



## CITY CHARTER REVIEW AD-HOC MEETING MINUTES

March 8, 2021

The scheduled meeting of the Ontario City Charter Review Ad-Hoc Committee was called to order by Ken Hart at 5:30 p.m. on Monday, March 8, 2021, in the Council Chambers of City Hall. Committee members present were Ken Hart, John Kirby, Sam Baker, Susann Mills, Jaimie Taylor, and Robert Wheatley. Michael Miller was excused.

Members of staff present in person 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.

### INTRODUCTIONS

John Kirby stated he was a life-long resident of Ontario and a current City Councilor. He was also a proud member of the class of '66!

Bob Wheatley was born and raised in Ontario, and also from the Class of '66. He was a retired pharmacist in Ontario and had been a partner with Bob Keele at the Ontario Pharmacy for many years when that building was located at the base of the hospital.

Susann Mills was a resident of Ontario 43+ years. Her family owned Mills Manor Apartments, which started in 1985. She had also served on the City Council 2006-2010.

Sam Baker, Baker Auction Company, from the Class of '81. He, too, was born and raised in Ontario.

Ken Hart had been a resident of Ontario 16 years but had married a young lady born and raised here, Sheila Collins, so he got his credibility from her. He was also a current City Councilor who had been appointed to serve on the Charter Committee.

Jaimie Taylor was born and raised in Ontario. She previously worked at the hospital for 18 years as a Nurse Manager, but recently changed her career path and now served the community from here to Boise for Heart-n-Home Hospice Community Outreach.

Larry Sullivan came to Ontario in 1978 right out of law school. He had a law practice in Vale but lived in Ontario. Part of his practice was representing various cities.

Adam Brown stated he would hit five years in Ontario in June. He married an Oregonian, but he was a Virginia boy.

Tori Barnett would be with the city 26 years on April 1<sup>st</sup>. She moved to Ontario when she was 12, so this was home. She went to school with Sam Baker, but was younger. She was the Clerk to the Council, so she'd be working with Mr. Sullivan to make sure the issue was on the ballot and no deadlines were missed.

### BACKGROUND OF COMMITTEE

Ken Hart stated the Council, in January, had a citizen approach them, Jack Fox, a previous City Councilor, who gave them a written petition that asked the Council to look at the fact that the ability to impose a sales tax in Ontario had taken place, went to the voters, was rejected, and he raised the question of the Council looking at possibly putting that in the Charter, so that in the future, something like that would have to go to the voters. That started the process of thinking about what a Charter Review Committee might look like. He presented a resolution to the Council in February asking that this group be convened. He set a very tight timeline, originally first meeting by March 8<sup>th</sup>, and it needed to be done by July. Per that resolution that the Council approved unanimously, he asked the Mayor to appoint three members from the Council, and he had proposed two members from the public, but John Kirby suggested more public





input, so there were four members from the community. The process that this group would go through was they would meet, reach a conclusion in July, decide if the Charter needed to be changed, and the group would make a recommendation to the Council. The Council would then decide if they wanted to take that recommendation, make any changes, or table it all-together. If they decided to move it forward, it would be given to the attorney and it would eventually go to a vote of the people of Ontario to make changes. The Charter had not been amended since 1985.

In another portion of the resolution, they called for at least one public hearing related to changing the Charter. As they moved forward, they had to at least hold one as directed by resolution.

#### **ELECTION OF CHAIR AND VICE CHAIR**

KIRBY moved, BAKER seconded, **TO APPOINT KEN HART AS CHAIR OF THE COMMITTEE**. Roll call vote: Hart-yes; Kirby-yes; Baker-yes; Miller-excused; Mills-yes; Taylor-yes; Wheatley-yes. Motion carried 6/0/1.

BAKER moved, MILLS seconded, **TO APPOINT JOHN KIRBY AS VICE-CHAIR OF THE COMMITTEE**. Roll call vote: Hart-yes; Kirby-yes; Baker-yes; Miller-excused; Mills-yes; Taylor-yes; Wheatley-yes. Motion carried 6/0/1.

