

RESOLUTION NO. 3105

A RESOLUTION TO REFER A MEASURE TO THE BALLOT ON A CHARTER AMENDMENT FOR A DIRECTLY ELECTED MAYOR FOR A FOUR YEAR TERM

Findings

- A. On February 1, 2017, the City Council received a presentation from Bend 2030, the Bend Chamber of Commerce and City Club of Central Oregon regarding ongoing community discussion related to Bend's current governance structure including whether it was time for Bend's Mayor to be elected, or continue to be appointed by Councilors as provided under the current Bend City Charter.
- B. Out of that discussion, at a Council meeting on June 21, 2017, the City Council adopted a Resolution forming an independent Charter Review Committee to consider several Charter changes, including a recommendation on Charter language related to whether the citizens of Bend should directly elect the Mayor, and an initial recommendation on whether to place a ward system measure on the ballot. The City Council solicited applications from the public and appointed eleven representatives from neighborhood associations and citizens at large to the Committee on July 19 and August 16, 2017.
- C. The Committee met regularly from August to December of 2017 in noticed public meetings. Members spoke with other jurisdictions in Oregon and elsewhere. They also reviewed extensive examples and materials provided by staff and various Committee members, which are posted on the City's website.
- D. The City Council met in work sessions on October 4 and December 6, 2017, and the regular meeting on December 20, 2017, to consider the recommendations of the Committee. The City Council also held a public listening session on December 20, 2017, to hear from interested citizens on the recommendations. The Committee recommended changing the Charter to establish a ward system for electing some of the City Councilors, provide for a directly elected Mayor, and to remove future City Council Member compensation from the Charter to be set by Council ordinance based on the recommendation of an independent advisory committee.
- E. From the City's research, an elected mayor and council member pay set by ordinance is the most common model in Oregon cities and in other jurisdictions.
- F. The City Council concurs with the recommendation of the Charter Review Committee related to a directly elected mayor for a four year term and removing council member pay from the Charter, to be set by City Council by ordinance based on the recommendation of an independent advisory

committee; at this time, the Council declines to move forward with a ward system as recommended by the Committee, but may consider revisiting the issue after the 2020 census.

- G. After further review of the various options and proposed language, the City Council provided direction to staff at the January 17, 2018, regular meeting to develop this Resolution.
- H. The City Council finds that a directly elected mayor will better meet the present and future needs of the City, and that it is in the best interest of the City to submit the question of a directly elected Mayor for a four-year term to the voters for their approval or rejection.

Based on these findings,

THE CITY OF BEND RESOLVES AS FOLLOWS:

Section 1. The following question is referred to the legal voters of the City of Bend:

Shall the Bend Charter be amended to have the voters directly elect the Mayor to a four year term?

The measure amends Sections 7, 8, 9, 10, 12, 13, 14, 19, 21, 22, 23 and 27 of the Bend Charter as set forth in Exhibit B to this Resolution.

Section 2. Tuesday, May 15, 2018, is designated as the date for holding the election.

Section 3. The election will be conducted by the Deschutes County Elections Department.

Section 4. The precincts for the election shall include all territory within the City of Bend and no other territory.

Section 5. The ballot title to appear on the ballot shall be:

CAPTION

Amends Charter to provide for a directly elected mayor.

QUESTION

Shall the Bend Charter be amended to have the voters directly elect the Mayor to a four year term?

SUMMARY

This measure amends the City of Bend Charter of 1995. Currently, the City Council appoints one of its members as mayor and mayor pro tem every two years. If approved, Sections 7, 8 and 9 would be amended to

provide that a mayor be elected for a four-year term beginning in the general election in November 2018. The mayor pro tem would continue to be selected by Council for a term of two years every odd numbered year. The measure also proposes to amend Sections 10, 12, 13, 14, 19, 21, 22, 23 and 27 to provide that the mayor will serve as the political head of the City government, clarify vacancy provisions and make term of office, oath, compensation, and qualification provisions apply to all members of Council, including Councilors and a directly elected mayor.

The Oregon Constitution gives voters the right to adopt, amend and revise a charter. The Bend Charter grants legal home rule authority to the City and sets the duties of the Council, Mayor and City Manager.

- Section 6. The Council adopts the Explanatory Statement for the Voters' Pamphlet attached as Exhibit A.
- Section 7. The City Recorder and staff shall take all necessary steps to effectuate this resolution, including providing public notice and submitting required materials to the County Elections Officer. If the measure is approved, the City will act consistently with the ballot title and explanatory statement.
- Section 8. This resolution takes effect immediately upon passage.

Adopted by the Bend City Council on February 7, 2018.

