3 (d)	<p>The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.</p>		<p>Municipal Court : Creation and Jurisdiction</p> <p>The Council may continue the court known as the municipal court and prescribe the time and place the court shall transact judicial business. The jurisdiction and proceedings of the municipal court are governed by the general laws of the state for justices of the peace and justice courts except as City ordinance prescribes to the contrary. The municipal court has original jurisdiction over all offenses defined and made punishable, and over all actions to recover or enforce forfeitures or penalties defined or authorized, by the ordinances of the City.</p>
5.2	<p>Municipal Judge : Appointment</p> <p>The Council may appoint a municipal judge and such pro tem judges as it deems necessary to serve for indefinite terms to hold office at the pleasure of the Council and may remove any of them any time, with or without cause, by a majority vote of the entire Council.</p>	8.3 (a)	<p>A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.</p>	<p>[should selection of the municipal judge stay the same? Term of 4-years (review/re-elect) & number of terms limited, such as 2 terms maximum]</p>	<p>A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.</p>

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		8.3 (b)	All proceedings of this court will conform to state laws governing justices of the peace and justice courts.		All proceedings of this court will conform to state laws governing justices of the peace and justice courts.
		8.3 (c)	All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.		All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.
		8.3(e)	The municipal judge may:		The municipal judge may:
		8.3(e)(1)	Render judgments and impose sanctions on persons and property;		Render judgments and impose sanctions on persons and property;
		8.3(e)(2)	Order the arrest of anyone accused of an offense against the city;		Order the arrest of anyone accused of an offense against the city;
		8.3(e)(3)	Commit to jail or admit to bail anyone accused of a city offense;		Commit to jail or admit to bail anyone accused of a city offense;
		8.3(e)(4)	Issue and compel obedience to subpoenas;		Issue and compel obedience to subpoenas;
		8.3(e)(5)	Compel witnesses to appear and testify and jurors to serve for trials before the court;		Compel witnesses to appear and testify and jurors to serve for trials before the court;
		8.3(e)(6)	Penalize contempt of court;		Penalize contempt of court;
		8.3(e)(7)	Issue processes necessary to enforce judgments and orders of the court;		Issue processes necessary to enforce judgments and orders of the court;
		8.3(e)(8)	Issue search warrants; and		Issue search warrants; and
		8.3(e)(9)	Perform other judicial and quasi-judicial functions assigned by ordinance.		Perform other judicial and quasi-judicial functions assigned by ordinance.

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
5.3	<p>Municipal Judge : Vacancy If the office of municipal judge becomes vacant or if the municipal judge is absent from the City or disabled, the City Council may appoint an acting municipal judge. The acting municipal judge shall perform the duties of municipal judge. The term of acting municipal judge shall end when the municipal judge returns to the City or takes office.</p>	8.3(f)	The council may appoint and may remove municipal judges pro tem.		The council may appoint and may remove municipal judges pro tem.
5.4	<p>Municipal Court : Transfer of Power The Council, by majority vote may provide for the transfer of powers and duties of the municipal court to the appropriate court of the State of Oregon.</p>	8.3(g)	The council may appoint and may remove municipal judges pro tem.		The council may appoint and may remove municipal judges pro tem.
5.5 Proposed		8.2	<p>City Attorney The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the city attorney’s office.</p>	<p>City Attorney The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the city attorney’s office.</p>	<p>City Attorney The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the city attorney’s office.</p>

