

## **ASHLAND CITY CHARTER REVIEW COMMITTEE**

### **Summary of Recommendations**

**July 1, 2005**

The Ashland City Charter Review Committee is pleased to forward our recommendations regarding potential changes to the charter to the City Council.

Our work with the Charter has consumed all of the past year. The attached report reflects thoughtful input from elected and appointed officials and -- most importantly -- from city residents; extensive research regarding charter theory and practice; and hours of often-spirited discussion among committee members. Charter review turned out to be a much bigger task than most of us originally envisioned, but we hope you will agree that our Final Report conveys the thorough nature of our investigation.

Our major recommendations include:

1. The City of Ashland should be governed by a partnership between the elected mayor (the political leader), a city manager (the administrative leader), and the council (the legislative body). Elected officials are charged with responsibility for developing policy; the city manager should implement that policy. The manager's administrative powers should be expanded to include staff supervision (hiring, firing, and general accountability).
2. The Ashland mayor should vote on all issues before the council; at the same time, the mayor's veto power should be eliminated.
3. The mayor should continue to appoint members of city commissions and committees, subject to council approval.
4. The current position system for selecting council members should be eliminated in favor of city-wide, at-large elections in which the top three vote-getters win the council seats at issue.
5. The city recorder should continue to be elected by the voters. However, charter language that dictates compensation should be removed; responsibility for salary issues would be assigned to the city Budget Committee. In addition, the city council should appoint a task force or committee to study the position in additional depth.
6. The municipal judge should continue to be elected by the voters. However, charter language that dictates compensation should be removed; responsibility for

- salary issues would be assigned to the city Budget committee. As with the recorder, the city council should appoint a task force or committee to study issues associated with the municipal judge position in additional depth.
7. Members of the Parks and Recreation Commission should continue to be elected by city voters, and the Parks Department should continue to be administered as an autonomous entity independent of the rest of city government. However, existing charter language should be streamlined to combine the Parks Commission and the Recreation Commission. Finally, charter language that dictates the department's formula should be removed from the charter; the Parks and Recreation budget will be determined via the annual city budget process.

8. The Ashland City Band should be retained in the charter; however, funding language should be removed and budget issues delegated to the city Budget Committee. The committee recommends that the Band be placed under the authority of the city Parks and Recreation Department.
9. Charter language that requires voter approval of all increases in council salaries should be eliminated; salary levels should be established via a city ordinance.
10. The city council should convene a citizen-based Charter Review Committee at least every ten years.

We agreed that our findings in each of these areas would be incorporated into the model charter template developed by the Oregon League of Cities. The result would be the new, **only-in-Ashland**, city charter.

In addition to these structural revisions, the Charter Review Committee has compiled a set of suggested changes focused on charter language that is outdated, superfluous, or better conveyed in a city ordinance.

The attached Final Report describes our findings and in more detail; the hefty Appendix contains copies of reports and other documents developed during the committee's process.

The City of Ashland is blessed with thoughtful and involved citizens, dedicated elected officials, and capable and energetic staff members. If adopted, we believe that the recommendations endorsed in this report will result in a new and improved charter that will ably guide the city well into the 21<sup>st</sup> century. Please contact any one of us if we can answer questions regarding our findings.

Respectfully submitted,  
Ashland City Charter Review Committee

*Co-chairs*

John Enders  
Carole Wheeldon

*Members*

Hal Cloer	Keith Massie
Kate Culbertson	Don Montgomery
Laurie MacGraw	Michael Riedeman
Pam Marsh	Roy Bashaw (resigned December 2004)

## **ASHLAND CHARTER REVIEW COMMITTEE**

### **Final Report & Recommendations**

**July 1, 2005**

#### **Introduction and Background:**

The Ashland City council initiated a charter review process in May 2004 with the authorization of a 10-member ad hoc citizen Charter Review Committee. The newly constituted committee was directed to conduct an independent assessment of the existing charter (last reviewed in 1978) and, if necessary, to draft a new or amended document suitable to “serve the community well into the future.” Appointed by Mayor Alan DeBoer, the committee began work in July 2004. Our ranks included co-chairs John Enders and Carole Wheeldon, and members Hal Cloer, Kate Culbertson, Laurie MacGraw, Pam Marsh, Don Montgomery, Keith Massie, and Michael Riedeman.<sup>1</sup>

The committee quickly realized that the task at hand would require more than a cursory review, and we agreed to undertake a systematic and comprehensive analysis of the charter. After a year of study, we are now forwarding our findings to the City council. In order to be enacted, charter revisions will need to be placed on the ballot by the council and approved by voters in a citywide election.

Our work was ably staffed by Ann Seltzer, who fielded a tremendous number of requests from committee members and interested residents. City Attorney Mike Franell and Assistant Attorney Mike Reeder provided legal guidance, and Nancy Slocum and April Lucas provided us with minutes. In addition, the city engaged the services of Tom Sponsler, a consultant with expertise in charter reviews and revisions and the author of the Oregon Model Charter, who was contracted to assist the committee.

This report summarizes our recommendations and work schedule over the past year.

*(See Appendix 1: Council Approved Documents Establishing the Charter Review Committee)*

#### **Public Input Process**

From the beginning the committee understood that public involvement and testimony were critical to our mission, and we attempted to include the community beyond the requirements of the law. Throughout our deliberations the committee adhered to the Oregon Public Meetings laws, and, whenever possible, meetings were broadcast live on

---

<sup>1</sup> Unfortunately, our tenth member, Roy Bashaw, resigned in December 2004.

RVTV (later available as streaming video on the city's website). We scheduled a public input session into each meeting agenda, and we planned a series of public forums and other outreach efforts to solicit comment. These efforts included:

- ✓ Committee interviews with current and former elected and appointed officials.
- ✓ Presentations to the Lions Club, Rotary, Chamber of Commerce, Green Party, and League of Women Voters.
- ✓ Creation of an information brochure for distribution at public events
- ✓ Articles in City Source.
- ✓ Development of an employee survey designed to solicit input from city staff
- ✓ Solicitation of extensive coverage in the Daily Tidings and, to a lesser extent, the Medford Mail Tribune.
- ✓ Submission of letters to the editor and op-ed articles explaining the charter process.
- ✓ Development of research documents (white papers and, later, topic papers) that investigated specific issues.
- ✓ Utilization of the city of Ashland web site. All committee documents have been posted on the web in order to maximize public access and encourage input.
- ✓ Use of a Charter listserv to disseminate information and discussion.
- ✓ Appearances on RVTV. In addition to the regular broadcast of our meetings, committee members participated in two interview shows focused on charter review.
- ✓ Establishment of a public outreach subcommittee to plan and coordinate efforts.

Public forums included:

- ✓ A January 20<sup>th</sup> meeting at the SOU Rogue River Room attended by approximately 75 community members. This meeting was structured with small breakout groups in order to provide an overview of charter review and to gather initial public comment.
- ✓ An April 7<sup>th</sup> meeting, also at SOU, focused on structure of government attended by approximately 30 people. Roundtable discussions invited residents to discuss the qualities/elements that enable government to provide good public service.
- ✓ Issue forums. In addition, we scheduled a public input session on each specific issue prior to committee debate.

Despite our best efforts, the committee was disappointed with the overall level of citizen participation. We realize, however, that the City council has an opportunity to generate significant public input during your review of our recommendations. A later section of this report ("Next Steps) suggests possible courses of action.

*(See Appendix II: Public Information Materials)*

## **Structure of Recommendations**

Preliminary study and expert testimony enabled the committee to sort potential charter revisions into three areas of concern: 1) outdated charter language usurped by state law; 2) charter provisions that could be better legislated in the form of city ordinances; and, 3) structural and political provisions that seemed to warrant evaluation. Analyses produced by former city attorney Paul Nolte and by committee consultant Tom Sponsler highlighted significant sections of the charter containing outdated or extraneous language.

After extensive discussion, the committee decided to adopt the Oregon Model Charter (developed by the League of Cities) as a template for the revised Ashland city charter. Our intent was to produce a document that clearly identifies the authority and accountability of local government and that reflects current state law. At the same time, the new streamlined charter would need to reflect the specific history and character that defines the Ashland community. Eliminating outdated language was easy; tackling sensitive political questions posed a much bigger challenge.

As a result, the committee agreed to spend most of our time focused on a few key issues critical to the conduct of local government:

- ✓ The mayor-manager/administrator relationship
- ✓ Mayoral veto/ability to vote on council issues
- ✓ Appointment of city commissions/committees
- ✓ Election of city council by positions
- ✓ Election of the city recorder
- ✓ Election of the municipal judge
- ✓ Election/powers of the Parks Commission and related issues re: the organization of the Parks Department
- ✓ City Band

Later in our discussions we identified two additional issues that seemed to warrant investigation: 1) council salaries; and, 2) periodic charter review.

## **Key Recommendations**

- 1. The City of Ashland should be governed by a partnership between the elected mayor (the political leader), a city manager (the administrative leader), and the council (the legislative body). Elected officials are charged with responsibility for developing policy; the city manager should implement that policy. The manager's administrative powers should be expanded to include staff supervision (hiring, firing, and general accountability).**

**Background:** Article 4, Section 2 of the existing charter stipulates that the elected mayor is the “executive officer of the municipal corporation.” Article 13 further delineates the mayor’s powers, noting that s/he may “suspend and remove any appointive

officer at any time.” In effect, the charter empowers the mayor to assume a range of administrative powers; in theory, the city administrator is responsible for implementing policy, but his/her managerial authority can be overshadowed by the mayor’s broadly defined powers.

**Discussion:** Proponents of the existing language argue: 1) that the mayor’s position as an elected official should empower him/her to serve as a hands-on administrator; and, 2) that designation of a city manager could concentrate too much power in the hands of an appointed official. Conversely, critics of the current system believe: 1) that the size and complexity of city issues require professional management; and, 2) that policy is best created and implemented via a respectful partnership forged between elected and appointed officials.

**Outcome:** Understanding and analyzing the appropriate roles and responsibilities that should be assumed by elected and appointive officials consumed months of the committee’s efforts and generated significant interest from elected and appointed officials (current and retired) and from members of the public. In the end, the committee approved this recommendation via unanimous vote.

In a subsequent motion (approved 7-1), the committee agreed that the council and mayor together should be responsible for hiring and firing the manager.

Finally, the committee augmented the recommendation by unanimously voting to adopt language in the model charter that clarifies that the council should “determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees” that will guide personnel decisions.

Specific duties delegated to the mayor and city manager are detailed in the appendix.

*(See Appendix III: Structure of Government)*

**2. The Ashland mayor should vote on all issues before the council; at the same time, the mayor’s veto power should be eliminated.**

**Background:** Article 4, Section 3 of the existing charter stipulates that the mayor of the city is allowed to vote on issues before the council only in the case of a tie. At the same time, the mayor is required to approve **or veto** all measures within five days of passage. The council is allowed to overturn a mayor’s veto via a two-thirds (4 of 6) vote.

**Discussion:** Proponents of the existing framework argue: 1) that the mayor’s non-voting status better equips him/her to facilitate meetings and provide political leadership; 2) that the mayor’s veto power is an appropriate tool used to force the council to re-evaluate hasty or ill-considered decisions. and, 3) that veto power conveys more political leverage than the ability to vote.

Conversely, critics state: 1) the mayor's non-voting status clouds the public's understanding of his/her position on the issues; 2) application of the veto produces contention instead of consensus; and, 3) that the mayor's ability to cast a vote is a stronger investment of political power than is contained in the occasional veto.

**Outcome:** The recommendation was endorsed by the committee on a 6-3 vote. A subsequent motion that the veto be retained in addition to the mayor's new voting power failed, 7-2.

If approved, the mayoral vote will eliminate an anomaly in the existing charter. Under current conditions, the council is allowed to meet if three members plus the mayor are present. In this circumstance, as few as two council members can constitute a majority. If the mayor becomes a voting member, at least three votes will be required to approve any measure.

*(See Appendix III: Structure of Government)*

**3. The mayor should continue to appoint members of city commissions and committees, subject to council approval.**

**Background:** Under current practice, the mayor is responsible for appointing members of city commissions and committee members, subject to council approval.

**Discussion:** Proponents of the status quo argue that the mayor's appointment powers allow him/her to appropriately set the political tone and direction of the city. Conversely, critics claim that this structure concentrates too much power in the hands of mayor; they argue that the council should be allowed to nominate and approve candidates for appointment.

**Outcome:** The committee voted 8-1 in favor of the recommendation, effectively retaining the status quo. A second motion that would have specifically allowed Planning Commission members to be proposed and appointed by the mayor and council failed, 7-1.

*(See Appendix III: Structure of Government)*

**4. The current position system for selecting council members should be eliminated in favor of citywide, at-large elections in which the top three vote getters win the council seats at issue.**

**Background:** Article 8, Section 2 of the city charter delineates the existing system that governs selection of city council members. Existing language requires council members to be elected by position number (one through six); each candidate is required to

designate the number of the council seat to which he or she aspires. A candidate may run for one position in any given election.

**Discussion:** Proponents of the status quo argue: 1) that the existing system produces richer debate and greater clarification of issues; 2) that the position system lends stability to local government by protecting incumbents from political movements that might be orchestrated to sweep sitting councilors from office; and, 3) that the position system may allow less-well known candidates to achieve office. Conversely, critics believe: 1) that the position system can be used to target specific minority candidates; 2) that it unnecessarily complicates the voting process and stymies a citizen's ability to support the candidates of his/her choice; and, 3) that it can allow unchallenged incumbents to avoid scrutiny.

**Outcome:** This was among the committee's more contentious recommendations, approved in a 5-4 vote. Related issues that the committee discussed and dismissed for lack of interest included changing the number of council members, imposing term limits, and adopting a ward system for council election.

The committee also discussed the possible adoption of charter language that would permit or enact an instant voter runoff system in city elections. In the end, the committee decided not to recommend IRV, citing concerns regarding cost, legality, and insufficient research. However, the committee did agree to forward to the council excellent background material prepared on the subject by IRV advocate Pam Vavra and to note the substantial public input we received endorsing IRV.

*(See Appendix IV: Council Election Materials)*

5. **The city recorder should continue to be elected by the voters. However, charter language that dictates compensation should be removed; responsibility for salary issues would be assigned to the Citizens' Budget Committee.**

**In addition, the city council should appoint a task force or committee to study the issues of the city recorder [and municipal judge] in additional depth.**

**Background:** Article 3 of the current charter describes the recorder as an elected city officer; section 3 pegs compensation to the 1974-75 level with specified annual adjustments.

**Discussion:** Proponents of the status quo argue that election by the voters ensures that the recorder will remain independent and available to city residents; they note that the recorder is the only fulltime city official elected by the citizens. Conversely, critics point out 1) that most city recorders are now appointed and supervised by councils and managers; and, 2) that election may not guarantee that the winning candidate has the

requisite skills to fulfill the duties of the office. Proponents of the task force argued that the council should investigate whether the recorder should retain treasurer's duties now delegated to that office.

Speakers on both sides of the election issue questioned the inclusion of compensation language in the charter, citing the committee's efforts to remove all specific funding notations from the document.

**Outcome:** The committee endorsed the first recommendation unanimously; the task force endorsement was approved on a 5-4 vote.

*(See Appendix V: Election of the City Recorder)*

- 6. The municipal judge should continue to be elected by the voters. However, charter language that dictates compensation should be removed; responsibility for salary issues would be assigned to the Citizens' Budget Committee.**

**In addition, the city council should appoint a task force or committee to study the issues of the [city recorder] and municipal judge in additional depth.**

**Background:** Article 3 of the current charter describes the municipal judge as an elected city officer; section 3 pegs compensation to the 1974-75 level with specified annual adjustments.

**Discussion:** Proponents of the status quo argue that the election process allows voters to choose a municipal judge who will understand and incorporate local values in his/her approach to the judiciary. Conversely, critics question whether the current system is cost effective. Proponents of the task force suggested that the council investigate the level of judicial salary, imposition of a residency requirement, and the general powers and duties of the judge.

As with the recorder, speakers on both sides of the election issue questioned the inclusion of compensation language in the charter, citing the committee's efforts to remove all specific funding notations from the document.

**Outcome:** The committee endorsed the first recommendation unanimously; the task force endorsement was approved on a 5-4 vote.