YES: Casey Roats, Mayor
Sally Russell
Bill Moseley
Bruce Abernethy
Justin Livingston

NO: Nathan Boddie
Barb Campbell



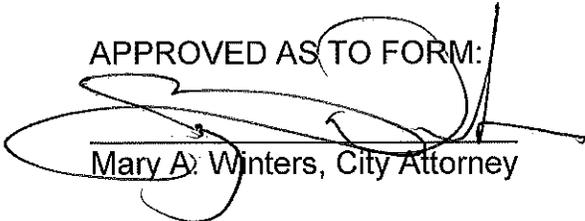
Casey Roats, Mayor

ATTEST:



Robyn Christie, City Recorder

APPROVED AS TO FORM:



Mary A. Winters, City Attorney

EXHIBIT A

EXPLANATORY STATEMENT

The Oregon Constitution gives voters the right to adopt, amend and revise a charter. The City of Bend Charter of 1995 grants legal home rule authority to the City and sets the duties of the Council, Mayor and City Manager. The Charter was submitted to and approved by the voters of the City of Bend in May of 1995.

Various community organizations and grassroots citizen groups have discussed a directly elected mayor over the years. The City formed the Charter Review Committee in 2017 comprised of Bend residents to make a recommendation to the City Council on Charter language on a directly elected Mayor and a recommended term. The Committee met regularly from August to December 2017 in noticed public meetings, and met with Council at two work sessions to review their recommendation. Council held a public listening session on the recommendations on December 20, 2017, to receive citizen input prior to recommending this ballot measure.

This measure amends the Bend Charter. Currently, the City Council appoints one of its members as a mayor and one as a mayor pro tem every two years in odd numbered years. If approved, Sections 7, 8 and 9 would be amended to provide that a mayor shall be elected to Position 7, beginning in the general election in November 2018, for a four-year term and every four years thereafter. The Mayor is a member of Council with all the powers of a City Councilor in addition to the duties of the Mayor. The Mayor Pro Tem would continue to be selected by the Council for a term of two years every odd numbered year.

The measure also amends Section 23 of the Charter to provide that the Mayor serves as the political head of the City government, consistent with recommended language in the 2004 League of Oregon Cities Model Charter, and clarifies language on mayoral duties related to committees to be consistent with Council practice.

The measure also makes minor amendments to Sections 10, 12, 13, 14, 19 and 27 of the Charter. These amendments change the terms "councilor" to "mayor and each councilor" or "council member," related to the term of office, taking of the oath of office, compensation, and qualifications, so that they are also applicable to a directly elected mayor as well as Councilors. Amendments to Sections 21 and 22 clarify that a vacancy is created if a sitting Councilor is elected as Mayor or if a Council member takes the oath of office for another lucrative elective position in government. Such a vacancy would be filled by Council appointment within 30 days for the remainder of the term, or if not so filled, at the next available election as provided by state law. .

If approved by the voters, the revisions will take effect upon the City Council adoption of the May 15, 2018, election results, and the Mayor would be elected first at the election to be held November 6, 2018, and then every four years thereafter.

EXHIBIT B
Resolution 3105

This exhibit shows the proposed amendments to the City of Bend Charter. The deletions are show in ~~strikethrough~~ and additions are in **bold**.

Section 7 Council.

The council consists of ~~six~~ **seven** councilors **and a mayor** nominated and elected from the city by numbered position or, in the case of one or more vacancies in the council, the councilors ~~members~~ whose offices are not vacant.

Section 8 Councilors.

A city council member, who is in office at the time of the general election in November, 2004, shall continue in office as a councilor for the remainder of his or her City Council term. Beginning with the general election in November, 2004 and thereafter, the candidates for the four council positions up for election shall run by numbered position, with the positions up for election being designated Position 1; Position 2; Position 3; and Position 4. Candidates for election may petition to run only for one numbered position, and must declare at the time of filing their petition for election the number of the position to which they seek election. The candidates receiving the most votes for each position shall serve four-year terms. Beginning with the general election in November, 2006 and thereafter, the three council positions up for election shall be designated Position 5; **and Position 6 and Position 7**. Candidates for election may petition to run only for one numbered position, and must declare at the time of filing their petition for election the number of the position to which they seek election. The candidates receiving the most votes for each position shall serve four year terms. The provisions of Section 22 for filling vacancies shall apply to any vacancy that exists.

Section 9 Mayor and Mayor Pro-Tem.

~~The term of office of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after that time. AT the first meeting of the council in each odd-numbered year after the adoption of this charter, the council shall appoint one of its members to serve as mayor for a term of two years. The term of office and appointment of the mayor pro-tem shall be the same as the term of office and appointment of the mayor.~~

(1) Beginning with the general election in November, 2018, and at every four years thereafter, Position 7 shall be designated for an elected mayor, and a mayor shall be elected for a term of four years. A candidate petitioning for the office of mayor may not also petition for a numbered council position. The candidate receiving the most votes shall be the elected mayor of the City. The mayor shall be a member of council and have all the powers of a city councilor, in addition to the duties and powers of the mayor.

(2) At the first regular council meeting in each odd numbered year, the council shall elect a mayor pro tem from its membership for a two-year term.

Section 10 Beginning and Expiration of Terms.

