

**CITY OF MILTON-FREEWATER
CHARTER REVIEW COMMITTEE MINUTES**

March 20, 2025

The Charter Review Committee met on Thursday, March 20, 2025 in the Albee Room of the City Library, 8 SW 8th Avenue at 5:30 p.m.

The following members were present: Chair Suni Danforth, Margo Piver, David Prock, Paul Seaquist, Kay West and Kenneth Jenkins.

Member absent was Sally Babcock.

Staff members present were: City Manager Chad Morris and City Recorder Leanne Steadman.

Citizen present was Ryan Westman.

ADOPTION OF FEBRUARY 20, 2025 MINUTES

Paul Seaquist motioned to adopt the February 20, 2025 meeting minutes. David Prock seconded the motion. Motion passed with all in favor.

DISCUSSION OF CITY ATTORNEY'S FINDINGS

The committee went through the list of recommendations and the attorney responses one by one.

1. Chapter III, Form of Government,
Section 8, Oath

Can the word "AFFIRM" be added so the title of Section 8 would read "Oath or Affirm"

Would this be a change that would need to go before the voters?

City Attorney David Blanc's response:

I do not think this change would require a vote of the citizens since it is not a substantive change and only changes the title but will confirm.

Committee's recommendation/comment:

There was a consensus among the committee to no longer recommend this as a change.

2. Chapter V, Powers and Duties of Officers,
Section 2, City Manager
(1) Qualifications

Change the sentence,

"The Manager need not be a resident of the city or the state at the time of his or her appointment."

to read,

"The manager need not be a resident of the city or of the state at the time of his or her appointment, but must become and remain a resident of the State of Oregon and live within the Milton-Freewater zip code area within the time period set by the city council".

City Attorney David Blanc's response:

I would be interested in knowing the zip code area of Milton-Freewater. I assume if one lives within the zip code area of Milton-Freewater then that the individual is a resident of the state of Oregon. If my assumption is correct, I do not think that limitation of being a resident of Oregon needs to be included.

I think the council can set the time period upon hiring the city manager and that period can be then included in the individual's contract.

Committee's recommendation/comment:

Margo Piver motioned to recommend the sentence to read,

"The manager need not be a resident of the city or of the state at the time of his or her appointment, but must live within the Milton-Freewater zip code area within the time period set by the city council".

David Prock seconded the motion, motion passed with all in favor.

3. Chapter V, Powers and Duties of Officers,
Section 2, City Manager
(1) Qualifications

Change the minimum bond amount from \$5,000 to \$25,000.

City Attorney David Blanc's response:

I think increasing the bond amount is appropriate. I recommend the committee check with the City insurance carrier on any recommendations it may have on the amount.

Committee's recommendation/comment:

Additional follow up required with the City's insurance carrier.

4. Chapter V, Powers and Duties of Officers,
Section 2, City Manager
(2) Term

City Manager checking on other possible language to better describe "reasonable time".

Committee's recommendation/comment:

Margo Piver motioned to leave the language of term as it currently reads in the Charter. David Prock seconded the motion, motion passed with all in favor.

5. Chapter V, Powers and Duties of Officers,
Section 2, City Manager
(3) Powers and Duties
(d)

Change the sentence,

“All purchases shall be made by requisition signed by the manager. “

to read,

“All purchases shall be made by requisition signed by the manager or their designee. “

City Attorney David Blanc’s response:

I would recommend the revised sentence read as follows:

“All purchases shall be made by requisition signed by the manager or the manager’s designee.”

Committee’s recommendation/comment:

Margo Piver motioned to have the sentence read as the City Attorney has suggested,

“All purchases shall be made by requisition signed by the manager or the manager’s designee.”

Kay West seconded the motion, motion passed with all in favor.

6. Chapter V, Powers and Duties of Officers,
Section 3, Municipal Judge

Change all the “he” and “she” to “they” in this entire section.

Would this be a change that would need to go before the voters?

City Attorney David Blanc’s response:

I would recommend that the references to he or she be changed to “municipal judge.” I do not think the change would require a vote of the citizens since it is not substantive but will confirm.

Committee’s recommendation/comment:

Margo Piver motioned to change the references as the City Attorney has suggested,

“references to he or she be changed to municipal judge”

David Prock seconded the motion, motion passed with all in favor.

7. Chapter X, Miscellaneous Provisions
Section 1, Limitation of Indebtedness

Need a legal opinion on this entire section as to what it means and the intent.