*(See Appendix VI: Election of the Municipal Judge)*

**7. Members of the Parks and Recreation Commission should continue to be elected by city voters, and the Parks Department should continue to be administered as an autonomous entity independent of the rest of city government. However, existing charter language should be streamlined to combine the Parks Commission and the Recreation Commission. Finally, charter language that dictates the department's formula should be removed from the charter; the Parks and Recreation budget should be determined via the annual city budget process.**

**Background:** Article 19 of the existing charter (part of the original 1908 document) establishes the Parks Commission as an elected body of five residents invested with the control and management of city parkland and accompanying funding. Section 3 grants the commission independent taxing authority (not to exceed four and one half mills on the dollar) necessary to support the parks program. Finally, Article 22 specifies that the Park Commissioners also serve as members of the Recreation Commission.

Over the years, the Park Commission's independent funding stream and elected status enabled the establishment of an independent Parks and Recreation department within city government. The Parks Commission hires and fires the department manager, establishes internal policy and procedures, and reviews the annual budget.

Ballot Measure 50 (1997) effectively eliminated the department's fiscal independence; Parks and Recreation funding is now established through the Citizens' Budget Committee process. However, the Department continues to be administered as an independent arm of city government.

**Discussion:** Proponents of the existing system argue: 1) that election by the voters provides powerful leverage and independence for the Commission; 2) that the department's autonomy has enabled it to creatively develop and maintain the expansive system of city parks; and, 3) that the city's park system is intrinsic to the aesthetic and character of Ashland, and warrants special charter protections.

In turn, critics believe: 1) that the Parks Department is most appropriately administered under the auspices of the city administrator/manager, which would be consistent with the committee's recommendations to place all administrative functions under the city manager; 2) that the autonomy of the department creates inequities among city employees; 3) that the elected Commission usurps decision making powers that rightfully belong to the council; 4) that appointment, rather than election, might attract better qualified candidates for the commission; and, 5) that the existence of an elected commission no longer provides fiscal protections for the department, given the passage of Measure 50.

**Outcome:** The recommendation was approved by a vote of 8-1.

Our decision to remove moribund funding language from the charter was consistent with our overall attempts to keep the charter free of budget figures. However, the committee

acknowledges that Parks funding is integral to its success; we recommend that the council consider implementing an ordinance that would formalize Parks funding.

*(See Appendix VII: Parks and Recreation)*

**8. The Ashland City Band should be retained in the charter; however, funding language should be removed and budget issues delegated to the Citizens' Budget Committee. The committee recommends that the Band be placed under the authority of the city Parks and Recreation Department.**

**Background:** Article 21 of the current charter requires the council to include in the annual budget an allocation not to exceed six-tenths (.6) mills on the dollar for the purpose of a City Band. By tradition (though not function), the Band falls under the auspices of the city finance director; as a result, the Band often operates quite independently from city structure.

**Discussion:** Proponents of the current charter language argue that the City Band will survive and thrive through the specification of a funding formula embedded in the charter. Conversely, critics suggest that the charter should never cite specific budget numbers; instead, funding should be allocated through the annual budget process.

Speakers on both sides of the funding issue agree that the Parks and Recreation Department is the most appropriate home base for the Band.

**Outcome:** The recommendation was approved via unanimous vote. In addition, the Charter Committee notes that preservation of the band's funding is integral to its success; we recommend that the council consider implementing an ordinance addressing the band's funding requirements.

*(See Appendix VIII: Ashland City Band)*

**9. Charter language that requires voter approval of all increases in council salaries should be eliminated; salary levels should be established via a city ordinance.**

**Background:** Article 3, Section 3 of the current charter requires that changes to the level of compensation received by elective officers (except for recorder and judge) be submitted to a vote of the people. Right now, each city council member receives \$350 per year and the mayor receives \$500; these pay levels have been unchanged since at least 1976. However, elected officials also receive full medical, vision and dental benefits and a small life insurance policy that covers themselves and dependents.

**Discussion:** Proponents argue that the existing system restrains the council from enacting costly and/or inappropriate pay increases. Conversely, critics of the status quo

claim: 1) that salary issues are best delegated via ordinance; and/or, 2) that council members deserve to be paid for the work that they perform.

**Outcome:** The committee endorsed the recommendation via a 7-1 vote, with one member abstaining. Discussion that preceded the vote focused on the generous health benefits package now extended to council members. The committee suggests that council members consider assuming an insurance co-payment equivalent to that paid by city employees.

*(See Appendix IX: Council Salaries and Benefits)*

**10. The city council should convene a citizen-based Charter Review Committee at least every ten years.**

**Background:** The current charter does not address the question of periodic review.

**Discussion:** Proponents of periodic review argue that a mandatory review process ensures that the charter remains relevant to the conduct of city affairs; critics question the necessity for such a requirement.

**Outcome:** The committee unanimously endorsed the recommendation.

**Charter Housekeeping**

As noted earlier, analyses produced by former city attorney Paul Nolte and by consultant Tom Sponsler highlighted significant sections of the charter containing outdated or extraneous language, or addressing issues better delegated to a city ordinance. We have used that input to identify sections of the charter that should be eliminated from inclusion in the new model charter; these recommendations are detailed in the chart on the following page.

*(See Appendix X: Charter Mark-ups/Model Charters)*

Finally, as one of our last actions, the committee attempted to clarify language in Article 16, Section 1 (Public Utilities: Water Works). In response to concerns expressed by City Attorney Mike Franell, the committee unanimously approved an amendment stipulating that city water can be sold to businesses located within city limits. Later, we asked the city attorney to prepare additional wording prohibiting businesses from re-selling that water as a primary commodity. However, after discussion, the Charter Committee declined to take further action, agreeing that issues that might be viewed as amending water policy should be arbitrated by the city council. Mr. Franell's suggested language is contained in the appendix; the council may wish to initiate a task force or committee to look at this issue in the coming months.

*(See Appendix XI: Suggested Language for Article 16, Section 1)*

**Items to be changed or eliminated in the charter.**

ARTICLE	SECTION	TITLE	ACTION	REASON
I	3	Boundaries: 2 <sup>ND</sup> sentence	Remove	State law ORS ORS 192 OAR 166
III	6	Interest in City Contracts	Remove	ORS 244
IV	2	Mayor	Modify to enumerate powers of Mayor. See Appendix III item C.	Complements model charter section on powers of manager
VI	2	Recorder; Powers and Duties	Remove	Covered by municipal code 2.08.020
VII	2&3	Elections; Notice & Special	Remove	ORS 254
VII	6	Elections; Canvass of Returns	Remove	ORS 254
VII	7	Tie Votes	Remove	ORS 254.575
VIII	5&6	Council; Journal, Proceedings to the public	Remove	ORS192
IX	All	Special powers of the Council	Remove	"Dillon's Rule" Where express powers are granted, only those powers and those necessary to carry out the granted power are given. See City of Corvallis v. Carlile, 10 or 139 (1882) Broad powers grant overcomes this limitation.
XI	1 & 4	Public Improvements	Remove	ORS 279
XII	All	Taxation	Remove	ORS 294, 310
XIII	4	Appointive Officers	Remove	ORS 244
XIV	All	Chief of Police	Remove	Inherent in city structure. Sec. 2 possible ordinance. Consider ordinance to provide for a member of the police staff to be present at council

				meetings as in Section 2.
XV	2	Court	Remove	This has never been done.
XV	3	Court	Remove	ORS 138
XV	4	Jury	Retain	Keep per City Attorney Mike Franell
XVI	1	Public utilities	Study	Clarify language see Appendix X, item D.
XVI	2	Torts	Remove	ORS 30
XVI	3	Existing Ordinances, Acts, Proceedings	Remove from line 3 to end	ORS 30
XVI	4	Repeal of previously enacted provisions	Remove	History of amendments are public record pursuant to public records laws ORS 192
XVII	All	Hospital	Remove except for Section 1 Study remaining sections to explore current relationship with hospital.	Committee is uncertain what the current relationship is with the hospital and is hesitant to remove all language until clarified. Leave Section 1 if language is accurate after study.
XVIII	All	Cemeteries Trust Fund	Remove all reference to dollars and dates.	Create ordinance to consolidate. Retain some reference.
XX	All	Airport	Retain	Language unique to Ashland.

## Next Steps

The conclusion of the Charter Review Committee's work marks the end of the first phase of charter review<sup>2</sup>. We are now pleased to pass the torch on to the city council. We suggest that you consider incorporating the following next steps into your process of review:

---

<sup>2</sup> See Appendix XII: Summary of Expenses

**Voter Involvement:** As a first priority, the council should launch a voter awareness campaign designed to provide residents with information on the proposed charter changes and to establish opportunities for interaction and dialogue. Such a campaign might include:

- Media articles, interviews, television, radio.
- Mini forum/public hearings, etc.
- Informational events.
- Talks to civic groups.
- Flyers (such as in utility bills, etc.)

**Ballot Language:** After preliminary review, the council should engage Tom Sponsler, the city's charter consultant, to prepare draft ballot language for the proposed charter changes. This can be done either before or after council review of the committee recommendations.

As part of this process, the council will need to decide if proposed charter revisions should be presented to voters in one complex ballot measure, or, instead, structured as a series of single-issue measures that allows voters to pick and choose among options.

**Additional Research Committees:** Consider establishing task forces or committees to: 1) pursue additional investigation of specific issues, including the roles and responsibilities of the city recorder and municipal judge; 2) develop city ordinances that might replace charter language; and, 3) conduct legal review of the draft charter.

**Timeline:** Develop a timeline for council actions leading to ballot measures, including conceptual review of recommended changes, draft ballot language, public forums/hearings, and the selection of an election date.

Finally, please feel free to engage any of us if you need background information, clarification of our recommendations, or additional insight into our decision rationale.

CITY OF  
**ASHLAND**

Appendices  
Charter Review Committee  
Final Report to Ashland City Council  
July 19, 2005

- I. Council approved documents establishing the Charter Review Committee
  - a. Resolution creating the Charter Review Committee
  - b. Expectations of Charter Review Committee
  - c. Expectations of Charter Review Consultant
  - d. Committee operating policies and procedures
- II. Public Information Materials
  - a. Letters from Charter Committee to members of city's commissions, committees and boards.
  - b. Guest Forum Commentary Daily Tidings
  - c. Information brochure
  - d. Employee survey and results
  - e. Articles in *City Source* (monthly newsletter included in utility bills)
  - f. Articles in *Ashland Daily Tidings* (daily newspaper)
- III. Structure of Government
  - a. White papers
  - b. Topic discussion papers
  - c. List of Mayor and City Manager Duties
  - d. Recap of characteristics of government from April 7 public forum
  - e. Minority Report — Michael Riedeman
- IV. Council Election Materials
  - a. White papers
  - b. Topic Discussion paper
  - c. Memo from City Attorney Mike Franell
  - d. Instant Run-off Voting (IRV) (submitted by non-committee member Pam Vavra)
  - e. Divergent Opinion — Michael Riedeman
  - f. Minority Report — Hal Cloer

- V. Election of City Recorder
  - a. White paper
  - b. Topic Discussion paper
- VI. Election of Municipal Judge
  - a. White paper
  - b. Topic Discussion paper
  - c. E-mail from Judge Drescher
- VII. Election of Parks and Recreation Commission
  - a. White paper
  - b. Topic Discussion paper
  - c. Minority Report – Don Montgomery
- VIII. Ashland City Band
  - a. White paper
  - b. Topic Discussion paper
- IX. Council Salaries and Benefits
  - a. Topic Discussion paper
  - b. Summary of council salary and benefits in other Oregon cities
  - c. Minority Report – Michael Riedeman
- X. Ashland City Charter markups/Model Charters
  - a. Consultant Tom Sponsler markup
  - b. Former City Attorney, Paul Nolte markup
  - c. City Attorney, draft Ashland model charter
  - d. Draft Alternative Language for Article XVI, Section 1 (Public Works: Water Works) – Franell
- XI. Summary of Expenses

## Appendix I

### Council approved documents establishing the Charter Review Committee

- a. Resolution creating the Charter Review Committee
- b. Expectations of Charter Review Committee
- c. Expectations of Charter Review Consultant
- d. Committee operating policies and procedures

**RESOLUTION NO. 2004- 10**  
**A RESOLUTION CREATING THE CHARTER REVIEW COMMITTEE.**

Recitals:

- A. The City of Ashland Charter was last reviewed and amended in 1970.
- B. A 2004-05 goal of the city council is to "complete a charter review and update".
- C. The City Council has determined that it wishes to form a Charter Review Committee to evaluate the existing charter and to determine if the charter should be updated or changed.

THE CITY OF ASHLAND RESOLVES AS FOLLOWS:

**SECTION 1.** A Charter Review Committee is created which shall consist of nine voting members and one alternate, non-voting member, all of whom shall reside within the City of Ashland and who shall be appointed by the mayor and confirmed by the council. Two members of the committee shall be former elected city officials and seven shall be selected at large. No member shall be appointed who currently holds an elected position for the City of Ashland. The mayor and council shall make every effort to appoint members who are impartial, non-biased and free of any perceived political gain and have some expertise and knowledge of the workings of local government.

**SECTION 2.** If the committee determines changes to the charter are warranted, it shall prepare a draft charter or draft amendments to the existing charter for the City of Ashland for review by the council for placement on the ballot for the voters of Ashland.

**SECTION 3.** The committee shall be subject to, and shall follow, to the greatest extent feasible, the attached document entitled "Expectations of the Charter Review Committee."

**SECTION 4.** The committee shall terminate at the time a new charter or charter amendments are voted on by the people of Ashland, unless the committee determines changes are not warranted. In such case the committee shall terminate when it makes such report to the city council.

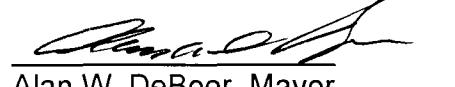
**SECTION 5.** This resolution takes effect upon signing by the Mayor.

This resolution was read by title only in accordance with Ashland Municipal Code §2.04.090 and duly PASSED and ADOPTED this 4 day of May, 2004.

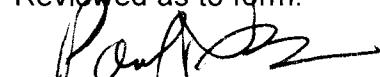


Barbara Christensen, City Recorder

SIGNED and APPROVED this 6 day of MAY, 2004.

  
Alan W. DeBoer, Mayor

Reviewed as to form:



Paul Nolte, City Attorney

# CITY OF ASHLAND

## Expectations of the Charter Review Committee

*"Membership on a charter review committee is accepting responsibility for leadership in the most important single civic effort that any community can undertake. The duty of leadership is to find the highest attainable level of improvement, not just a token advance. Statesmanlike compromise is simply a means to this end."* Guide for Charter Commission, National League of Cities

### Purpose and Overview

The primary function of the charter review committee is to review the existing charter to determine if it will adequately serve the community well into the future. If necessary, the committee is to prepare a draft charter for the City of Ashland. The proposed charter will ultimately be reviewed by the city council for placement on the ballot for the voters of Ashland.

The committee must be impartial, non-biased, and free of any perceived political gain and may approach the task in whatever means results in a document that best serves the citizens of Ashland.

In addition to adhering to the Oregon Public Meetings law, the committee will strive to include the community beyond the requirements of the law. The council encourages the committee to seek opportunities to educate the community about the process and purpose of a charter review, the importance of a city charter and to solicit community input.

It is the council's experience that undertakings of this scope are best achieved within a set timeline during which committee members are focused on achieving the task in a timely manner. Stretching a task over a period of many months can result in a committee that loses focus, interest and drive and a drop in attendance. As such, the council requests that the committee develop a timeline so that the proposed amendments can be placed on the earliest possible ballot.

The city will engage the services of a consultant with expertise in charter reviews and revisions that will assist the committee as detailed in the attached *Expectations of the Charter Review and Revision Consultant*.

### Membership

The committee will be comprised of nine voting members: two former elected city officials, and seven other citizens.

An alternate committee member will also be selected and will serve as a non-voting member. Should a member of the committee be unable to fulfill duties, the alternate will assume the role of the voting member. The city attorney will attend all meetings and will act in an advisory role and a current city employee will staff the committee.

## Expectations of the Charter Review and Revision Consultant

The consultant engaged to assist the charter review committee will:

- Provide an educational presentation to the committee and the community on the importance of a charter review and update, how a consultant helps in the process and the various methods of approaching a review.
- Review the existing charter and identify needed changes and updates
- Perform legal review of current charter provisions
- Compare 2004 League of Oregon Cities (LOC) model charter for updated charter provisions
- Attend the first meeting of the charter review committee to consult about the role and function of a charter, discuss the project goals and expectations and agree on a process and timeline and present the legal review of the current charter
- Provide general basic provisions for review
- Prepare and explain substantive provisions for consideration
- Attend a second meeting in Ashland with the charter review committee, half way through the process
- Draft alternative political provisions for discussions and consideration
- Distribute draft charter and discuss at a meeting in Ashland
- Revise draft charter based on input from the committee
- Prepare a final version of the new charter for council review/approval
- Prepare a ballot title and explanatory statement
- Attend a final meeting in Ashland for presentation to the City Council

The above list requires the consultant to attend four meetings in Ashland with the committee, however additional meeting attendance may be necessary.