#### **NEW BUSINESS**

##### **PACKET**

Adam Brown stated in the packet it was broken down into five sections. First tab was the current Agenda, where future Agendas could be added. The second tab was the Membership Roster; the third tab was the current City Charter. That could also be found on the city's website. The fourth tab was the Model Charter for Oregon Cities, prepared by the League of Oregon Cities, last amended in 2018. It was what most of the cities in Oregon used when going through a Charter revision for a template for the best practice across the state. The fifth tab was the comparison between the current City Charter and the Model Charter. It didn't line up exactly as there was about a 33-year difference between the two.

Under the last tab, he had aligned the current Charter in the first two columns by section, and then title and verbiage, and then the League of Oregon Cities Charter. In the last column, it would be the recommendation of the Charter Review Committee. It was not only that there were additional things in the Model Charter that Ontario's Charter did not have, but there were also things in the current Charter that were not in the Model. That was what they would have to work through. Some things were not even in the same section. Many times, the differences between the two Charters were just in different places.

If the Committee liked what they read in the Model Charter, they could rearrange the section to that way. If they liked what was in the current Charter, that could stay. The Committee had full discretion on what they wanted to recommend to the Council in terms of changes.

Today's meeting was more an organization meeting because they wanted to provide time to prepare. Mr. Sullivan, as City Attorney, was essential to this process. If there were any expertise beyond his, that could be pursued as needed. Staff was there to help – the City Reorder would take care of the minutes and Agendas; Peter Hall, Assistant City Manager, would help as needed.

A calendar had been provided which reflected all currently scheduled meetings for ALL city committees, so they could see what dates would or would not work for the Charter Committee meetings.

Member Kirby stated he assumed if they came up with intent, Mr. Sullivan would make it legalize the language.

Chairman Hart stated he had done some research on other cities and found the side-by-side comparison extremely helpful. He asked that they all devote some time to this, even Googling other cities to see their Charters. Some stuck close to the Model, but there was also often some specific issues place in various Charters.

Mr. Brown stated staff, as professionals in local government, was there to answer any questions and to give support to whatever they might need.

Chairman Hart suggested that any questions be emailed to staff in advance, which gave time to do any research and have an answer ready at a meeting. Those email addresses were on the provided Committee Roster.



Mr. Brown stated the phone numbers were listed, too, so they could call if that was their preference.

Chairman Hart stated he had prepared a "draft" meeting schedule for their review. He was aware they all had work, families, personal things, to take care of, so he tried to keep that in mind. They had 20 weeks to get this done by July 20<sup>th</sup>, which was the due date for the resolution. He had roughed out a sample calendar. He didn't necessarily think they would need all those meetings, but it would be based on what research was found, what the Committee saw regarding changes, etc., but he would like them to begin the process with public input to see if the community had thoughts or ideas. This was fairly esoteric for many, so there might not be a flood of ideas, but there could be some ideas from the public.

Chairman Hart stated he had placed the meetings on Thursdays, and there might be some conflicts, but overall, he hoped this outline worked. He'd like to start with the Public Hearing on March [sic] 1<sup>st</sup> and meet every other week after that, as much as needed. He would like to keep it 6:00-7:30 so there was a hard stop so plans could be made. At the end of May, as a draft, to have a second Public Hearing, where they would be speaking of their ideas. Then they could get ideas from the community based on the draft prepared by the Committee. That would allow time to finalize things following the second Public Hearing. For two weeks in June, his daughter was graduating from UofO and they were going to Hawaii, so those two weeks were greyed out. The goal would be to have this done by the 9<sup>th</sup>, get it to City Council, and then ultimately have it done by the 20<sup>th</sup>. The yellow boxed were City Council meeting dates. Further, he would also like to have it set up so attendance could be held by Zoom.