City Attorney David Blanc’s response:

Generally speaking, this section is inserted based on debt limits established by Oregon statutes and the Oregon Constitution. As an example, GAO Bonds may not exceed .03 of the latest true cash valuations of a city (ORS 223.295(1).

Some City Charters include a fixed amount such as the current language. Others state the following:

The City's indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness. (Note this language is taken from the League of Oregon Cities Model Charter).

Committee's recommendation/comment:

Margo Piver motioned to change the sentence to read as the City Attorney has suggested,

"The City's indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness."

Kay West seconded the motion, motion passed with all in favor.

8. Chapter X, Miscellaneous Provisions
Section 2, Set Aside of Utility Revenues

Are these percentages referred in this paragraph set by ORS?

What are the maximum allowances for city utilities to set aside for general fund purposes?

City Attorney David Blanc's response:

I do not know the answer to this question. I will need to research the issue.

Committee's recommendation/comment:

There was a consensus of the committee to continue with additional follow up by the city attorney.

9. Chapter X, Miscellaneous Provisions
Section 3, Time Charter Takes Effect

Change the sentence,

"This Charter shall take effect January 1, 1994."

to read,

"This Charter shall take effect January 1, 20xx and be reviewed every 10 years."

City Attorney David Blanc's response:

The purpose this section is to state the effective date. If the Charter Committee wants to have provisions on periodic review, I think it is better addressed in a separate section.

An example of language in a separate section is as follows:

Section _____. Periodic Charter Review

From time to time, but no less frequently than every 10 years, the council shall convene a Charter Review Committee to review and recommend amendments to this Charter.

Provisions to this section could be added on the right of the council to request review of specific sections of the Charter but note the work of the Charter Review Committee would not be limited to

such specific sections and the obligation of the Committee to provide a written report of its findings to the council. It just depends on how much detail is desired

Committee's recommendation/comment:

Kenny Jenkins motioned to add a section and language as the City Attorney has suggested,

New – “Section 4. Periodic Charter Review - From time to time, but no less frequently than every 10 years, the council shall convene a Charter Review Committee to review and recommend amendments to this Charter.”

Section 4. Repealing Clause would be renumber Section 5. Repealing Clause

Section 5. Continuation of Ordinances would be renumbered Section 6 Continuation of Ordinances

Section 6. Severability would be renumbered Section 7. Severability

Margo Piver seconded the motion, motion passed with all in favor.

10. Chapter X, Miscellaneous Provisions
Section 6, Severability

Is this paragraph still current language?

City Attorney David Blanc's response:

This language is close to the current language. If a vote is going to be held the city may want to update the language to read as follows:

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. (Note this language is taken from the League of Oregon Cities Model Charter).

Committee's recommendation/comment:

Margo Piver motioned to change the sentence to read as the City Attorney has suggested,

“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.”

Kay West seconded the motion, motion passed with all in favor.

DISCUSSION OF EXTENSION OF CHARTER REVIEW COMMITTEE MEETINGS

Margo Piver motioned to add months of April and May as possible additional meeting dates as needed to complete the Charter Review project. Kay West seconded the motion, motion passed with all in favor.

City Manager Chad Morris announced that the City Attorney responded that he could not make the meeting tonight, but will try to be at a future meeting.

COMMUNITY COMMENTS

Ryan Westman asked if the changes being recommended warranted the cost for an election.

A brief discussion ensued. It was also explained that the committee will be making recommendations to the city council, who will decide as a body, on whether or not any changes will be put forth to the voters in a future election.

Kay West stated she had received questions from citizens, one stated that the council meetings should be recorded.

City Council meetings are recorded, mainly for the minute taker. They are available upon request which are subject to applicable fees adopted by council in the form of a resolution.

Kay West asked why the mayor doesn't vote.

Chair Danforth stated the mayor does vote per the Charter, only to break a tie.

A brief discussion ensued regarding the different forms of government. The Council-Manager, which is the city's form of government, is one of the most common forms.

Paul Seaquist stated he didn't like the use of city vehicles by two police officers who live in Athena.

Kenny Jenkins stated they go to the coffee shop at Stateline Road.

Chair Danforth stated that wasn't for the Charter Review meeting and suggested they go to the city council about it.

Manager Morris stated that vehicle use is a city manager's decision.

The meeting was adjourned at 6:22 p.m.

Approved: _____

By: _____
Charter Review Committee Chair or Vice Chair