The City of Ashland will:

- Exercise overall administrative responsibility for the project
- Provide all organizational and staff support for charter review committee,
- Act as a liaison for the charter review committee and council
- Arrange for publication and distribution of drafts and final charter or amendments
- Provide final materials to the county clerk

**CITY OF  
ASHLAND**

Charter Review Committee  
Operating Policies and Procedures

**Regular Meetings**

- 1) Committee will meet on the first and third Thursday of every month unless changed by a majority of the committee at a regular meeting. Regular meetings will begin the third Thursday of September.
- 2) Meetings will occur in council chambers so that they may be televised and taped.
- 3) The committee will consider written and oral testimony offered during the charter review process. Public testimony will always occur during Public Forum and be limited to three minutes per speaker. Public testimony may, on occasion, be taken on specific agenda items when noted on the printed agenda.

**Attendance, Quorum**

- 1) Three consecutive unexcused absences equal resignation.
- 2) Members will be notified after a second consecutive absence to allow an opportunity to attend future meetings.
- 4) Members unable to attend shall notify the staff liaison by phone or e-mail in advance of the regular meeting.
- 6) A quorum of at least six committee members must be present to conduct business at any meeting. A majority of a quorum is necessary to adopt any motion.
- 7) A quorum for the final report is two thirds of the committee membership at the time of voting.
- 8) Items that have been acted on may not be brought forward again without consent of a majority of the committee.

**Subcommittees**

- 1) Subcommittees may be formed for the purpose of gathering information and forming a recommendation to be brought forward to the full committee. However, only the full committee can vote on and accept the recommendation. Subcommittees must meet the requirements of the Oregon Public Meetings law.
- 2) Subcommittees are encouraged to submit to staff a brief summary of the meeting to for inclusion in the upcoming full meeting packet.

**Motions**

- 1) The chair will strive to reach consensus of the committee whenever possible.
- 2) Motions on changes to the charter constitute tentative approval of such changes pending approval of the final report to the city council.

**Consultant**

- 1) The consultant will act in an advisory role to the committee.
- 2) The consultant will review the existing charter, identify needed changes and updates, perform a legal review of the current charter, compare the existing charter to the model

charter and present the information at the first regular meeting of the committee for committee review.

- 3) Prepare and explain substantive provisions for consideration, draft alternative political provisions for discussion and consideration.
- 4) Draft a charter and revise the draft based on input from the committee.
- 5) Prepare a final version of the new charter for committee review and council approval. Prepare a ballot title and explanatory statement.
- 6) Attend a final meeting in Ashland for presentation to the city council.

**Staff**

- 1) The city attorney or designee will act in an advisory role to the committee.
- 2) Staff will support the work of the committee and assist the chair/vice chair in preparing the agenda. Agendas, minutes and other written material will be mailed electronically in advance of the meeting by staff. Staff will conduct research for the committee; send invitations to speakers/guest requested by the committee. Should the committee require additional staff support beyond what is provided, a request should be made to the city administrator.
- 3) Comprehensive minutes will be prepared from each meeting and will be sent to committee members prior to the meeting.
- 4) Staff will post to the city's web page all information related to the committee's proceedings.

**Miscellaneous**

- 1) Roberts Rules of Order will govern decisions at meeting.
- 2) The committee will be clear and simple in its procedures and the consideration of matters coming before it. It should avoid invoking the finer points of parliamentary rules, which may serve only to obscure the issues and to cause audience or citizen misunderstanding or misapprehension about action taken at the meeting.

## Appendix II

### Public Information Materials

- a. Letter from Charter Committee to members of city's commissions, committees and boards.
- b. Guest Forum Commentary Daily Tidings
- c. Information Brochure
- d. Articles in *City Source* (monthly newsletter included in utility bills)
- e. Employee survey (cover letter and results)
- f. Articles in *Ashland Daily Tidings* (daily newspaper)

# CITY OF ASHLAND

August 16, 2004

City of Ashland  
Elected and Appointed Officials

Dear Elected and Appointed Officials for the City of Ashland:

One of the council goals for 2004-05 was to review and update, if necessary, the Ashland City Charter. In May, after months of discussion by the Mayor and City Council, an ad hoc Charter Review Committee was formed. Ten citizens were appointed to review and update, if necessary, the city's charter.

I am pleased to have been elected to serve as chair of the Charter Review Committee. My friend, former councilor Carole Wheeldon, is vice-chair. The committee has met three times since early July. We will meet again on Thursday, August 19 at 4:00 p.m. One of our greatest challenges was to find a day and time that was convenient for all ten committee members and for the public. Our regular meeting schedule will begin on Thursday September 16 at 7:00 p.m. in council chambers at 1175 East Main Street and will meet regularly on the first and third Thursday of the month from that date forward. The meetings will be televised. Once we complete our task the committee will report its recommendations to the City Council, and then disband.

While we are eager to jump into the work, at this point we are moving slowly. We are getting to know each other and learning to work as a group. We recognize that in order for us to successfully accomplish our assigned task it is essential that we work well together. In the charter review process we will be examining the possibility of significant changes to how the city government does its business, and because of that no doubt there will be some bumpy roads ahead. We want to feel comfortable working with each other before we get to the hard stuff.

We have had much discussion on the pros and cons of engaging the services of a charter review consultant. While we have not yet made a decision to enlist such services for the duration of our work, we all agree we would benefit from an educational presentation on the importance of a charter review and update, how a consultant might help in the process and the various methods of approaching a review.

We have invited Tom Sponsler to make the presentation. Tom has years of experience in local government and has assisted numerous charter review committees in Oregon. Tom is also the author of the *Model Charter for Oregon Cities*, prepared for the League of Oregon Cities and released in January of this year. Tom will make this educational presentation for the committee and the public on Thursday evening September 2 at 7:00 p.m. in council chambers. I am writing on behalf of the committee to invite and to encourage you to attend this presentation. I know we will all benefit hearing from someone who has assisted other communities in this important work.

In addition, we invite you to attend our regular meetings, if not in person then by watching the meeting on RVTB Channel 9. The Charter Review Committee agendas, minutes and meeting packets can be accessed online from the left-hand column on the front page of the city's web site at [www.ashland.or.us](http://www.ashland.or.us). In addition, on-demand video of our first meetings, as well as a complete list of those serving on the Charter Review Committee, are available there.

Please feel free to contact the committee by e-mail at [charter@ashland.or.us](mailto:charter@ashland.or.us). I have enclosed a list of individual committee names and contact information. You can also reach us through our city staff liaison, Ann Seltzer at 552-2106 or ann@ashland.or.us.

Sincerely,

John Enders, Chair  
Charter Review Committee  
City of Ashland



January 2005

Dear elected and appointed official for the City of Ashland,

The Charter Review Committee is hosting a public forum on **Thursday, January 20 at 7:00 p.m. in the Rogue River Room of Stevenson Union at SOU**. Parking is available at the parking lot on the corner of Mountain Avenue and Henry Street.

The committee has identified eight key issues within the existing charter that require evaluation and deliberation. The committee is seeking public input on these issues prior to making any decisions.

The issues are:

- The Mayor-City Manager structure, the roles and the relationship and the mayoral veto power and ability to vote on council issues.
- The election of the city recorder and municipal judge and the matter of compensation of elected officials.
- The election of a Parks Commission and issues related to the organization of the Parks Department.
- The election of city council members by positions, the number of council members and council term limits.
- The provisions for annexations by the city.
- The issues of separate police and fire departments.
- The necessity of including the City Band in the charter.
- The appointments of the Planning Commission.

The format of the public forum will include eight tables each dedicated to one of the issues plus a table for general questions and a table for input on community values. A charter review committee member will be at each table to present the pros and cons of the issue and then ask for feedback, input and questions from the public. The attendees can

circulate to a different table every ten minutes in order to hear about the next issue and to give input. The input will be recorded on flip charts and later synthesized into a document that the full committee can review and discuss at a subsequent meeting.

Committee members include John Enders, Chair, Carole Wheeldon, Vice-chair, Laurie MacGraw, Hal Cloer, Keith Massie, Michael Riedeman, Don Montgomery, Kate Culbertson and Pam Marsh

A summary and follow-up to the public forum will be posted on the city's web site at [www.ashland.or.us](http://www.ashland.or.us) (look on the left-hand column and click on Charter Review Committee). Attendees that do not have access to the Internet are invited to provide their mailing address in order to receive follow up information.

A review and update to the city charter has been a council goal for two years. The primary purpose of the charter review committee is to review the existing city charter to determine if it will adequately serve the community well into the future. If necessary, the committee is to prepare a draft charter for the city of Ashland. The proposed charter will be reviewed by the city council for placement on the ballot for the voters of Ashland.

The committee meets on the first and third Thursday of each month at 7:00 p.m. in council chambers at 1175 East Main Street. Meetings are broadcast live on RVTB channel 9. Minutes, agendas, and meeting packet documents are available on-line at [www.ashland.or.us](http://www.ashland.or.us).

For more information, contact city staff liaison to the committee, Ann Seltzer at 552-2106 or [ann@ashland.or.us](mailto:ann@ashland.or.us).

We look forward to seeing you at the forum and receiving your input.

Sincerely,

Public Information sub-committee for the Charter Review Committee  
Carole Wheeldon  
Don Montgomery  
Pam Marsh

**LARKS**  
HOME KITCHEN CUISINE  
212 E. MAIN STREET  
ASHLAND, OR 97520

FRESH FROM THE FARMS,  
ORCHARDS, VINEYARDS, AND  
CHOCOLATIERS IN THE BEAUTIFUL  
ROGUE RIVER VALLEY

**OPENING MAY 23**  
541 488 1700  
*Click for information ▾*

## Guest Forum

August 17, 2004

### **Public invited to upcoming charter review meetings**

By John Enders

Chair, Ashland Charter Review Committee

In coming months, the residents of Ashland will have a rare and important opportunity to review and learn about how their city is governed, and, if it is deemed advisable, to affect changes to that governance. I want to invite the people of Ashland to take advantage of this opportunity, to help Ashland hold onto those ways that make it a unique small city and possibly to add new ways that might make it even better.

One of the Ashland City Council goals for 2004-05 was to review and update, if necessary, the Ashland City Charter. In May, after months of discussion by the mayor and city council, a Charter Review Committee was formed. Ten residents were appointed to review and update, if necessary, the city charter.

I am pleased to have been elected to serve as chair of the Charter Review Committee. My friend, former councilor Carole Wheeldon, is vice-chair. The committee has met three times since early July. One of our greatest challenges was to find a day and time that was convenient for all ten committee members and for the public. Our regular meeting schedule will begin on Thursday, Sept. 16 at 7 p.m. in council chambers at 1175 East Main Street. We will meet regularly on the first and third Thursday of the month from that date forward. Once we complete our task the committee will report its recommendations to the city council, then disband.

While we are eager to jump into the work, at this point we are moving slowly. We are getting to know each other and learning to work as a group. We recognize that to successfully accomplish our assigned task it is essential that we work well together. In the charter review process we will be examining the possibility of significant changes to how the city government does its business, and because of that no doubt there will be some bumpy roads ahead. We want to feel comfortable working with each other before we get to the hard stuff.

We have had much discussion on the pros and cons of engaging the services of a charter review consultant. While we have not yet made a decision to enlist such services for the duration of our work, we all agree we would benefit from an educational presentation on the importance of a charter review and update, how a consultant might help in the process

and the various methods of approaching a review.

We have invited Tom Sponsler to make the presentation. Tom has years of experience in local government and has assisted numerous charter review committees in Oregon. Tom is also the author of "The Model Charter for Oregon Cities," prepared for the League of Oregon Cities and released in January of this year. Tom will make this educational presentation for the committee and the public on Thursday, September 2 at 7 p.m. in council chambers. I am writing on behalf of the committee to invite the public at large to attend this presentation. I know we will all benefit hearing from someone who has assisted other communities in this important work.

In addition, we invite you to attend our regular meetings, if not in person then by watching the meeting on RVT Channel 9. The Charter Review Committee agendas, minutes and meeting packets can be accessed online from the left-hand column on the front page of the city's Web site. Go to [www.ashland.or.us](http://www.ashland.or.us) for more information. In addition, on-demand video of our first meetings, as well as a complete list of those serving on the Charter Review Committee, are available there.

Please feel free to contact the committee by e-mail at [charter@ashland.or.us](mailto:charter@ashland.or.us).

The committee members are intent on having a balanced, thoughtful, public and entirely transparent charter-review process that leads to solid, widely understood and logical conclusions and recommendations. We hope you will come along with us for the ride.

John Enders is the former editor of the Ashland Daily Tidings and the current executive director for the Southern Oregon Historical Society

[DailyTidings.com Home Page](#)

[Archives](#) | [Revels](#) | [Classifieds](#) | [Real Estate Guide](#) | [Weather](#) | [Subscribe](#) | [Contact Us](#)

Copyright 2005 Ashland Daily Tidings and Ottawa Newspapers  
All Rights Reserved



---

paid advertising

---

[Free Music Downloads](#)  
[Slippers](#)  
[Ceramic Piggy Banks](#)  
[Heloc](#)  
[Calenders 2005](#)  
[Women's & Men's Slippers](#)  
[Accelerate Weightloss Products](#)  
[Memory Foam Mattress](#)  
[tcg student loan consolidation](#)  
[Home Equity Loans](#)  
[teleconferencing](#)  
[W2 Forms](#)  
[cortisol; weight loss](#)

[Sports Betting](#)  
[Website Design & Marketing](#)  
[Student Loans](#)  
[African Safari](#)  
[Conference Calls - \\$50/Month](#)  
[Security Systems](#)  
[Helzberg Diamonds](#)  
[Currency Exchange](#)  
[Online Casinos Community](#)  
[Student Loans](#)  
[Bonus Casino](#)  
[Poker Games](#)  
[Homeschooling](#)



## Guest Forum

April 19, 2005

### **A chance to lead the city**

**By Carole Wheeldon**

Vice-chair, Charter Review Committee

Should compensation for the Ashland City Council and mayor continue to be subject to a vote of the people as required in the city charter? Should city councilors be elected by position or at large? The mayor is currently the chief executive officer of the city. How would city government change if some of those powers shifted to a city manager? These are some of the questions the Charter Review Committee will be taking public input on and discussing at our up coming meetings. We will meet in the council chambers from 7 to 9:30 p.m. on Thursday. Meetings will continue each week until we present our recommendations to the council on June 21.

The city charter is important to every resident because it is the guiding document outlining roles and responsibilities in our government and sets the tone for how we make decisions locally.

Established by the mayor and council to review and recommend changes to the Ashland City Charter, our committee has been working since last July on this complex challenge. On March 31, we met to listen to many supporters of the city band and then recommended that the band remain in the charter, an acknowledgement of the importance of this institution to our local cultural heritage. We committed to researching the best funding scenario for the band because as it is now the charter only stipulates an amount the band funds may not exceed. We enjoyed the many community members who spoke in favor of the band and I for one came away with a greater appreciation of the band and the folks who have contributed to this legacy.

Between now and the end of June, the committee will welcome comment on the topics of the election and compensation of the municipal judge and recorder, the election of parks and recreation commissioners and the supervision of that department. We will also take into consideration recommendations of our charter consultant, who has identified areas of the charter that are outdated or obsolete, superceded by state law or might be better handled by ordinances. Once our work is completed, the council will determine which changes will be sent to the voters in a future election, as any charter change must be approved by the people. If you want to get a jump on the complex task of voting on charter changes come to one or all of our meetings. Our timetable, meeting minutes and agendas, research papers, forum summaries and other relevant information are on the city Web site, [www.ashland.or.us](http://www.ashland.or.us) or contact Ann Seltzer at 552-2106.



## Guest Forum

May 27, 2005

### **The home stretch**

**By Carole Wheeldon**

Charter Review Committee

Some significant changes in city government may be on the horizon when voters get an opportunity to have their say at the ballot box next year. The Charter Review Committee is considering a number of governance issues in the next few weeks in order to make recommendations to the Ashland City Council by July.