The term of office of a councilor **or mayor** who is elected at a general election begins at the first regular council meeting of the year immediately after the election, which shall be the annual meeting of the council; and ends at the annual meeting of the January in which the councilor **or mayor's** term expires.

Section 12 Qualifications for Council.

(1) **The mayor and each** A councilor shall be a qualified elector under the state constitution and shall have resided in the city during the 12 months immediately before being elected or appointed to the office. In this subsection, "city" means area inside the city limits at the time of the election or appointment.

(2) A councilor may be employed in a city position that is substantially volunteer in nature. Whether the position is so, may be decided by the municipal court or in some other manner, whichever the council prescribes.

(3) Except as subsection (2) of this section provides to the contrary, the council is the final judge of the election and qualifications of **members of** councilors.

Section 13 Compensation.

(1) Councilors **members** shall be paid compensation of \$200 each month plus reimbursement for expenses that they incur in serving the city. Reimbursement of councilor **member** expenses shall be consistent with the plan for reimbursing city personnel expenses.

Section 14 Oath.

~~Before assuming the office of councilor, a~~ **The mayor and each** councilor **must swear or affirm to** ~~shall take an oath, or shall affirm, that he or she will~~ faithfully perform the duties of the office and support the constitution and laws of the United States, the State of Oregon, and the City of Bend.

Section 19 Mayor's Functions at Council Meetings.

(1) When present at council meetings the mayor shall:

- (a) Preside over **and facilitate** ~~deliberations of the council~~ **meetings**,
- (b) Preserve order,
- (c) Enforce council rules, and
- (d) Determine the order of business under the rules.

(2) The mayor is a voting member of the council.

(3) The mayor pro-tem shall perform the mayor's functions at council meetings when the mayor is absent, or otherwise unable to perform the functions of mayor at council meetings.

Section 21 Vacancies.

The office of a **member of council** ~~councilor~~ becomes vacant:

(1) Upon the incumbent's:

- (a) Death,
- (b) Adjudicated incompetence,
- (c) Recall from the office, or
- (d) Conviction of a felony, or
- (e) **Taking the oath of office of another lucrative governmental elective office.**

(2) Upon declaration by the council of the vacancy in case of the incumbent's:

- (a) Failure, following election or appointment to the office, to qualify for the office within ten days after the time his or her term of office is to begin,
- (b) Absence from the city for 30 days without the council's consent or from all meetings

of the council within a 60-day period,

- (c) Ceasing to reside in the city,
- (d) Ceasing to be a qualified elector under state law,
- (e) Conviction of a crime involving moral turpitude, or
- (f) Resignation from the office.

Section 22 Filling Vacancies.

(1) A vacancy in the council shall be filled within 30 days by appointment by the council. If the council does not fill the vacancy by an appointment within 30 days, then the vacancy shall be filled at the next available election as provided by state law, provided that election is before the expiration of the term of the predecessor councilor who left the office vacant. The term of the person elected shall begin when that person qualifies for office after the election, and shall end upon the expiration of the term of the predecessor councilor who left the office vacant.

(2) The term of a person appointed by the council to fill a vacancy shall begin when the appointee qualifies for the office after the appointment, and shall expire at the expiration of the term of the predecessor councilor **member** who left the office vacant, or at the annual meeting immediately after the next general election, whichever happens first. If a general election occurs after the vacancy is filled by appointment, but before the expiration of the term of the councilor **member** who left the office vacant, then the position shall be filled at such intervening general election. The person receiving the most votes for that **mayor or the vacant** numbered **councilor** position at such intervening general election shall serve until the expiration of the term of the predecessor councilor **member** who left the office vacant.

(3) A vacancy in the office of the mayor or mayor pro-tem shall be filled by appointment by a majority of the council, with the term of such appointment to expire at the time a mayor **is elected and assumes the duties of the office, as provided in Section 22(2), or at the time a mayor pro-tem is to be appointed by the council, as provided in Section 9. Appointment of a sitting councilor to fill a vacancy in the office of mayor or mayor pro-tem shall not extend the term of a councilor appointed to fill a the vacancy in the council. Appointment of a sitting councilor to fill a vacancy in the office of mayor shall create a vacancy in the councilor's former seat, to be filled as provided in this Section 22.**

Section 23 Mayor.

(1) The mayor shall appoints, with the advice and consent of the council, members of committees **and commissions** established by **ordinance or resolution** council rules, and other persons required by the council to be so appointed.

(2) The mayor, or in his or her absence or inability to act, the mayor pro-tem, shall sign all ordinances and resolutions; and all other official documents, including but not limited to contracts and deeds, unless the council has specifically authorized other city personnel to sign such official documents.

(3) **The mayor serves as the political head of the city government.**

Section 27 Compensation.

The council shall prescribe the compensation of city officers, other than councilors **members**. The council may prescribe a plan for reimbursing city personnel for expenses that they incur in serving the city.

