

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

April 17, 2025

The Charter Review Committee met on Thursday, April 17, 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, Kenneth Jenkins and Sally Babcock.

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

City Attorney David Blanc was present.

No citizens were present.

ADOPTION OF MARCH 20, 2025 MINUTES

Margo Piver motioned to adopt the March 20, 2025 meeting minutes. Kenneth Jenkins seconded the motion. Motion passed with all in favor.

DISCUSSION OF CITY ATTORNEY'S FINDINGS

The committee reviewed their recommendations again with City Attorney David Blanc who was present to provide input.

For clarity, the layout of the March 20th committee minutes will be used and an update will be noted if there were additional recommendations or comments.

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.

March 20, 2025 - Committee's recommendation/comment:

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

April 17, 2025 – no change to original recommendation.

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.

March 20, 2025 - 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.

April 17, 2025 – City Manager Chad Morris recommended changing the word “the” to “a” in the sentence being recommended to be changed.

Margo Piver motioned to change the word “the” to “a”, which the recommended sentence would now 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 a Milton-Freewater zip code area within the time period set by the city council”.

Kay West 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.

March 20, 2025 - Committee’s recommendation/comment:

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

April 17, 2025 – after a brief discussion there was a consensus among the committee to leave the language as is currently stated in the Charter.

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”.

March 20, 2025 - 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.

April 17, 2025 – no change to original recommendation.

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.”

March 20, 2025 - 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.

April 17, 2025 – Manager Morris asked from a legal sense did this section require the manager to sign all requisitions. After a brief discussion regarding the purchasing regulation resolution which authorizes certain employees purchasing authority, the recommendation from the March 20th meeting stands with no other recommended change.

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.

March 20, 2025 - 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.

April 17, 2025 – no change to original recommendation.

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).

March 20, 2025 - 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.

April 17, 2025 – after a brief discussion there was a consensus of the committee to stay with the original recommendation which would follow limits set by state law.

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.

March 20, 2025 - Committee's recommendation/comment:

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

April 17, 2025 – a brief discussion ensued regarding utility revenues. City Attorney David Blanc stated there were limitations set by Oregon Revised Statutes on franchise fees, but he was seeing this as utility revenue. There was a consensus of the committee to leave this section as is in the Charter and no longer requested further 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

March 20, 2025 - 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.

April 17, 2025 – no change to original recommendation.

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).

March 20, 2025 - 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.

April 17, 2025 – no change to original recommendation.

Mr. Blanc suggested that if the city council approved the changes recommended by the Charter Review Committee, then a new Charter with those changes be put forward to a vote as it would be considered a single subject matter.

A discussion ensued regarding if the changes being recommended warranted the cost for an election which is running approximately \$1.50 per registered voter, in this case approximately \$5,700.00. It was noted that the city would only be billed for a ballot measure if it were to be proposed at a special election.

Chair Danforth stated it was worth the cost to update and modernize the Charter.

Kenneth Jenkins motioned to present the final document as revised as a new Charter to the city council for their approval and put forth at the next general election. Paul seconded the motion, motion passed with all in favor.

City Recorder Steadman reviewed the conditions of the final report. The final report will be reviewed by the entire committee and approved by motion prior to being submitted to City Council. The motion approving the final report must be approved by at least the majority of the committee members.

The final report will be reviewed and consider for approval by the committee at the May 15, 2024 Charter Review committee meeting.

The meeting was adjourned at 6:23 p.m.

Approved: _____

By: _____
Charter Review Committee Chair or Vice Chair