The city council appointed the committee about a year ago with the charge of reviewing the Ashland City Charter for possible revisions. The nine-person group has already addressed retaining the city band in the charter, shifting responsibility of hiring and dismissing city department heads from the mayor to the city administrator, and giving the mayor a vote on the council.

Still to be decided are council and mayor compensation, whether the municipal judge and city recorder should continue to be elected and if the Parks and Recreation Department should become a department of the city with parks commissioners appointed by the mayor.

If all this sounds a bit radical, consider that the charter has not been looked at for revision since the 1970s. At that time, a provision that allows the city council to sentence wrong-doers to not more than 60 days of hard labor was retained in the charter. We don't have the advantage of the kind of record-keeping available to us today to know for sure all that transpired 35 years ago.

Now our meetings are broadcast live when we meet in the council chambers and are able to be streamed off the internet. RVTB shows delayed tape and rebroadcasts as well. We have thorough minutes taken by the city recorder's office, and, of course, the meetings are open to the public. However, the next charter review committee will likely look back on the work we did and wonder why our generation chose to change some things and not others.

Much of what we are addressing has to do with creating a more effective way of doing business. Some who have attended our meetings say "if it ain't broken don't fix it." Others

think some of our municipal practices are in need of retuning and aren't willing to wait for a crisis in order to act. We have been told by the public not to focus solely on efficiency particularly where the uniqueness of Ashland comes into play. As we attempt to balance what the community values, our recommendations may seem somewhat incomplete. We hope to reveal that an examination of what we have is valuable in itself. And through this discovery process we may find some common ground upon which to make our systems more agile and responsive to community needs now and into the future.

You can help. Log on to the city Web site at [www.ashland.or.us](http://www.ashland.or.us) or come to the first three Thursdays of June at council chambers.

[DailyTidings.com Home Page](#)

[Archives](#) | [Revels](#) | [Classifieds](#) | [Real Estate Guide](#) | [Weather](#) | [Subscribe](#) | [Contact Us](#)

Copyright 2005 Ashland Daily Tidings and Ottaway Newspapers  
All Rights Reserved



---

paid advertising

---

[Free Music Downloads](#)  
[Slippers](#)  
[Ceramic Piggy Banks](#)  
[Heloc](#)  
[Calenders 2005](#)  
[Women's & Men's Slippers](#)  
[Accelerate Weightloss Products](#)  
[Memory Foam Mattress](#)  
[tcg student loan consolidation](#)  
[Home Equity Loans](#)  
[teleconferencing](#)  
[W2 Forms](#)  
[cortisol; weight loss](#)  
[Diamonds](#)  
[Futures Broker](#)  
[Bad Credit Loans](#)  
[Auto & Personal Loans](#)  
[Mesothelioma](#)  
[Search Engine Optimization](#)  
[Free Home-Loan Referrals](#)

[Sports Betting](#)  
[Website Design & Marketing](#)  
[Student Loans](#)  
[African Safari](#)  
[Conference Calls - \\$50/Month](#)  
[Security Systems](#)  
[Helzberg Diamonds](#)  
[Currency Exchange](#)  
[Online Casinos Community](#)  
[Student Loans](#)  
[Bonus Casino](#)  
[Poker Games](#)  
[Homeschooling](#)  
[Auto Insurance](#)  
[Mortgage Calculator](#)  
[Mailing Lists](#)  
[Mystery Shopping Jobs](#)  
[Debt Consolidation Loans](#)  
[Payday Loans](#)  
[Air Purifiers](#)

## Ashland City Charter Facts

- A review of the Ashland City Charter has been a council goal for two years.
- The Mayor and council appointed an independent ad hoc charter review committee in May of 2004. The 10-member committee includes Ashland citizens who have some understanding of local government. Every effort was made to ensure that this group of people was non-political, do not stand to benefit from any changes to the charter and are viewed by the community as non-biased.
- The primary function of the committee is to review the existing charter and if necessary prepare a draft charter.
- The current charter was last reviewed in 1970. It contains outdated legal and practical language making parts of the charter obsolete and antiquated.
- Any changes to the charter requires a vote of the people.
- Once the committee has a final draft charter, it will be presented to the city council. The draft will be reviewed by the council and pending council approval be submitted to the county for inclusion on an upcoming ballot.

## Meetings

- The Charter Review Committee meets on the first and third Thursday of each month at 7:00 p.m. in council chambers at 1175 East Main.

## Information

- For more information about the city's charter and the charter review committee, go to [www.ashland.or.us](http://www.ashland.or.us). Click on Charter Review Committee on the left-hand column.
- Links to all minutes, agendas, meeting packets, and on-line video are provided.
- For more information, contact committee staff liaison, Ann Seltzer at 552-2106.

## Committee Members

- John Enders, Chair
- Roy Bashaw
- Hal Cloer
- Kate Culbertson
- Laurie MacGraw
- Pam Marsh
- Keith Massie
- Don Montgomery
- Michael Riedeman
- Carole Wheeldon, Vice Chair

# Ashland City Charter

Facts

and

FAQs

Charter Review Committee  
January 2005

# Frequently Asked Questions

## **What is a city charter?**

A city charter is a city's constitution. It should identify the authority and accountability of local government. City residents, staff and elected officials change over time: the charter should be applicable regardless of the players. A city charter clearly identifies the legislative, administrative and quasi-judicial authority of elected officials.

## **Why does the Ashland city charter need to be updated?**

The current charter contains outdated legal and practical language and has not been reviewed in 35 years. In addition, it contains political issues that need to be reviewed, evaluated and possibly changed.

## **Why should I care about the city charter?**

The city charter "governs" a community. Residents of the city should be able to turn to the charter and easily determine the lines of authority, accountability and responsibility of their local government.

The charter determines what power citizens give their officials and what power they retain for themselves. It provides the framework whereby citizens hold officials responsible for how they use power.

## **It seems to work fine, why change?**

The committee has been asked to determine if in fact the charter does "work fine". The charter is fairly rigid and inflexible. The current charter includes many provisions that are

best left to city ordinances enabling the city council to modify those provisions as the need arises. In addition, the current charter is just plain difficult to read.

## **What does the committee plan to change?**

The committee has not yet decided what to change. Likely the committee will recommend eliminating legal provisions that are no longer applicable and are superseded by Oregon State Law.

In addition, the committee will likely recommend eliminating any references to numbers, dollar amounts, and dates as those items change over time and are best included in ordinances.

## **How is the committee making decisions?**

The committee has been gathering information and learning about the current charter so that it can make informed decisions on possible changes to the charter.

## **What decisions has the committee made so far?**

At this point the committee has agreed to use the Oregon Model Charter as the template for the revised Ashland City Charter. Items in the current charter that are unique and specific to Ashland will be added into the model.

## **Are there any political issues in the charter that the committee is discussing?**

The committee has generated a list of political issues that require evaluation and deliberation. The committee is seeking public input on these issues:

- The Mayor-City Manager structure, the roles and the relationship and the mayoral veto power and ability to vote on council issues.
- The election of the city recorder and municipal judge and the matter of compensation of elected officials.
- The election of a Parks Commission and issues related to the organization of the Parks Department.
- The election of city council members by positions, the number of council members and council term limits.
- The provisions for annexations by the city.
- The issues of separate police and fire departments.
- The necessity of including the City Band in the charter.
- The appointment of the Planning Commission.

It is possible that items on the above list may be dropped and others may be added as the committee learns more over time.

## **How can city residents affect this process?**

The committee sets aside 15 minutes at each meeting for public comment on any issue regarding the charter that is not listed on the evening agenda. In addition the committee will solicit public input at the public forum on **Thursday, January 20 at 7:00 p.m. in the Rogue River Room of the Stevenson Union at SOU.**

# City

## SOURCE

THE CITIZEN'S SOURCE OF INFORMATION ABOUT THE CITY OF ASHLAND

## Ashland Forest Resiliency Project

*The following article appeared on May 13 in a national newsletter, Land Letter a subdivision of Energy and Environment Publishing.*



A coalition of environmental groups, citizens and public officials have developed an alternative to the Forest Service's plan to reduce wildfire risk in Oregon's Ashland Watershed in one of the first tests of community participation under the Healthy Forests Restoration Act.

The plan calls for designing fuel treatments at a site-specific scale, rather than developing a uniform  
*(See Ashland Forest Resiliency Project, Page 2)*

## Fire Season

*The possibility of wildfire in Ashland is real. The effects of fire on the Ashland watershed could be devastating and greatly impact the quality of life in our community. Residents living in the interface need to be especially attentive to reducing fire fuels on their property.*

*As fire potential increases, restrictions are phased in depending on the weather and dryness of vegetation. For example, mowing grass may only be allowed until 2 p.m. under a particular phase and later only allowed until 10 a.m. (See Fire Season, Back Page)*

## Charter Review

One of the goals for the city council is to review and update, if necessary, the city's charter.

A city charter is viewed as the city's constitution. Cities and counties update their charters for a variety of reasons: to clarify lines of authority, to clarify confusing language, to improve the efficiency and cost effectiveness of government, to eliminate obsolete, conflicting and ambiguous provisions. Because the needs of communities change, and State and Federal laws change, it is important that a charter be updated periodically and reflect the current times. Ashland's city charter was last amended in the early 1970s.

In May, the city council approved a resolution to appoint a charter review committee. The primary function of the committee is to review the existing charter to determine if it will adequately serve the community well into the future. If necessary, the committee is to prepare a draft charter for the City of Ashland, which will be reviewed  
*(See Charter Review, Back Page)*



# Ashland Forest Resiliency Project

*Continued from Page 3*

must include details on the specific methods of treatments proposed, the extent of those treatments, and the various proposed landscape locations. For information on upcoming meetings, call Nancy Slocum staff liaison for the City of Ashland Forestlands Commission at 552-2420. ▼

## Fire Season

*Continued from Page 1*

Once fire danger reaches EXTREME numerous activities are prohibited at all times including: public chain saw use, non-agricultural mowing of dry grass, power driven machinery in areas of flammable vegetation, use of explosives, welding or cutting of metal, any spark emitting operations, use of campfire rings in Lithia Park, use of vehicles off certain roads, smoking outside of vehicles in wildland areas, use of fireworks and all outdoor burning.

As restrictions become necessary, the public will be notified through the media and on the city's web site.

## Charter Review

*Continued from Page 1*

by the city council for placement on the ballot for the voters of Ashland. A charter can only be amended by a vote of the people.

The nine-member committee, consisting of two former elected officials and seven at large members is expected to be impartial, non-biased and free of any perceived political gain. The council encourages the committee to seek every opportunity to educate the community about the process and purpose of a charter review, the importance of a city charter, to engage the public throughout the process and actively solicit public input.

At the time of this writing, the committee had not yet been appointed. The committee meeting schedule will be posted on the city's web page when the information is available. ▼

## News Notes

### **Utility Bill Payment Options**

The City of Ashland now accepts Mastercard and Visa. Or, you can arrange for direct debit of your checking account for payment of your utility bill. If interested, please call 488-6004 or stop by The City of Ashland, Utilities Department at 20 East Main Street.

### **Utility Equal Payment Plan**

Residential utility customers may elect to participate in the City's "Equal Payment Plan." Enrollment in the program is now open all year. The program equalizes your required payment for a six-month period based on one full year's service at your specific location. Re-analysis and adjustments may be made around January and July. For further information, please call 488-6004. ▼

## CITY OF ASHLAND City Calendar

June 8	Planning Commission	7 p.m.
June 9	Forest Lands Commission	4:30 p.m.
June 15	City Council	7 p.m.
June 18	Public Arts Commission	8:15 a.m.
June 22	Planning Commission	7 p.m.
June 23	Conservation Commission	7 p.m.
June 28	Parks and Recreation Commission	7 p.m.
July 7	Town Hall (RVTV)	6 p.m.
July 8	Tree Commission	7 p.m.

◆ Many of the above meetings are cablecast live on channel 9 and replayed on channel 30. ◆ Meetings are held at Council Chambers, 1175 East Main or at 51 Winburn Way. ◆ For information about all City meetings please call City Administration at 488-6002. ◆ Back issues of the City Source are posted under "Documents" on the City's Website, [www.ashland.or.us](http://www.ashland.or.us). ◆ TTY 1-800-735-2900



# City S O U R C E

THE CITIZEN'S SOURCE OF INFORMATION ABOUT THE CITY OF ASHLAND

## Historic Preservation Begins with You

The field of historic preservation and cultural resource protection in Ashland is a diverse, complicated and sometimes even contentious issue. It is a subject of much discussion, debate and commitment. Together, the Ashland Historic Commission, city staff and fellow citizens work side by side to ensure that our historic and cultural resources are protected, recognized and cherished.

The Ashland Historic Commission is a volunteer group of nine commissioners that meets monthly to review land use applications in Ashland's four  
(See *Historic Preservation*, Page 3)



## Fair Housing Council

*The Oregon Shakespeare Festival (OSF) in partnership with the Fair Housing Council of Oregon, the City of Ashland and the City of Medford, will present a public panel about fair housing in the Rogue Valley following the matinee performance of A Raisin in the Sun on Sunday, September 26. Local housing and government officials will convene a panel discussion on the OSF campus immediately after the show to discuss how fair-housing issues raised in the play resonate within our community. For information, contact Brandon Goldman at 552-2076.*

## Charter Review

The recently formed Charter Review Committee for the City of Ashland will hold its regular meetings on the first and third Thursday of each month from 7:00 -9:00 p.m. in council chambers beginning on September 16.

The committee has invited a charter review expert, Tom Sponsler, to provide an educational presentation to the committee and the community on the importance of a charter review and update, the process and the various methods of approaching a review. The presentation is scheduled for Thursday, September 2 in council chambers at 7 p.m. The public is invited and encouraged to attend.

The primary purpose of the committee is to review the existing charter to determine if it will adequately serve the community well into the future. If necessary, the committee is to prepare a draft charter for the City of Ashland. The proposed charter will ultimately be reviewed by the city council for  
(See *Charter Review*, Back Page)



# Charter Review

Continued from Page 1

placement on the ballot for the voters of Ashland.

The current charter was reviewed and amended in 1970 and voters approved the proposed amendments at the polls in 1972.

The meetings are broadcast live on RVTB channel 9. Minutes, agendas, and meeting packet documents are available on-line at [www.ashland.or.us](http://www.ashland.or.us). For more information, contact city staff liaison to the committee, Ann Seltzer at 552-2106 or [ann@ashland.or.us](mailto:ann@ashland.or.us).

## Charter Review Committee Members

John Enders, Chair; Carole Wheeldon, Vice Chair; Keith Massie, Kate Culbertson, Michael Riedeman, Laurie MacGraw, Don Montgomery, Roy Bashaw  
Hal Cloer, Pam Marsh ▼

## News Notes

### CERT Registration

The City of Ashland's Community Emergency Response Team (CERT) is now accepting registration for Fall Basic Training. Contact Program Coordinator Kirah Solomon at 552-2226 or by e-mail to [solomok@ashland.or.us](mailto:solomok@ashland.or.us).

### Citizen's Academy

Citizen's Academy will meet October 6 through December 8 on Wednesday nights at 7:00 p.m. for more information contact Gail Rosenburg at APD, 482-5211 ext. 2117 or by e-mail, [rosengbeg@ashland.or.us](mailto:rosengbeg@ashland.or.us).

### North Mountain Nature Center

Volunteers are needed to help teach the fall school program, Indians in the Rogue Valley, to student groups K-5. No experience is necessary, training will occur on September 1 and 2, 9:00 a.m. - 2:00 p.m. To register, call 488-6606 or e-mail [cottled@ashland.or.us](mailto:cottled@ashland.or.us)

### Changes to School Zone Law

Senate Bill 179, enacted during 2003 and effective as of July 1, 2004 makes the following changes to school zone laws.

- 30 mph or less School Zones are now 20 mph all day, every day.
- 35 mph or greater School Zones are now 20 mph indicated by flashing light and/or specific times on signs.
- Fines may be doubled for violations.

## Keep Your Home Prepared for Wildfire!

If you live within the Wildland-Urban Interface Zone now is the time to take preventative measures.

- Clear flammable leaves and branches from gutters and rooftops.
- Rake needles, leaves and twigs around the house and move any combustible material out from under decks and near structures.
- Thin and prune vegetation and landscape within 50 to 100 feet of any structure and remove all dead plant material. Keep all vegetation away from siding and windows.

Ashland Fire and Rescue has a grant program to help landowners remove flammable vegetation. For more information contact program coordinator Chris Chambers at 552-2066.