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
5.6 Proposed				<p>Chief of Police The office of Chief of Police is appointed and removed by a majority of the city council. The Chief of Police may appoint, supervise, and may remove any employees who work in and for the police department in accordance with collective bargaining agreements for members of the Police Officers Association.</p>	No Change
VI QUASI-JUDICIAL AUTHORITY					
		6.1	<p>Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Ontario orders as follows:"</p>		
		6.2	Order Approval		
		6.1(a)	Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.		
		6.1(b)	Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		6.1(c)	After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.		
		6.1(d)	After approval of an order, the city custodian of records must endorse it with the date of approval and the custodian’s name and title.		
		6.3	Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.		
VI. MUNICIPAL OFFICERS AND EMPLOYEES					
6.1	Qualifications:				
6.1.(1)	No person may hold an elective City office unless a legal elector under the laws and constitution of the state, a resident of the City for one year immediately before being elected or appointed to the office, a resident of the City when nominated, elected or appointed and assuming the office and receiving the highest number of the votes cast for candidates for the office at the election at which the office is to be filled.	7.4(a)	The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
6.1.(2)	(2) No elective office holder of this City may be employed by the City in a position that is not substantially volunteer in nature. Any question about whether employment is substantially volunteer in nature shall be made by the Council.				
6.1.(3)	(3) No person may be a nominee for the offices of mayor and councilor at the same election.	7.4(b)	No person may be a candidate at a single election for more than one city office.		
6.1.(4)	(4) Except as otherwise provided in subsection (2) of this section, the Council is the final judge of the qualifications and election of its own members.	7.4(c)	Neither the mayor nor a councilor may be employed by the city.		
		7.4(d)	The council is the final judge of the election and qualifications of its members.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
6.2	<p>Certificate of Election Immediately after the votes at a municipal election for filling an elective office have been canvassed, the City officer in charge of administering elections shall issue a certificate of election to each person declared by the canvassers to have been elected at the election. The certificate shall be prima facie evidence of the facts therein stated, but the Council shall be the judge of the election and qualifications of the mayor and councilors, and in case of a contest between two or more persons claiming an elective City office, the Council shall determine the contest.</p>				
6.3	<p>Terms The term of City elective offices shall commence on the first day in January following the officer's election.</p>				

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
6.4	Oath of Office: Each elective officer, the city manager and municipal judge, before entering upon the duties of office, shall take an oath or affirmation to support the constitution and laws of the United States and of the State of Oregon and to faithfully perform the duties of his or her office.	7.7	Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.	[Keep the City Manager as sworn in.]	
6.5	Offices: Vacancies	7.8	Vacancies		
6.5.(1)	An office becomes vacant upon the incumbent's:	7.8	Vacancies The mayor or a council office becomes vacant:		
		7.8(a)	Upon the incumbent's:		
6.5.(1)(a)	Death.	7.8(a)(1)	Death		
6.5.(1)(b)	Adjudicated incompetence.	7.8 (a)(2)	Adjudicated incompetence.		
		7.8 (b)	Upon declaration by the council after the incumbnet's:		
6.5.(1)(c)	Conviction of a crime pertaining to the office, conviction of a felony, or conviction of a crime involving moral turpitude.	7.8(b)(5)	Conviction of a misdemeanor or felony crime;	Conviction of a crime pertaining to the office, conviction of a felony, or conviction of a crime involving moral turpitude <u>and conviction of a misdemeanor.</u>	
6.5.(1)(d)	Unlawful destruction of public records.				
6.5.(1)(e)	Resignation.	7.8(b)(6)	Resignation from Office		
6.5.(1)(f)	Recall from office.	7.8(a)(3)	Recall from the office.		
6.5.(1)(g)	Ceasing to possess the qualifications for office.	7.8(b)(3)	Ceasing to be a qualified elector under state law		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		7.8 (b)	Upon declaration by the council after the incumbnet's:		
6.5.(1)(h)	Failure, following election or appointment to the office, to qualify for the office within ten days after the time for the term of office to commence.	7.8(b)(1)	Failure to qualify for the office within 10 days of the time the term of office is to begin.		
		7.8(b)(2)	Absence from the city for 30 days without council consent, or from all council meetings within a 60-day period;		
6.5.(1)(i)		7.8(b)(3)	Ceasing to reside in the city;	Ceasing to reside in the city;	
		7.8(b)(4)	Ceasing to be a qualified elector under state law;		
		7.8(b)(5)	Conviction of a misdemeanor or felony crime;		
		7.8(b)(7)	Removal under Section 8.1(i).[in LOC model charter]		
6.5.(1)(j)				When a supermajority of the council believes a council member to be unfit to continue holding office.	
6.5.(1)(i)	Violation of any provision of this Charter.				
6.5.(2)	The Council shall judge whan an office becomes vacant				