Ms. Barnett stated future Agendas would reflect the direct link to Zoom. Did he want to add an actual section on the Agenda to reflect "public comment" or "public input"?

Chairman Hart stated no, as there would be at least one, if not two, actual Public Hearings to provide that opportunity, but he wanted the public to be able to attend electronically if they wanted.

Member Kirby asked about having both the current Charter and the Model Charter published, which would allow the public to reference both.

Mr. Brown stated staff could do that. He asked Mr. Hall to create a stand-alone page on the city's website.

Mr. Hall stated he already had a tab set to do that.

#### **COMMITTEE GOALS**

Member Taylor stated she'd like to involve those that were not chosen for a position on the Committee, to participate online. Their input could still be gathered. The proposed calendar and outline looked like a good game plan. She believed they could easily get through this.

Member Baker stated the last time this was addressed was 1985, and a lot of things had happened since then. This needed to get on the ballot this year.

Member Mills stated the public's opinion was very important. It would be nice to have it somewhere people could read it, compare it, and maybe discuss it with others without attending a meeting. She'd like to compare more of the Charters of other cities with like populations.

Member Wheatley stated the plan worked for him. Thursday nights were great. His only conflict was on Wednesdays. He, too, wanted public input. If possible, if the comments that came in from the public, would it be possible at the beginning of each meeting to have a few minutes to discuss any comments that had been received? If that wouldn't work timewise, was there a way to forward the comments to the Committee?

Mr. Brown stated staff could set up an email and have it on the webpage for the Committee.

Mr. Hall stated they city's website had the capability to have anyone put in their name, email, and leave a comment.

Chairman Hart stated his request would be that it met the same guidelines as if the person was present, such as a verifiable name, city of residence, and no anonymous comments.





Member Kirby stated he wanted to keep the Committee free of rancor. In the world currently, there was a lot of anger out there, and he hoped this Committee would make this a productive process.

Chairman Hart stated it didn't appear anyone had any issues with the proposed calendar. There would be a few weeks before the next meeting. The first Public Hearing would be on April 1<sup>st</sup>, and then next would be April 15<sup>th</sup>. He hoped that showed the public that they wanted to hear from them before doing any work on the project. He asked Ms. Barnett to publish notice of the Public Hearing on April 1<sup>st</sup>, and then everyone be ready to start the real work on April 15<sup>th</sup>. What was the best way to get all their ideas, and those from the public, loaded in the columns? Getting some areas prepopulated early would be helpful, but not required.

Member Kirby asked if there were restrictions on the number of people they could talk to on the Committee?

Mr. Sullivan stated the rules are the same. If a quorum of this Committee communicated, it had to be advertised as a public meeting. No exceptions.

Mr. Brown stated they could not debate in an electronic forum, but they were free to email ideas to staff to populate the fields so when the Committee met, the data was all there from all of them to review.

Mr. Sullivan stated anyone could send an email stating they wanted to add something to an Agenda. That was alright, as long as somebody didn't reply back, because that would be communicating. The Chairman would be the determining factor behind adding something to the Agenda or not.

Mr. Brown stated regarding the Public Hearing, City Hall was limited on space but had full recording abilities, and unlimited Zoom options and could even live stream; however, going to the Cultural Center, because this was a government Committee, the size exclusion mandated by the state, did not apply. It was not as easily integrated with the live streaming, but Zoom was probably available.

Member Baker stated Zoom should be sufficient. Everything was already here.

Chairman Hart stated they would plan to host the Public Hearing at City Hall, but if, when it got close to the date, it appeared there might be large numbers of people who wanted to attend in person, they could reassess. It seemed that Zoom continued to be the easiest way for public involvement, and the Council Chambers were already set up to handle that.

#### **ADJOURN**


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

**ACCEPTED:**



Ken Hart, Chairman

**ATTEST:**



Tori Barnett, MMC, City Recorder