### Volunteers Needed

Police Bicycle Patrol is in need of volunteers. Call 552-2121.



**CITY OF ASHLAND**  
**City Calendar**

August 10	Planning Commission	7 p.m.
August 11	Forest Lands Commission	4:30 p.m.
August 17	City Council	7 p.m.
August 19	Bicycle and Pedestrian Commission	5:15 p.m.
August 23	Parks and Recreation Commission	7 p.m.
August 25	Housing Commission	4 p.m.
August 25	Conservation Commission	7 p.m.
August 26	Traffic Safety Commission	7 p.m.
September 2	Charter Review Presentation	7 p.m.
September 7	City Council	7 p.m.
September 8	Historic Commission	7 p.m.

◆ Many of the above meetings are cablecast live on channel 9 and replayed on channel 30. ◆ Meetings are held at Council Chambers, 1175 East Main or at 51 Winburn Way. ◆ For information about all City meetings please call City Administration at 488-6002. ◆ Back issues of the City Source are posted under "Documents" on the City's Website, [www.ashland.or.us](http://www.ashland.or.us). ◆ TTY 1-800-735-2900



# City S O U R C E

THE CITIZEN'S SOURCE OF INFORMATION ABOUT THE CITY OF ASHLAND

## Thirty Years on the Ashland City Council

**By Don Laws**

On January 25, 1975 I first took the oath of office for Ashland City Councilor. Ashland was just beginning a new life after over a decade in the doldrums following the death of the city's lumber-based economy. Before I joined city government, recovery had begun as a result of rapid growth of Southern Oregon College (now University), a key city ordinance regulating signs, and two important federally financed projects. One was the construction of the Angus Bowmer Theater, giving the Oregon Shakespeare Festival an indoor theater that increased

(See *Thirty Years on the Ashland City Council*, Page 2)



## Ashland City Charter Public Forum

The Charter Review Committee is hosting a public forum on Thursday, January 20 from 7:00 p.m. to 9:00 p.m. in the Rogue River Room of Stevenson Union at SOU. Parking is available at the parking lot on the corner of Mountain Avenue and Henry Street,

The committee has identified eight key issues within the existing charter that require evaluation and deliberation. The committee is seeking public input on these issues. (See *Ashland City Charter Public Forum*, Page 3)

## Letter from the Mayor

Dear Citizens of Ashland,

It has been a pleasure serving as your Mayor for these past four years. I am proud of the work of our city council, city staff and volunteers on the numerous commissions, committee and boards that work on your behalf.

We are fortunate to live in a community that is active in its local government, supports its schools and takes pride in its parks. During this holiday season it is important for each of us to remember that it is our combined differences, backgrounds, heritages and beliefs that make Ashland such a special place.

Respect those differences. Be patient with one another and take time to nod your head in greeting, flash a smile and be courteous toward one another. Acknowledge and make an effort to really listen to someone who thinks differently from you. Slow down, look around and appreciate what we all share. Take joy in each other and in Ashland.

I expressed these same sentiments in a letter to you following (See *Letter from the Mayor*, Page 3)



clean as any in the state and allow it to be returned to Bear Creek.

I am very thankful to the people of the city, my fellow councilors over the years, and the wonderful city staff members who have allowed and helped me as I played my role in these achievements. Of course, there are always unintended side-effects, and ours is the development of a city so attractive that many people are willing to pay ridiculous prices for our land and homes, resulting in market prices so high that people of low and moderate incomes find it almost impossible to live here. The problem of affordable housing is a daunting one, and along with the consequences of Measure 37 and numerous other challenges known and unknown, will make our future interesting. I now leave those challenges in the hands of our new council and mayor. I wish them well. I promise that I will still be around to stick my finger in the pie and stir it once in awhile. ▼

## **Letter from the Mayor**

*Continued from Page 1*

September 11, 2001 and I believe they are as important today, a short three years later, as they were then.

Please join me in welcoming our new mayor, John Morrison and new councilors Russ Silbiger and Jack Hardesty and join me in expressing my sincere appreciation and gratitude to Don Laws who has served on the Ashland City Council

for 30 years. Elected officials are volunteers and donate countless hours keeping abreast of issues that affect our community and then do their best to make the best possible decision for the community as a whole. They work very hard and are always cognizant of our combined differences, backgrounds, heritages and beliefs. Please give our new mayor and all councilors the respect and appreciation they deserve.

Thank you for the opportunity to serve you and learn from each and every one of you.

Sincerely,

Alan DeBoer, Mayor ▼

## **Ashland City Charter Public Forum**

*Continued from Page 1*

The issues are:

- The Mayor-City Manager structure, the roles and the relationship and the mayoral veto power and ability to vote on council issues.
- The election of the city recorder and municipal judge and the matter of compensation of elected officials.
- The election of a Parks Commission and issues related to the organization of the Parks Department.
- The election of city council members by positions, the number of council members and council term limits.

(See *Ashland City Charter Public Forum*, Back Page)

## **Tree Recycle**

**The Annual Christmas Tree Recycle Day will be Saturday, January 8, 2005. Remember to place your tree by the curb on Friday, January 7 for pick up the next day. The Ashland Host Lions, Early Bird Lions and the Boy Scouts of Troop 112 will be recycling the trees to be used as mulching materials by the Ashland Parks Department on trails and in parks. For questions concerning Christmas tree pickup, please call Darrel at 482-0042.**



# Ashland City Charter Public Forum

Continued from Page 3

- The provisions for annexations by the city.
- The issues of separate police and fire departments.
- The necessity of including the City Band in the charter.
- The issue of the powers of the Planning Commission.

The format of the public forum will include eight tables each dedicated to one of the issues plus one table for general questions. A charter review committee member will be at each table to explain the pros and cons of the issue and then ask for feedback, input and questions from the public. The attendees can circulate to a different table every ten minutes in order to hear about the next issue and to give input. The input will be recorded on flip charts and later synthesized into a document that the full committee can review and discuss at a subsequent meeting.

A summary and follow-up to the public forum will be posted on the city's web site at [www.ashland.or.us](http://www.ashland.or.us) (look on the left-hand column and click on Charter Review Committee). Attendees that do not have access to the Internet are invited to provide their mailing address in order to receive follow up information.

A review and update to the city charter has been a council goal for two years. The primary purpose of the charter review committee is to review the existing city charter to determine if it will adequately serve the community well into the future. If necessary, the committee is to prepare a draft charter for the city of Ashland. The proposed charter will be reviewed by the city council for placement on the ballot for the voters of Ashland.

The committee meets on the first and third Thursday of each month at 7:00 p.m. in council chambers at 1175 East Main Street. Meetings are broadcast live on RVTB channel 9. Minutes, agendas, and meeting packet documents are available on-line at [www.ashland.or.us](http://www.ashland.or.us). For more information, contact city staff liaison to the committee, Ann Seltzer at 552-2106 or [ann@ashland.or.us](mailto:ann@ashland.or.us). ▼

## News Notes

### *Another wildfire season has past without incident.*

Ashland Fire and Rescue would like to thank property owners in and surrounding Ashland who have participated in our wildfire fuels reduction grant program. Since 2001 the cooperation and investment of local landowners and the Ashland Parks Department have reduced the wildfire danger in our community and decreased the threat to our watershed. Living in the Ashland wildland urban interface zone requires preparedness each and every fire season. See the AF&R homepage for more information about wildfire safety, [www.ashland.or.us/wui](http://www.ashland.or.us/wui). To participate in the grant program contact Chris Chambers at 552-2066.



## CITY OF ASHLAND City Calendar

December 7	City Council	7 p.m.
December 8	Forest Lands Commission	4:15 p.m.
December 9	Tree Commission	7 p.m.
December 9	Traffic Safety Commission	7 p.m.
December 14	Planning Commission	7 p.m.
December 15	Housing Commission	4 p.m.
December 16	Bicycle & Pedestrian Commission	5:15 p.m.
December 16	Charter Review Committee	7 p.m.
December 17	Public Arts Commission	8:17 p.m.
December 20	Parks and Recreations Commission	7 p.m.
December 21	City Council	7 p.m.
December 22	Conservation Commission	7 p.m.
December 28	Drop-in Chats with Planning Commissioners	3:30 p.m.
January 4	City Council	7 p.m.
January 6	Charter Review Committee	7 p.m.

◆ Many of the above meetings are cablecast live on channel 9 and replayed on channel 30. ◆ Meetings are held at Council Chambers, 1175 East Main or at 51 Winburn Way. ◆ For information about all City meetings please call City Administration at 488-6002. ◆ Back issues of the City Source are posted under "Documents" on the City's Website, [www.ashland.or.us](http://www.ashland.or.us). ◆ TTY 1-800-735-2900



**□ Ashland Memorial Mausoleum  
Self-Guided Tour**

**May 11, 8:30 a.m. to 4:30 p.m.**

Located on the east side of Hwy 66 and Normal Avenue, the Ashland Memorial Mausoleum will be open to the public. The Mausoleum was built in 1924.

**□ Historic Commission Meeting**

**May 11, 7:00 p.m. to 10:00 p.m.**

The Ashland Historic Commission is a volunteer group that works with City staff and other citizens to promote historic preservation and the protection of cultural resources in Ashland. The meeting is open to the public and comments and questions are encouraged. Location: 51 Winburn Way.

**□ Trinity Episcopal Church/  
Ashland Historic Preservation  
Awards Ceremony**

**May 13, 12:00 noon.**

The 2005 Ashland Historic Preservation Awards will be presented by Mayor John Morrison to recognize the commitment of local citizens in the furtherance of historic preservation and the protection of cultural resources.

**□ Dodge Building/Paddington  
Station Tour-May 13, following  
awards ceremony at Trinity  
Church** (see above). Join Robert Saladoff, Historic Commissioner and architect of the restoration of the Dodge Building at 125 Main Street.

Additional events may be added to the above schedule. For the latest updates, please consult the City's website, [www.ashland.or.us](http://www.ashland.or.us) or telephone the Ashland Community Development Department at (541) 488-5305. ▼

## Charter Review Update

Following the public forum hosted by the Charter Review committee in January, the committee agreed that five issues require additional research and dedicated meeting time. The committee also agreed to add a third meeting in April and May and to extend the remaining meetings by a half hour.

The following is tentative timeline and format for the upcoming charter review committee meetings. The committee intends to make a final recommendation to the city council in June for their consideration and eventual inclusion on the November ballot.

Please note that the location and time for the May meetings has not been determined.

□ April 6 — Study session with City Council. 12:00, council chambers.

□ April 7 — Public Forum at SOU Redford Lounge in Stevenson Union from 7:00 to 9:30 p.m. The forum will be devoted entirely to the issue of the Structure of Government.

□ April 14 — Council Chambers 7:00 to 9:30 p.m. This meeting will be devoted to discussing input received at the public forum. A committee member will then craft a final paper to be presented at the next meeting that includes options on how to proceed.

(See *Charter Review Update*, Back Page)

## EMS Fun Fair

**Come join Ashland  
Fire & Rescue in cele-  
brating Emergency  
Medical Services  
Week with a fun fair  
at Garfield Park on  
Saturday, May 14th  
from 11:00 a.m. to  
4:00 p.m. There will  
be jump rooms,  
games, a dunk tank,  
tours of fire engines  
and ambulances, free  
hot dogs, cotton  
candy, popcorn and  
more. Lots of fun for  
the whole family. Call  
482-2770 for more  
information.**



## Charter Review Update

Continued from Page 3

- April 21— The committee will discuss the options surrounding the Structure of Government.
- May 5 — Public Forum to take public input on an elected city recorder and elected judge. Time and location to be determined.
- May 12 — Continuation of May 5 meeting if necessary. Time and location to be determined.
- May 19 — Public Forum to take public input on the elected Parks and Recreation Commission. Time and location to be determined.
- June 2 — Continuation of May 19 meeting. 7:00 p.m. council chambers 1175 East Main.
- June 9 — Discussion of additional topics.
- June 16 — Review report to be delivered to council. 7:00 p.m. council chambers, 1175 East Main Street.
- June 21 — Presentation and final report to council. Regular council meeting, 7:00 p.m. 1175 East Main.

For more information, [www.ashland.or.us](http://www.ashland.or.us) and click on Charter Review Committee. ▼

## Budget Process Calendar

The Full Budget Committee includes the Mayor and council and seven members of the community.

All Budget Committee meetings will be held in council chambers at 1175 East Main Street.

- May 2 — 7:00 p.m. Budget presentations from the Administration Department, City Recorder and Finance Department.
- May 5 — 7:00 p.m. Budget presentations from the Police Department and Fire Department.
- May 11 — 7:00 p.m. Budget presentations from the Community Development Department and the Parks Department.
- May 12 — 7:00 p.m. Budget presentation from the Electric and Telecommunication Department.
- May 16 — 7:00 p.m. Budget presentation from the Public Works Department.
- May 19 — 7:00 p.m. Budget Committee wrap-up and approval.

Once the Budget Committee approves the proposed budget, it is sent to the city council for final approval and adoption. For more information, call the Finance Department at 488-5300. ▼

## News Notes

### Composting Classes

Composting classes at the Recycling Center will be held on the 2nd Tuesdays in May, June and July, 2005. Classes include various systems of backyard composting. Learn how compost can benefit your plants and your soil. Attendants receive a free compost bin per family. If you have any questions, please call Claudia Law, at 488-4129; e-mail: [wediggit@mind.net](mailto:wediggit@mind.net).

### Earth Day 2005

North Mountain Park Nature Center

Saturday, April 23, 11 am - 4 pm

Share in a free celebration of the Earth, and learn ways to help our local and global environment. To learn more about sponsorship or participation, call 488-6606. ▼

## CITY OF ASHLAND City Calendar

April 15	Public Arts Commission	8:15 a.m.
April 19	City Council Meeting	7:00 p.m.
April 21	Bicycle and Pedestrian Commission	5:15 p.m.
April 21	Charter Review Committee	7:00 p.m.
April 25	Parks and Recreation Commission	7:00 p.m.
April 26	Planning Commission	7:00 p.m.
April 27	Housing Commission	7:00 p.m.
April 28	AFN Programming	5:30 p.m.
April 28	Traffic Safety Commission	7:00 p.m.
May 3	City Council	7:00 p.m.
May 4	Historic Commission	7:00 p.m.
May 4	Tree Commission	7:00 p.m.
May 10	Planning Commission	7:00 p.m.
May 11	Forest Lands Commission	7:00 p.m.
May 15	City Council	7:00 p.m.

◆ Many of the above meetings are cablecast live on channel 9 and replayed on channel 30. ◆ Meetings are held at Council Chambers, 1175 East Main or at 51 Winburn Way. ◆ For information about all City meetings please call City Administration at 488-6002. ◆ Back issues of the City Source are posted under "Documents" on the City's Website, [www.ashland.or.us](http://www.ashland.or.us). ◆ TTY 1-800-735-2900



## ***Charter Review Committee***

---

### **Employee Survey**

---

March 18, 2005

Dear City Employee:

As you know, the City Charter Review Committee was appointed by Mayor DeBoer last summer to consider potential changes to the city charter. We are now beginning to debate several areas in the charter that may affect you as a city employee.

This survey is intended to gather your input regarding these issues. Please complete and return it (enclosed envelope) by April 8, so that we can incorporate your feedback in our committee deliberations.

I hope you will stay abreast of the progress of the committee. We are hoping to send our recommendations to the City Council in June; any changes to the charter will need to be placed on the ballot for a city-wide vote.

On behalf of the full committee, thank you so much for your help. If you have questions, telephone me at 541-482-4742, or e-mail me at [marshp@students.sou.edu](mailto:marshp@students.sou.edu). Or, if you prefer, you can direct your questions or comments to Ann Seltzer, staff liaison to the committee, at City Hall, 552-2106 or at [seltzera@ashland.or.us](mailto:seltzera@ashland.or.us).

Sincerely,

Pam Marsh  
Charter Review Committee Member

## **Summary**

### Employee Survey: City Charter Issues – City Structure

**Total responses: 46 (17% response)**

**1. Have you ever received direction or instruction from the mayor or a member of the city council?**

No: 27

Yes: 16

Indirectly, via supervisors: 2

No response: 1

***If so, how did you feel about that input? Was it helpful or confusing? Did it reinforce or conflict with your supervisor's instruction?***

Two respondents reported that input from elected officials was helpful.

Others found input unnecessary, confusing, or conflicting. All comments are noted on the attachment to this report.

**2. How are city council goals or policies communicated to you?**

Twenty five percent of respondents reported that council policies are not communicated to them. Others appear to actively search out information regarding the council's activities.