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
6.5.(3)	<p>Vacant elective City offices shall be filled by appointment by a majority vote of the remaining members of the Council. The appointee's term of office begins immediately on appointment and continues throughout the unexpired term of the predecessor. During the temporary disability of an officer or during an officer's temporary absence from the City for any cause, the office may be filled pro tem in the manner provided for filling vacancies in office.</p>	7.9	<p>Filling Vacancies A mayor or councilor vacancy will be filled by appointment by a majority of the remaining council members. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a council member from attending council meetings or a member is absent from the city, a majority of the council may appoint a councilor pro tem.</p>		
6.6	<p>Compensation Councilors and the mayor shall be compensated for services in an amount to be fixed by the Council. No increase in the compensation of councilors shall take effect, however, until the first day of the odd-numbered year immediately following the first biennial general election after the increase is ordered.</p>				

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		IX	PERSONNEL		
		9.1	Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.		
		9.2	Merit Systems. The council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.		
VII.	ELECTIONS				
7.1	Elections City elections, insofar as not governed by this Charter or City ordinances, shall be conducted as prescribed by state law governing popular elections, and shall be conducted on a non-partisan basis.	7.3	State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.		
7.2	Voter's Qualifications No person may vote at a city election who is not a qualified voter of the state and a resident of the City				

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
7.3	Nomination The Council shall provide by ordinance the mode for nominating elective officers, except that nomination shall be done by petition and such petition and such petition shall be signed by no fewer than 20 qualified electors.	7.5	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.		
7.4	Commencement of Terms of Office The term of office of a person elected to a City office at a regular City election commences at the first Council meeting of the year immediately following the election.	7.6	Terms. The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.		
		V ADMINISTRATIVE AUTHORITY			
		5.1	Resolutions. The council will normally exercise its administrative authority by approving resolutions. ³² The approving clause for resolutions may state "The City of Ontario resolves as follows:"		
		5.2	Resolution Approval		
		5.2(a)	Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.		
		5.2(b)	Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		5.2(c)	After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.		
		5.2(d)	After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian’s name and title.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
		5.3	Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.		
VIII.	ORDINANCES	IV	LEGISLATIVE AUTHORITY		
8.1	Ordaining Clause The ordaining clause of an ordinance shall read: "The City of Ontario ordains as follows:".	4.1	Ordinances The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Ontario ordains as follows:".		
8.2	Passage	4.2	Ordinance Adoption		
8.2.(1)	Except as subsections (2) and (3) of this section provide to the contrary, before being put upon its final passage, every ordinance of the Council shall be read fully and distinctly in open Council meeting on two different days.	4.2(a)	Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings.		
8.2.(2)	Except as subsection (3) provides to the contrary, an ordinance may be enacted at a single meeting of the Council by a unanimous vote of the councilors present upon being read by title twice.				

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
8.2.(3)	The readings of an ordinance shall be by title only if a majority of the Council members present at the meeting do not request to have the ordinance read in full or if a copy of the ordinance is provided for each councilor and three copies are provided for public inspection in the office of the mayor or city manager no later than one week before the first reading of the ordinance and if notice of their availability is posted at the City Hall or published once in a newspaper of general circulation in the City.	4.2(b)	The council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council, provided the proposed ordinance is available in writing to the public at least one week before the meeting.		
8.2.(4)	An ordinance enacted after being read by title alone, under the provisions of subsections (2) and (3) shall have no legal effect if it differs substantially from its terms as filed prior to the reading, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council. An ordinance may be amended at the time of enactment if the ordinance as amended deals with the same general subject.	4.2(c)	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.		
		4.2(d)	d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
8.2.(5)	(5) Upon the passage of an ordinance, the City Recorder shall sign it and date it with the date of its passage.	4.2(e)	e) After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian’s name and title.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
8.2.(6)	(6) An ordinance takes effect on the thirtieth day after its enactment. However, when the Council considers it advisable, an ordinance may provide a later effective date or, in an emergency, an ordinance may take effect immediately on enactment.	4.3	Section 4.3. 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 other date less than 30 days after adoption if it contains an emergency clause.		
IX. Public Improvements					
9.1	Procedure		Procedure The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. ⁶⁶ A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.		
9.1.(1)	Except as provided in this section, the procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinances or, to the extent not so governed, by the applicable general laws of the state.	10.1			