Employees listed a variety of communication links (sometimes noting more than one source), including:

- ✓ Through department head: 10
- ✓ Though supervisor: 14
- ✓ E-mail: 5
- ✓ Council material/televised meetings: 7
- ✓ City source: 4
- ✓ Newspaper (media): 7
- ✓ Personnel department: 1
- ✓ City-wide newsletters/memorandums: 4
- ✓ City web site: 2
- ✓ Word of mouth: 3
- ✓ Direct from elected officials: 1

***Could this communication be improved? If so, how?***

Twenty five percent of respondents indicated that communication is satisfactory. Others suggested a variety of mechanisms for improving the flow of information, from more use of e-mails to citywide meetings to ensure

that employees understand the goals/justification for council decisions. See attachment for specific comments.

**3. *Do you believe that the current city structure helps, hinders, or has no effect upon your work?***

No effect: 22

Hinders: 9

Helps: 7

No response or unsure: 8

***Can you suggest organizational changes that would help you do your job more effectively?***

Most comments here reflected frustration created when the demands/requests of the council and/or public overwhelm the employee's workload.

Respondents offered a variety of suggestions for improvement (see attachment), generally focused on mechanisms intended to buffer staff from excessive interference.

**Attachment: Specific responses to questions**

**1. *Have you ever received direction or instruction from the mayor or a member of the city council? If so, how did you feel about that input? Was it helpful or confusing? Did it reinforce or conflict with your supervisor's instruction?***

- ✓ Input was not well researched but still took precedence
- ✓ Input mostly wasn't a problem, but did occasionally conflict with standard policy.
- ✓ Input mostly consisted of ideas that elected officials wanted to see happen.
- ✓ Confusing, contradictory and conflicting.
- ✓ Places a burden on employee to try to respond to elected officials requests and still comply with supervisor's wishes.
- ✓ Council requests generally treated with priority – go to the top of the list, impacting general workflow. Requests for work, research or suggestions should pass from council through proper channels so that requests can be considered along with current project scheduling.
- ✓ Input reinforced supervisor's instruction
- ✓ Sometimes confusing, often helpful, but requires added coordination with supervisor and/or peers.
- ✓ Unsettling, Awkward to try to explain that a policy may be misguided or ill considered. Supervisor can also be confused by council direction.
- ✓ Confusing – conflicting

- ✓ Conflicted with orders from boss; derailed mission.
- ✓ Usually confusing. Micromanaging instead of instructing. City hires competent people but ties their hands by monopolizing time in providing answers to special interest groups and/or council instead of allowing them to perform job function.
- ✓ Unwelcome and unnecessary; at the time input conflicted with supervisor, although long-term effect was positive.
- ✓ Performing busy work to satisfy someone's curiosity (not a specific need) is non-productive and a morale killer. Having elected officials and public communicate directly with staff is unproductive; staff must jump through hoops and work is not prioritized. Stressful working environment. Staff collecting reams of material for citizens and council members. All they have to do is ask and then information is presented on a silver platter.
- ✓ Individual council requests may or may not reflect wishes of the council as a whole.
- ✓ Input was all of the above (confusing, helpful, reinforcing, conflicting)

**2. *How are city council goals or policies communicated to you? Could this communication be improved? If so, how?***

- ✓ Explanation as to purpose (aim or background) behind one-line goal; council should use e-mails, letters to explain justification for goals.
- ✓ More communication through department heads to staff.
- ✓ Department meetings with council member or mayor.
- ✓ On-line newsletter for employees
- ✓ Communicate goals along with a plan to implement.
- ✓ Annual managerial staff meeting with council member present.
- ✓ More use of e-mail; monthly e-mail from mayor or administrator as to key issues/decisions.
- ✓ Provide direct route to employees.
- ✓ Leadership missing from current administration
- ✓ Better direction from council in focusing on a few goals/priorities and in making choices between conflicting goals.
- ✓ Improve by taking time to evaluate current practices.
- ✓ Quarterly staff meetings; more citywide meetings.
- ✓ Inform employees before news hits the media.
- ✓ Distribute copies of council documents to city departments on a regular basis.
- ✓ There is no communication...It is the fundamental duty and responsibility of management to communicate to staff.

**3. *Do you believe that the current city structure helps, hinders, or has no effect upon your work? Can you suggest organizational changes that would help you do your job more effectively?***

- ✓ Any formalized structure/chain of command would be appreciated.
- ✓ Decisions are made for political, not economic, reasons.
- ✓ Current structure does not promote good leadership.
- ✓ Requires a special type of employee who can work in the system. Have to manage the politics.
- ✓ Too much time spent in council chores, responding to council concerns/suggestions.
- ✓ Hurts when council micromanages.
- ✓ Knowing that mayor can fire employees is unsettling. When councilors insert into day-to-day operations, can create cloud over employees – people get nervous, morale declines. Hard on management to feel unsupported by council.
- ✓ Council should not be allowed to interfere; city administrations should serve as a buffer between council and workers.
- ✓ Give administrator power to hire, fire, and more directly supervise employees.
- ✓ Add staff.
- ✓ Evaluate leadership and view from the bottom. Perhaps council members could meet with department heads on rotating schedules.
- ✓ More time for frontline people to meet with supervisors and top management. A more integrated effort would result.
- ✓ Council is giving more credence to public input and less to experienced and knowledgeable staff. Staff input should be respected by council.
- ✓ I am listed as management but manage nothing.
- ✓ A strong manager is preferable to weak city administrator. Having department heads hired by mayor creates too much confusion among departments. Department heads should be accountable to one person (manager).
- ✓ More structure and clearer duties for advisory commissions; regular process and city policy training for commissions; end commission meetings at a reasonable time.
- ✓ Change charter to allow for city manager and police commissioner buffer.
- ✓ Council is political and shouldn't micromanage staff.
- ✓ Number of commissions can be frustrating and lead to conflicting voices – but this reflects city's unique citizen involvement.
- ✓ Isolate workers from elected officials and citizens to allow workers to perform meaningful work in a timely fashion.
- ✓ Institute a staff ombudsman to listen to citizen input and communicate it to staff.
- ✓ Collect citizen input via surveys instead of listening to the few who attend meetings.
- ✓ Planning Department could improve communication with other departments.
- ✓ Training.
- ✓ Strong city manager.
- ✓ Structure is fine – better communication is needed.

- ✓ If the mayor and city manager do not supervise me and do not know anything about my job, why would anyone consider giving them the power to fire me. A better arrangement would be to have the mayor and city manager go through the department heads that they do supervise.
- ✓ Institute mandatory drug testing of elected officials, staff, and volunteers.

## **Summary**

### Employee Survey: City Charter Issues

**Parks Department  
City Recorder and Judge  
Total responses: 47 (17% response)**

The city employee survey was administered to all employees in March-April, 2005 as part of an effort by the City Charter Review Committee to assess the potential impacts of proposed charter changes. The first set of findings, addressing city structure, was issued earlier this month. This document contains the results for questions that addressed the city Parks Department and the election of Judge and City Recorder.

Questions regarding these findings or the survey in general should be addressed to Pam Marsh, 482-4742, [marshp@students.sou.edu](mailto:marshp@students.sou.edu).

#### ***II. Does the (Parks) Department's independence affect your status as a city employee in any way? Do you believe that the current arrangement helps, hinders, or does not affect your work?***

Fifty percent of respondents reported that the independent operation of the Parks Department has little or no affect on their day-to-day work life. The remaining respondents split almost evenly between the viewpoint that the current organization helps (8 responses) or hinders (9 responses) city operations. Eight respondents were uncertain or failed to answer the question. Specific comments are included below.

- ✓ (Park Department's independence) is confusing, often causing conflict and costing more. It hinders work, confuses most on who does what and how the citizens' tax dollars are to be spread. The commission Board should just be a committee.
- ✓ Sometimes I feel that it hinders my work...they have had a different system of hiring than the city...I feel that Parks, HR, and the accounting department should be looked at. HR might be able to help with the benefit packets and hiring and bring the information closer to the accounting group.
- ✓ I'm an employee who is directly affected by this set up and am extremely pleased with the current system. It helps that the Parks

- Commission is a separately elected body that oversees the work/mission of the Department. Great checks and balances system.
- ✓ It makes it more difficult to get cooperation sometimes. We aren't all singing off the same sheet of music.
  - ✓ It is curious to me that Parks is administered separately. Why?
  - ✓ The Parks Department can make its own rules regarding Parks in Ashland and these rules are different or not included in the municipal code (hinders). They also have their own personnel code (duplication of effort). However, I think our many parks are better managed under the current arrangement. The city council already has enough on its plate.
  - ✓ Helps the Parks Department not get bogged down with other city council problems.
  - ✓ There is no compelling reason to have Parks as an independent department.
  - ✓ Parks employees have the same privileges but are not held to the same standards as other city employees. Parks purchases items without using bid or quote process other employees must use. I am asked why Parks acts so independently and must explain Parks Commission status to citizens.
  - ✓ I would like the city to have more oversight of Parks as it does of other departments.
  - ✓ It helps to be independent under current management.
  - ✓ Department employees are more supported by the Parks Commission than employees are supported by the council. By supported, I mean that park employees are not bashed by the commission during public meetings; they generally leave the management of employees to the Director. Some councilors try to position themselves in a better light by blaming staff...I haven't heard of that happening in Parks.
  - ✓ The autonomy of the department is good for the city in general and provides me (parks employee) with my own sense of autonomy. We work closely with other departments when needed. For the most part there is inter-cooperation with other departments. I believe change in this arrangement could decrease Parks Department efficiency. I believe the Parks Commission work and responsibility is considerable and a change would add a burden to the city council.
  - ✓ I believe it helps my work greatly, and that the Parks Commission is doing a good job of handling the vastly immense amount of issues, projects, policies that Parks and Recreation Department has to deal with. It is still working well.
  - ✓ Place Parks under the city like any other department. Parks spends over \$6 million a year to water and mow grass. It would be cheaper to privatize park maintenance. Or at the very least share the workload with other city departments.

**III. *From your perspective, does the election of one or both of these city officials (Judge and City Recorder) affect city operations in any significant way? Do you believe that the current arrangement helps, hinders, or does not affect your work?***

Twenty respondents said that they were unaffected by the election of either the Judge or Recorder; 10 stated that the current arrangement helps them in their work, and 9 reported that it hinders. Eight failed/declined to answer or were uncertain. Specific comments included:

- ✓ The Judge's responsibilities to operations of the Municipal Court office confuses staff in operational issues. The Recorder's role in daily operations is often disruptive. Their elected status gets in the way of managing operations. Outsourcing the courts should be considered. The Recorder could be an appointed position, responsible to the city manager. If elected the Recorder should report to the city council and should not manage banking and treasury functions.
- ✓ I feel that they affect the way some city policies are run...by elections some qualification might be overlooked.
- ✓ It (election) gives voting citizens the opportunity to choose instead of the alternative (which would inhibit citizen involvement). Judge and Recorder are accountable to a greater number of people with the present system.
- ✓ It is sometimes counterproductive having an elected official functioning as "staff" but clearly not "staff." It tends to hinder coordination.
- ✓ You want people in these two positions to answer to the citizens of Ashland. Citizens need an advocate to explain and try to resolve conflicts.
- ✓ We do not need an elected city recorder. Huge duplication of tasks And city does not need to pay this position \$31 per hour plus an assistant.
- ✓ Election of these officials may open the door to allow a candidate with little or no qualifications or capabilities to assume a high level role in the city.
- ✓ System tends to confuse on who controls what. Maybe work is done by two people when one would be enough.
- ✓ Both should remain elected officials.
- ✓ They should be employees – at least the City Recorder should. When election time rolls around, the Recorder interferes with the normal functions of the departments.
- ✓ City Recorder should be hired by city manager.
- ✓ Due to interaction with both positions in the past it has hindered my work in operations – especially when either gives direction to staff without going through administration.

- ✓ As a voting resident of Ashland I believe that both officials should be elected. The Recorder's position has been elected forever and has operated very efficiently.
- ✓ It seems strange that a city employee with full and complete benefits and payroll status should be an elected position. I think that the Recorder position should be hired.
- ✓ Elected officials are more accountable to the people, and maybe a better situation for city operations and the citizens. The Recorder has been very helpful and is doing a great job.
- ✓ I believe that there is a strong argument to be made that an elected Recorder can serve as an ombudsman and is perceived as more open and neutral whereas a hired employee is seen as serving whatever agenda the city may have. While I realize that this arrangement is fairly unique...I think it is a reflection of just how unique Ashland and its citizens are...it does help a certain constituency...feel that they have more open access to city records and information than they would have were the Recorder hired or appointed.
- ✓ In regard to the Judge, the current arrangement...is helpful in that the public chooses a person who, potentially, affects individual freedom. ... I like the idea that this person's decisions may reflect those of his/her constituency.
- ✓ Leave the Judge position to the voters. All the Recorder really does is photocopy requested public records. With the advent of computers and the Internet, public records can be accessible...There's no reason the "Clerk" position can't be a staff position.
- ✓ I don't know if I'd know the Judge if I saw him on the street. I know that he only works on Tuesday for a few hours and makes \$42,000 per year. Seems like an awful lot of money when other departments who need staff and can't get any help because "it's not in the budget." Seems like something that could be contracted out.
- ✓ An elected Recorder definitely affects city operations. The Recorder does not have to check in with or cooperate with anyone. The recorder can decide what she wants to do and go ahead and do it regardless of consequences. .... I'm not sure what she does...yet she is paid more than most other mid-managers who have specific skills and education necessary to help run the city. I think the position is needed, but don't understand why it is an elected position. ...It's just a popularity contest and if you win you make a nice salary. In addition, the Recorder has a dedicated full time employee, which equals a department of two. Every department needs additional staff and not a single department has a dedicated staff person for one person. Why don't we just advertise for a support staff position and pay that person an appropriate salary...I don't understand that within a system of checks and balances there can be one person who runs amok and is not accountable to anyone.



## Valley&State

June 15, 2005

### **Charter group suggests change in band funding**

By Vickie Aldous

Ashland Daily Tidings

The Ashland City Charter Review Committee has voted to recommend that provisions for funding the city band be removed from the charter.

Unusual among city charters, Ashland's guiding document currently earmarks funding for the city band, which traces its roots back to the 19th century.

At a recent meeting, the charter review committee voted to recommend removing references to band funding from the charter. But the committee also recommended the Ashland City Council pass an ordinance to address funding of the band. Committee members agreed to pass along a statement that funding is integral to the band's success.

Funding for the city band then would be decided annually by the Ashland Citizens' Budget Committee and city council. The band currently receives \$57,000, according to charter committee research.

If the reference to band funding is removed from the charter, an ordinance establishing funding would help protect the band, which attracts 1,200 to 2,000 people for each of its Thursday evening performances at the Lithia Park Bandshell during the summer, according to band member Mike Knox.

"An ordinance protects us more than being just a line item in the budget," he said. "It's fairly decent protection. The city charter review committee has acted with sensitivity for the band's needs while trying to fulfill its mission to streamline the charter."

The charter committee will submit its recommendations to the Ashland City Council in July. Any charter changes must be approved by voters.

#### **Runoff voting examined**

The charter committee decided not to make a recommendation on a voting system known as instant runoff voting, which has been promoted by some local residents and Pacific

Green Party members. The committee will pass on input received from residents to the city council.

"We were very interested in the whole concept of increasing voter participation and effectiveness," Enders said.

However, the committee received an opinion from the city attorney that the state government likely would challenge the city's use of IRV in court, he said.

Eugene previously tried to adopt an IRV system but received a letter from the Oregon Secretary of State Elections Division in 2001 that state law does not allow use of IRV, according to John Lindback, division director.

A bill to allow the use of IRV is on the docket in the current legislative session but has not been approved by the Oregon Legislature.

### **IRV tried elsewhere**

On the national scale, IRV supporters point to the 2000 presidential race between Al Gore, George W. Bush and Ralph Nader as an example of how IRV would work and what problems it could fix.

Under IRV, voters would have marked the candidates in order of preference. When no candidate received a majority of votes, Nader would have been eliminated. Voters who marked Nader as their top pick would have their second choices tallied. Presumably most of those second-place votes would have gone to Gore, handing him the victory.

The system allows voters to choose third-party candidates without "wasting" their votes, while also alleviating their fears that they will help elect their least favorite candidate, according to fairvote.org, the Web site for the Maryland-based group FairVote — The Center for Voting and Democracy.

FairVote reported the Pacific Green Party and the Sierra Club endorse IRV, and some Republicans also like the system because it would allow overseas military personnel to rank candidates on their absentee ballots and thereby participate in any runoff elections. Soldiers frequently cannot vote in runoff elections because of the long turnaround time in mailing out and receiving their ballots.

Locally, Jackson County Republicans Chair Diane Davidson said she brought up the issue of IRV at a recent meeting of Republicans in response to a question from the *Tidings*. Participants indicated little support for the system, she said.

Jackson County Democrats did not return a phone call for comment.

Burlington, Vt., voters approved using IRV in mayoral races in March after the city's charter change committee unanimously recommended use of the system. They joined communities like San Francisco, Calif., in making the change, according to FairVote.

### **Would it make a difference here?**

Local IRV backers point to the four-way 2000 council race among Alex Amarotico, Brent Thompson, Eric Navickas and Andrew Bangsberg as an example of how IRV might have

changed the outcome of an Ashland race.

Amarotico came out the winner. Amarotico, Thompson and Navickas all received about 30 percent of votes. Bangsberg, a youthful outsider to city government, pulled in 11 percent of votes.

With no candidate earning a majority, Bangsberg would be eliminated under IRV and his second place votes redistributed among the remaining candidates. Hypothetically, more of Bangsberg's voters would have chosen Navickas, a young environmental activist. Fewer would choose Amarotico, a restaurant owner viewed by some community members as a pro-business conservative despite his support for sustainable energy, affordable housing, locally grown produce and many other "liberal" causes.

"I definitely think I would have taken a lot of his (Bangsberg's) voters," Navickas said. "He was a young, somewhat progressive candidate with a lot of appeal for the youth in the community."

Even with Bangsberg's votes redistributed, none of the remaining three would achieve a majority, so Amarotico — who might have trailed slightly after the Bangsberg redistribution — would be eliminated.

More of Amarotico's voters likely would have chosen Thompson, a building renovator and advocate of limited growth, rather than choosing the more radical Navickas.

That might have pushed Thompson past the 50 percent threshold, leaving him the winner of the election.

Navickas said IRV would prevent two liberals from splitting votes in a council race and handing the victory to a conservative.

"IRV could work, especially in Ashland, where it seems like we have so many races where two left-leaning candidates run against one conservative and the conservative will get into office," he said.

### **Potential IRV flaws**

But even though Thompson would come out the winner under the hypothetical example outlined above, he said IRV has some flaws.

A former city councilor, Thompson said about one-third of Ashlanders are conservative. The current position system might give some conservatives a chance to win council seats, preserving diversity on the council and representation of both majority and minority views.

He said he does not view Amarotico as conservative, but Amarotico was probably seen as the "least worst" candidate by true conservative voters.

"I don't think the city lost out by the way it turned out. He's not out of tune with the citizens of Ashland," Thompson said.

Navickas disagreed. He said Amarotico is too passive on the council and Ashland would have been better served by someone who would push for action.

Thompson pointed out a frequent criticism of IRV — that it might be too complicated for many voters to understand. Confusion about IRV could lead Ashland voters to reject the system if they were ever asked to adopt its use.

The city charter review committee already voted to recommend all city council candidates be placed in one large pool, with the top three vote-getters taking office. The pooling system has the advantage of being simple to understand.

There are six positions on the city council, not counting the mayor. Three positions come up at a time for election. Currently, candidates must choose which position they are seeking when running for office.

Supporters of the pooling system say it would help ensure only the strongest candidates take office. Currently, weak candidates can compete against each other for a position and one will take office. Strong candidates might be competing for a single position and voters could only elect one to office.

IRV supporters contend IRV could still be used with pooling, and could be used to elect Ashland's mayor.

"Instant runoff voting would make Ashland's races more democratic," said IRV supporter Pam Vavra.

And even though Amarotico won under the current positions system, he said he supports IRV on the national stage and thinks Ashland's system should be changed in some way, perhaps by pooling council candidates, using IRV or adopting a hybrid approach.

"It doesn't make sense the way it is," Amarotico said.

*Staff writer Vickie Aldous can be reached at 482-3456 x 3018 or [valdous@dailytidings.com](mailto:valdous@dailytidings.com).*

[DailyTidings.com Home Page](#)

[Archives](#) | [Revels](#) | [Classifieds](#) | [Real Estate Guide](#) | [Weather](#) | [Subscribe](#) | [Contact Us](#)

Copyright 2005 Ashland Daily Tidings and Ottawa Newspapers  
All Rights Reserved



---

**paid advertising**

---

[Free Music Downloads](#)

[Slippers](#)

[Ceramic Piggy Banks](#)

[Heloc](#)

[Calenders 2005](#)

[Women's & Men's Slippers](#)

[Accelerate Weightloss Products](#)

[Memory Foam Mattress](#)

[Sports Betting](#)

[Website Design & Marketing](#)

[Student Loans](#)

[African Safari](#)

[Conference Calls - \\$50/Month](#)

[Security Systems](#)

[Helzberg Diamonds](#)

[Currency Exchange](#)



## Valley&State

June 4, 2005

### **Charter panel suggests keeping parks separate**

*Commission takes stances on more questions in process; no pay for mayor or councilors*

**By Vickie Aldous**

Ashland Daily Tidings

The Ashland Parks and Recreation Commission should continue to be elected and the parks department should maintain its largely autonomous position within the city government, according to the Ashland City Charter Review Committee.

During a meeting earlier this week, the committee — tasked with reviewing the city's charter and recommending potential changes to the Ashland City Council — agreed by a vote of 8-1 to recommend preserving the parks system's unique position.

Ashland has long had an independent parks system. Before state voters approved Measure 50 in the mid-1990s, the parks department had its own taxing authority. The measure folded taxing authorities together. In practice, the city has continued to allot the same amount to the parks department that the department would have collected without the change.

The parks department and the parks commission that guides it still must win approval from the Ashland Citizens' Budget Committee and city council for the parks budget.

Many residents believe the parks department's independence has allowed Ashland to develop a premier parks system.

Given the city's growth today, the parks system is more important than ever, according to Hal Cloer, a charter review committee member.

"To mitigate the problems of infill, you really have to have a strong and well-thought-out parks and open space program," he said.

Don Montgomery, the dissenting charter review committee member on the parks department vote, said he thought the department should be like other departments under the city administration, which would create clear and streamlined lines of authority within

city government.

The city charter committee also recommended the charter include language that the preservation of the parks department's budget is an integral part of its success. Obsolete references to the independent taxing authority would be deleted.

The city charter committee debated about the proper method of compensating the city council and mayor.

Ultimately, it recommended the requirement that voters approve compensation methods be removed from the charter. That would allow the city council to set compensation rates, but would not change the current mechanism.

Councilors and the mayor now are eligible for medical insurance — the value of which varies wildly for each councilor. Several receive full family coverage, which costs the city \$1,124 for each family package. One councilor has elected not to take the medical coverage. The city has budgeted \$73,288 for the medical coverage, according to Ashland Human Resources Manager Tina Gray.

Keith Massie, a city charter review committee member, had made a motion that the councilors receive \$500 a month and the mayor receive \$700. That would have put compensation rates for councilors at levels cities with a similar populations pay their councilors and mayors, while also controlling the cost of rising health insurance rates, he said.

Ashland councilors and the mayor could choose to buy city health insurance. The motion failed, 5-3.

Montgomery, who voted against giving a certain sum of money each month, said several committee members were reluctant to take away the health insurance packages.

The charter review committee also recommended the city recorder/treasurer and municipal judge continue to be elected. They additionally recommended references to the salaries of the two positions be removed from the charter.

"Our intention all along has been for the new charter to not establish salaries," said John Enders, a charter review committee member.

Current City Recorder/ Treasurer Barbara Christensen has argued that being elected and having her salary set by charter allows her to freely give out information to the public without fear of potential reprisals from the city council or city administration.

The committee voted to ask the council to establish a task force to examine additional issues relating to the city recorder/treasurer and municipal judge positions.

In previous meetings, the committee voted to recommend the city administrator become a city manager and gain hiring and firing authority over city department heads; the mayor should vote on all issues instead of just to break a tie; the mayor should continue to make appointments to city commissions and committees with council confirmation; and the top three vote-getters in a pool of city council candidates should take office after elections.

The committee will discuss instant voter run-off systems and periodic review of the charter at its next meeting, scheduled for 7 p.m. Thursday in the Ashland Civic Center Council

Chambers, 1175 E. Main St. Members hope to deliver a package of recommendations to the city council in July. Any charter changes must be approved by voters.

More information about the city charter review process is available on the city's Web site at [www.ashland.or.us](http://www.ashland.or.us).

Staff writer Vickie Aldous can be reached at 482-3456 x 3018 or [valdous@dailytidings.com](mailto:valdous@dailytidings.com).

[DailyTidings.com Home Page](#)

[Archives](#) | [Revels](#) | [Classifieds](#) | [Real Estate Guide](#) | [Weather](#) | [Subscribe](#) | [Contact Us](#)

Copyright 2005 Ashland Daily Tidings and Ottaway Newspapers  
All Rights Reserved



---

paid advertising

---

[Free Music Downloads](#)

[Slippers](#)

[Ceramic Piggy Banks](#)

[Heloc](#)

[Calenders 2005](#)

[Women's & Men's Slippers](#)

[Accelerate Weightloss Products](#)

[Memory Foam Mattress](#)

[tcg student loan consolidation](#)

[Home Equity Loans](#)

[teleconferencing](#)

[W2 Forms](#)

[cortisol; weight loss](#)

[Diamonds](#)

[Futures Broker](#)

[Bad Credit Loans](#)

[Auto & Personal Loans](#)

[Mesothelioma](#)

[Search Engine Optimization](#)

[Free Home-Loan Referrals](#)

[Sports Betting](#)

[Website Design & Marketing](#)

[Student Loans](#)

[African Safari](#)

[Conference Calls - \\$50/Month](#)

[Security Systems](#)

[Helzberg Diamonds](#)

[Currency Exchange](#)

[Online Casinos Community](#)

[Student Loans](#)

[Bonus Casino](#)

[Poker Games](#)

[Homeschooling](#)

[Auto Insurance](#)

[Mortgage Calculator](#)

[Mailing Lists](#)

[Mystery Shopping Jobs](#)

[Debt Consolidation Loans](#)

[Payday Loans](#)

[Air Purifiers](#)



## Valley&State

May 14, 2005

### **Proposed rule change: everybody into the pool**

*Ashland Charter Review Committee sees value in retiring council positions*

**By Vickie Aldous**

Ashland Daily Tidings

The Ashland Charter Review Committee narrowly approved making a recommendation that Ashland City Council candidates all run against each other in a large pool.

Three council seats at a time come up for election. Currently, council candidates choose which of the positions they will compete for and vie against any other candidates also running for that position.

Under the change endorsed by the charter review committee in a 5-4 vote earlier this week, every council candidate would compete against every other candidate, with the top three vote-getters winning office.

"My view is the voters get a better chance to select candidates they really want under the top three vote-getters system," said committee member Don Montgomery, who voted for the change.

He said with the current system, voters sometimes must choose between two candidates they don't like who are running for one position, while two candidates they do like may be running against each other for another position.

Residents also have reported that the positions system encourages last-minute entries into races by weaker candidates who want to see who else has entered so they can avoid competing for a position contested by a strong candidate.

But some people argue the position system strengthens debate and helps voters understand candidates' views because the few people jockeying for each position will challenge each other.

Carole Wheeldon, a committee member and former city councilor, said she voted against the top-three system in part because it might make it easier to sweep all experienced

councilors from office at the same time.

"We might find that we can get the whole council voted out because of a wave sweeping the city. It was, for me, a cautionary vote," she said.

The charter committee also said the city charter should not preclude the use of instant run-off voting, which is supported by a group of local residents. Under IRV, voters would rank candidates. If no candidate received more than 50 percent of votes, the least popular candidates would be eliminated and the ranked votes would be redistributed among the remaining candidates until a majority winner emerged.

The charter committee plans to go before the city council this summer with recommendations for possible changes to the city charter. Any changes would have to be approved by voters. Charter changes could be on a March 2006 ballot, Wheeldon said.

The committee also voted to recommend that the mayor be able to vote during city council meetings, but not have a veto. The mayor currently votes only to break a tie but can veto council decisions.

Some residents who have come to charter meetings have said they want the mayor to vote so that he or she must go on the record on all issues. But others said the mayor is better able to serve as the facilitator of council meetings with no vote.

The charter committee voted to recommend keeping the current system where the mayor makes appointments to city committees, commissions and boards with council confirmation. Some members had suggested council members should be able to offer candidates for confirmation, but others said councilors already can informally advocate for candidates.

During an earlier meeting, the charter committee voted to recommend the city administrator become the city manager and gain hiring and firing authority over city department heads. The mayor and council would still hire and fire the city manager and city attorney.

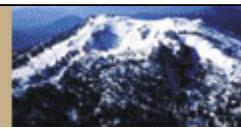
This week, the committee unanimously recommended the council and mayor set the rules for the hiring and firing of staff. The committee has not yet reached a decision on whether councilors should be paid or whether the city recorder/treasurer and municipal judge should continue to be elected.

Members of the public are invited to give input on whether the Ashland Parks and Recreation Commission should continue to be elected, and whether the parks department should remain independent of the city government, at 7 p.m. Thursday in the Southern Oregon University Stevenson Union Building Redford Lounge. Free parking is available in the SOU parking lot on South Mountain Avenue.

[DailyTidings.com Home Page](#)

[Archives](#) | [Revels](#) | [Classifieds](#) | [Real Estate Guide](#) | [Weather](#) | [Subscribe](#) | [Contact Us](#)

Copyright 2005 Ashland Daily Tidings and Ottawa Newspapers  
All Rights Reserved



## Valley&State

May 6, 2005

### **Support voiced for election, pay changes**

*Charter review forum offers lively debate on issues including changes to council terms*

**By Vickie Aldous**

Ashland Daily Tidings

Many Ashland City Charter Review Committee members and residents think it may be time to change how city councilors are elected.

Three positions on the six-member Ashland City Council come up for election at a time. Candidates currently pick which of the positions they want to run for and run against any candidates also seeking that position.

But at a Thursday night city charter review forum, many participants voiced support for a system where all candidates would run against every other candidate in a large pool. Voters would pick their top three choices overall.

"Sometimes there's a position where you want to vote for both, and sometimes there's a position where you don't want to vote for either," said Carole Wheeldon, a charter committee member and former city councilor.

Charter committee member Michael Riedeman said when more than two people are running for a position, two people with similar views that are shared by more community members can end up splitting the vote, handing a victory to the one person who is less representative of residents.

A pooling system might discourage negative campaigning because the contest would be less about a few people dueling against each other, charter committee member Keith Massie said.

Some people said the pooling system could be used in conjunction with a system known as "instant run-off voting" that is backed by many minority parties. Under IRV, voters for Ralph Nader in the 2000 presidential election could have marked their second choice. Presumably most of those votes would have gone to Al Gore, handing him the victory over eventual winner George W. Bush. Under a combined IRV/pooling system, the last place

finishers would be eliminated and voters' second choices distributed among the remaining candidates until three winners emerged.

Meeting participants had little interest in moving to a ward system for council elections, although charter committee member Hal Cloer noted people with little money would find it easier to run door-to-door campaigns in their neighborhood rather than buying media advertising for a city-wide campaign.

Opinion was mixed about offering more than the \$350 annual salary for councilors and \$500 annual salary for the mayor. Councilors are offered health insurance, which costs the city as much as \$1,200 a month for full family coverage.

Some suggested councilors should receive a "living wage" of \$11.44 per hour for their typical 20-hour per week workload. Each councilor would then earn \$11,898 per year, plus health benefits.

"I would like to see us give the opportunity to someone who couldn't serve if they didn't receive compensation," said resident Pam Vavra.

Former City Councilor Greg Williams said he knows of people who would like to serve on the council but cannot afford to do so. But he was concerned about the impact to the city budget.

Riedeman pointed out that the current offer of health insurance is not equitable since some people already receive health benefits through their jobs and do not take the city insurance, while others use the full family insurance. To solve the problem, Massie suggested every councilor receive \$1,000 per month. Councilors could buy city-offered health insurance or use the money as a salary.

### **Municipal judge**

The charter committee is researching whether the municipal judge should continue to be elected and have his or her salary set by charter, or if the city should sent cases to court in another community or bring in contractual services.