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
9.1.(2)	Action on a proposed public improvement shall be suspended for six months on a remonstrance by the owners of two-thirds of the land to be specially assessed for the improvement. In this section "owner" means the record holder of legal title or, if land is being purchased under a land sale contract recorded or verified in writing by the record holder of legal title to the land, the purchaser.				
9.2	Assessments Unless otherwise provided by this Charter or the applicable general laws of this state, the procedure for levying, collecting, and enforcing the payment of special assessments for public improvements, City liens, or other services to be charged against real property shall be governed by general ordinance.	10.2	Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
9.3	<p>Liens The docket of City liens is a public writing, and the original or a certified copy of any matter authorized by ordinance to be entered in the docket shall have the force and effect of a judgment unless otherwise provided by this Charter or the applicable general laws of this state. From the time of the Council's authorization of an improvement on account of which an assessment is entered in the docket, the sum so entered is a lien against the property. The lien has priority over all other liens and encumbrances upon the property and may be enforced in the manner authorized by the Council.</p>				
9.4	<p>Condemnation A necessity of taking property for the City by condemnation shall be determined by the Council and declared by a resolution of the Council describing the property and stating the uses to which it shall be devoted.</p>				

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
X	MISCELLANEOUS PROVISIONS				
10.1	Revenue Bonds The Council may issue revenue bonds without voter approval only for commercial or industrial development or a municipal utility. Such bonds shall not constitute general obligations of the City and shall only be payable from the proceeds of the commercial or industrial development or the municipal utility.				
10.2	Indebtedness: Limits.				
10.2.(1)	Indebtedness of the City may not exceed the limits on City indebtedness under state law.	11.1	Debt City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.		
10.2.(2)	Approval by the voters of City indebtedness need not be in the form of a Charter amendment.				

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
10.3	<p>Terms, Proceeds, and Retirement of Bonds</p> <p>Bonds issued by the City as evidence of indebtedness shall include such terms, the manner in which the proceeds from sale of the bonds shall be kept, invested, disbursed, and accounted for and the manner in which the indebtedness shall be retired as the Council prescribes. The prescription may not be changed for a particular bond after it is issued.</p>				

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
10.4	<p>Presumption of Validity of City Action. In every proceeding in any court concerning the exercise or enforcement by the City or any of its officers or agencies of any power by this act given to the City or any of its officers or agencies, all acts by the City or any of its officers or agencies shall be presumed to be valid and no error or omission in any such act invalidates it, unless the person attacking it alleges and proves that he or she has been misled by the error or omission to his or her damage. The court shall disregard every error or omission which does not affect a substantial right of the person. Any action by this Charter committed to the discretion of the Council, when taken, shall be final and shall not be reviewed or called into question elsewhere.</p>				

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
10.5	Existing Ordinances Continued All ordinances of the City consistent with this Charter and in force when it takes effect shall remain in effect until amended or repealed.	11.2	Ordinance Continuation All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.		
10.6	Repeal.				
10.6.(1)	All Charter provisions of the City enacted prior to the time that this Charter is approved by the voters are hereby repealed.	11.3	Repeal All charter provisions adopted before this charter takes effect are repealed.		
10.6.(2)	No repeal of a feature of the 1954 Charter or any amendment or addition thereto that has repealed an earlier such feature revives the earlier.				
10.6.(3)	No repeat of a feature of the 1954 Charter or an amendment or addition thereto affects the validity of an outstanding bond issued by the City or impairs the obligation of the City under the bond or the rights of the holders of the bond.				
		11.4	Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.		

Current City Section #	Ontario Charter [1985]	LOC Section #	League of Oregon Cities Model Charter	Suggestions by Committee	Final Charter Review Committee Recommendation
10.7				<p><u>City Sales Tax</u> <u>Any proposal to implement or increase a city sales tax shall be referred to the voters by the Ontario City Council and that referral to the voters shall occur in November of a U.S. Congressional election year.</u> [Also comment received to allow the current process to proceed where it is referred to voters by petition]</p>	
10.8				<p>Any proposal to implement or increase fees or other local taxes (except for a retail sales tax which is governed separtely in this Charter must be affirmed by a two-thirds vote of the entire Council and shall not go into effect until the following year after the next election of councilors.</p>	
10.9	Effective Date of Revision. This revised Charter takes effect on January 1, 1985.	11.5	Time of Effect. This charter takes effect _____, 20___.	Time of Effect. This charter takes effect _____, 20___.	