Municipal Judge Allen Drescher attended the meeting and presented information that the city court generates \$523,965 in funds collected, while its expenditures are \$285,646, bringing in net revenues for the city.

However, Ashland Finance Director Lee Tuneberg in a Tuesday afternoon interview said the \$523,965 in revenues must be partially attributed to Ashland police officers, who cite the violators of low-level crimes who are sent to municipal court. But he did say the municipal court's diversion program brings in extra revenues for the city that would not be received if cases were sent to Medford.

Drescher said if a traffic ticket defendant were sent to Medford circuit court, the city would receive only \$45 of the \$141 fine, with the rest going to Jackson County and the State of Oregon. Traffic offenders who do not take advantage of the city's diversion program pay the \$141, with the city receiving \$90 and sending the rest to the county and state. Under the diversion program, offenders pay \$108 — all of which goes to the city — but must not receive another ticket during their diversionary period.

"That's what makes people safe drivers during the diversionary period. They drive out of

the parking lot saying, 'I'm not going to get another ticket,'" Drescher said.

Some charter committee members said the municipal judge's salary should not be set by charter, but should be subject to annual review by the Citizens' Budget Review Committee.

Drescher estimated he works 10-12 hours per week, for which he receives \$43,716 annually, or about \$75 per hour. He said he doesn't care if his salary is set by the city charter.

By comparison, the salary range for the city administrator — the top city staff job — is \$102,820 to \$121,425 annually. If City Administrator Gino Grimaldi worked no overtime (for which he receives no extra pay as a salaried staff member), he would earn a maximum of \$58 per hour at the top of the salary range. The city attorney would earn a maximum of \$43 per hour for a 40-hour week at the top of that position's salary range.

As for the election of the city judge, Drescher said there is some benefit over an appointed judge because he meets community members and finds out more about their views during his bids for reelection.

### **City recorder/treasurer**

Charter committee members also are debating whether the city recorder/treasurer should continue to be elected with the salary set by charter.

Wheeldon said the treasurer function may be outdated now that most cities have finance departments, while Williams said an elected person might have no qualifications and make costly financial mistakes in the role as treasurer. Resident Susan Rust said she views the city recorder/treasurer position as professional job that requires expertise.

"I don't think a popularity contest amongst the electorate is the right way to go," she said.

Christensen has previously said she has more independence and the freedom to give out information that she might lose if she were appointed by the city administrator or the city council. Under the current system, she said she works only for the people.

"I buy Barbara's argument it makes her better linked to the community," said Brent Thompson, a former city councilor.

As with the city judge, Massie said references to the city recorder/treasurer's salary should be left out of the city charter and be subject to annual review by the Citizens' Budget Committee.

The charter committee — charged with reviewing the city's charter and making recommendations to the council about possible changes to be placed before the voters — will meet again to make decisions about its recommendations for council elections, the city judge and the city recorder/treasurer at 7 p.m. on Thursday in the Stevenson Union Building Redford Lounge on the SOU campus. Free parking is available in the SOU South Mountain Avenue parking lot.

*Staff writer Vickie Aldous can be reached at 482-3456 x3018 or valdous@dailytidings.com.*



## Valley&State

May 3, 2005

### Election of judge could be history

By Vickie Aldous

Ashland Daily Tidings

Residents will be asked to weigh in on whether the municipal judge should continue to be elected, and whether Ashland should even have a city court.

Ashland could contract for a court in another community to hear the minor cases — including traffic tickets, noise complaints and minors caught using alcohol or drugs — that currently go before part-time Municipal Judge Allen Drescher on Tuesdays.

Drescher, who has served since 1979, said he thinks voters should be able to remove and replace judges.

"The judge's performance should be subject to people's scrutiny and their approval or disapproval," he said, while noting that there are some risks to electing judges.

"Someone could put on a flashy campaign and win who's not qualified. There was a situation with an appellate judge who looked like Colonel Sanders and won election."

He was terrible. They couldn't trust him to write an opinion," Drescher said. "He beat a guy who looked like Richard Nixon. But he was a wonderful judge. Overall, I think the benefits outweigh the risks."

As to whether Ashland should contract for judicial services with a court in Medford or another community or bring in contracted personnel, Drescher said he has an obvious interest in wanting to maintain the court here because otherwise he would lose his job as judge.

Drescher earns \$43,716 per year, according to the Ashland Finance Department.

The Charter Review Committee has recommended that the city conduct a study of how



**Ashland municipal judge Allen Drescher** has been in his elected position since 1979, and prefers to keep the system the way it is.

Ashland Daily Tidings file photo

cost effective the municipal court is. The court's proposed fiscal year 2006 budget is \$363,537, which includes pay for Drescher, account clerks and a proposed project/court manager.

Drescher said people who come to his court are treated differently than they would be if they went to court elsewhere because he applies local values. For example, Drescher said he uses a holistic approach with young offenders and tries to educate them and involve their families. Ashland Police Department Youth Diversion Officer Jan Janssen also works on cases.

"Jan and I have lived here so long we know most of the kids and their situations," he said. "It's very different if you go to Medford. You know you're a defendant and you're in the system."

[DailyTidings.com Home Page](#)

[Archives](#) | [Revels](#) | [Classifieds](#) | [Real Estate Guide](#) | [Weather](#) | [Subscribe](#) | [Contact Us](#)

Copyright 2005 Ashland Daily Tidings and Ottaway Newspapers  
All Rights Reserved



---

paid advertising

---

[Free Music Downloads](#)  
[Slippers](#)  
[Ceramic Piggy Banks](#)  
[Heloc](#)  
[Calenders 2005](#)  
[Women's & Men's Slippers](#)  
[Accelerate Weightloss Products](#)  
[Memory Foam Mattress](#)  
[tcg student loan consolidation](#)  
[Home Equity Loans](#)  
[teleconferencing](#)  
[W2 Forms](#)  
[cortisol; weight loss](#)  
[Diamonds](#)  
[Futures Broker](#)  
[Bad Credit Loans](#)  
[Auto & Personal Loans](#)  
[Mesothelioma](#)  
[Search Engine Optimization](#)  
[Free Home-Loan Referrals](#)

[Sports Betting](#)  
[Website Design & Marketing](#)  
[Student Loans](#)  
[African Safari](#)  
[Conference Calls - \\$50/Month](#)  
[Security Systems](#)  
[Helzberg Diamonds](#)  
[Currency Exchange](#)  
[Online Casinos Community](#)  
[Student Loans](#)  
[Bonus Casino](#)  
[Poker Games](#)  
[Homeschooling](#)  
[Auto Insurance](#)  
[Mortgage Calculator](#)  
[Mailing Lists](#)  
[Mystery Shopping Jobs](#)  
[Debt Consolidation Loans](#)  
[Payday Loans](#)  
[Air Purifiers](#)

**LARKS**  
HOME KITCHEN CUISINE  
212 E. MAIN STREET  
ASHLAND, OR 97520

FRESH FROM THE FARMS,  
ORCHARDS, VINEYARDS, AND  
CHOCOLATIERS IN THE BEAUTIFUL  
ROGUE RIVER VALLEY

**OPENING MAY 23**  
541 488 1700  
*Click for information ▾*

## Valley&State

May 3, 2005

### **Charter committee seeks input on recorder's job**

By Vickie Aldous

Ashland Daily Tidings

The Ashland City Charter Review Committee will host a round-table discussion to gather public input on whether Ashland should join most other Oregon communities in having an appointed city recorder/treasurer.

The discussion begins at 7 p.m. Thursday in the Stevenson Union's Redford Room on the Southern Oregon University campus. Free parking is available in the SOU parking lot on South Mountain Avenue. Other items for discussion include whether the municipal judge should continue to be elected, methods for electing Ashland city councilors and whether councilors — who currently are offered health insurance and minimal salaries — should be paid more.

Ashland's city recorder/treasurer is elected by voters rather than being appointed by the city council or city administrator. Some believe that gives the recorder independence, allowing him or her to give information to the public without fear of reprisals from the council or city administrator. But others think the position could be won by an unqualified person.

Current City Recorder/Treasurer Barbara Christensen has strong feelings on the matter.

"I believe it should remain an elected position. It's important to have an independent person," said Christensen, who was elected in 1996 from a field of eight candidates and has since been uncontested.

She said many members of the public feel more comfortable coming to her as an independently elected official to obtain city records. If she were appointed, she could lose the buffer that helps protect her from reprisals if she gave out information that put city councilors or the administration in a bad light, Christensen said.

"It would be more difficult for me to give out information. If I displeased my supervisor, I could lose my job," she said.

However, the city council or city administrator still can exercise influence over her by cutting her \$172,375 office budget, which includes her \$64,000 salary and pay for a full-time assistant. Her salary is set by charter, but other items are discretionary. Her proposed budget for the 2005-06 fiscal year is \$182,690.

Under former City Administrator Mike Freeman, Christensen's assistant was cut to a quarter-time position. That meant she worked extra hours but was still unable to respond to public requests for information in a timely manner, according to Christensen.

Residents Al Willstatter and Suzi Aufderheide, who have come to Christensen for information, both said the position should remain an elected one.

"I absolutely think having an elected city recorder is essential to democracy," Aufderheide said. "It's at the city recorder level where citizens begin to be involved and interface with the city for the first time. When a city recorder is hired, she would feel more vulnerable. When the city recorder is elected, the only people who can remove them from their position is the voters."

Ryan Frank, president of the Greater Oregon Chapter of the Society of Professional Journalists and a reporter for The Oregonian, said the chapter does not have an official position on whether city recorders should be elected. But he said he believes a recorder under the supervision of the city council or city administrator might feel uncomfortable releasing some records.

The chapter selected Christensen this year for its annual First Amendment award because of her years-long project to put thousands of city documents on the Internet.

Former City Councilor Greg Williams said he doesn't buy the argument that electing a city recorder gives that person independence. He has concerns that an unqualified person could mount an aggressive campaign and win the seat.

"I ran for city council and I know it has a lot to do with how many hands you shake or people you talk to," he said.

Williams also questioned how appropriate it is to have an elected person handle many aspects of city elections — one of the many duties of the city recorder. As treasurer, the person also could make costly financial mistakes, he said.

Christensen said a person with little experience has opportunities for education through state city recorder and treasurer associations. Additionally, the recorder/treasurer works with the city finance director, while also providing another set of eyes to ensure a system of checks and balances, she said.

*Staff writer Vickie Aldous can be reached at 482-3456 x 3018 or [valdous@dailytidings.com](mailto:valdous@dailytidings.com).*

[DailyTidings.com Home Page](#)

[Archives](#) | [Revels](#) | [Classifieds](#) | [Real Estate Guide](#) | [Weather](#) | [Subscribe](#) | [Contact Us](#)

Copyright 2005 Ashland Daily Tidings and Ottaway Newspapers  
All Rights Reserved

LARKS  
HOME KITCHEN CUISINE  
212 E. MAIN STREET  
ASHLAND, OR 97520

FRESH FROM THE FARMS,  
ORCHARDS, VINEYARDS, AND  
CHOCOLATIERS IN THE BEAUTIFUL  
ROGUE RIVER VALLEY

OPENING MAY 23  
541 488 1700  
*Click for information ▾*

## Valley&State

April 26, 2005

### **Charter review panel recommends a city manager position**

By Vickie Aldous

Ashland Daily Tidings

The Ashland Charter Review Committee has voted to recommend the city administrator become a city manager with hiring and firing authority over city department heads.

City Administrator Gino Grimaldi currently is charged with carrying out policies adopted by the mayor and Ashland City Council, but he has no hiring and firing power over the department leaders who help put those policies into action.

During its Thursday night meeting, the city charter review committee also recommended that the mayor and city council maintain hiring and firing authority over a city manager.

"The reason I support this is not because I want more power in the hands of a person who is not elected," said committee member Michael Riedeman, noting that the mayor and council would continue to have ultimate control through their power over the city manager. "It's a setup for disaster the way it is."

Committee member Hal Cloer said he had discussed the issue of the city administrator lacking hiring and firing ability over department heads with former longtime City Administrator Brian Almquist and veteran Councilor Don Laws.

Both Almquist and Laws separately identified three instances in the past where different mayors had appointed inadequate department heads.

"In all three cases, it turned out very badly," Cloer said.

Several residents who came to the meeting spoke in favor of giving a city manager hiring and firing power over department heads, saying it would increase the professionalism and effectiveness of the city government, while a few had reservations about the change.

The charter review committee also gathered public input on whether the mayor should vote only in case of a tie, as is now the case, or vote on every issue.

"As a voter, I'd like to know where the mayor stands on every single issue that comes to the council," said resident Jim Olney.

Some residents have argued the mayor can better serve as a facilitator of council meetings if he or she votes only to break ties.

Residents at the meeting were strongly in favor of giving all city council members, not just the mayor, the power to propose and appoint members to the various committees, commissions and boards that help research issues and recommend policy to the elected council. The powerful Ashland Planning Commission does have decision-making authority over land-use applications, although those decisions can be appealed to the council. The mayor currently proposes appointments and the council votes to confirm those nominees.

The charter review committee voted only on the city manager issues on Thursday night.

The committee will hold a public forum on the issue of whether the city recorder and municipal judge should continue to be elected at 7 p.m. May 5, in the Southern Oregon University Stevenson Union Building.

The committee will return to the issue of the mayor voting and other government structure issues at 7 p.m. May 12, in the Stevenson Union. Deliberations on recommendations about the recorder and judge also are on the agenda.

At 7 p.m. May 19, the committee will gather input on the Ashland Parks and Recreation Commission, which currently is elected and heads the Ashland Parks and Recreation Department. That department is largely independent of city operations, although the city council has final authority over the department's budget and some other areas, such as real-estate purchases.

The charter review committee is charged with examining the city's charter — essentially the constitution for the community — and making recommendations for possible changes to the city council. Any changes to the charter put on the ballot by the city council would have to be approved by voters.

[DailyTidings.com Home Page](#)

[Archives](#) | [Revels](#) | [Classifieds](#) | [Real Estate Guide](#) | [Weather](#) | [Subscribe](#) | [Contact Us](#)

Copyright 2005 Ashland Daily Tidings and Ottaway Newspapers  
All Rights Reserved



paid advertising

[Free Music Downloads](#)  
[Slippers](#)  
[Ceramic Piggy Banks](#)  
[Heloc](#)  
[Calenders 2005](#)

[Sports Betting](#)  
[Website Design & Marketing](#)  
[Student Loans](#)  
[African Safari](#)  
[Conference Calls - \\$50/Month](#)



## Valley&State

April 8, 2005

### **Residents weigh in on city charter changes; views mixed**

**By Vickie Aldous**

Ashland Daily Tidings

Many residents who attended an Ashland city charter review public forum were wary of concentrating too much power in the hands of an unelected city manager.

The issue of the division of powers between a city manager or administrator and the elected mayor and city council was the subject of discussion for the forum held Thursday night on the Southern Oregon University campus. The event was part of an on-going series of meetings as the Ashland Charter Review Committee gathers input for possible changes to the document that serves as the city's constitution.

Under a hybrid charter option that combines elements of the existing charter, a League of Oregon Cities model charter and elements unique to Ashland, the city administrator would become the city manager and gain hiring and firing authority over city department heads.

The mayor and city council currently have that power. They would retain ultimate authority over the city manager, and provisions for them to conduct regular reviews of the manager's performance would be formally added to the charter.

"Our government structure as a whole should be framed so that power remains as close to the people as possible ... We need to be careful about what goes in the city manager's pot and what goes in the council's pot so we retain that power," Ruth Miller said.

The mayor would continue to vote on issues before the council only in the event of a tie under the hybrid charter. He or she could veto council decisions, as is now the case. But a council majority plus one would be required to override the veto, rather than the simple majority required now.

Some residents said the mayor should vote on every issue, but the veto power should be removed in that case.

Many residents said the council should have more power when it comes to making appointments to various city committees, commissions and boards. The city currently

advertises openings on city panels and the mayor makes appointments with council confirmation. Residents said perhaps individual councilors should be able to make panel nominations that then would be voted upon by the council and mayor.

The charter should include provisions for the city council to make long-term plans for the community, many residents said.

"Unless we have a plan where we want Ashland to be in 50 to 100 years, we will be subject to the whims of interest groups," said Patrick Marcus, who worried the city could fall prey to urban sprawl and other ills like many cities in California have experienced.

Most residents said they would like to see a code of ethics to govern the behavior of elected officials added to the charter.

Charter review committee members also asked residents to name the values they think should guide the city government and the charter.

Residents listed transparency, honesty, encouragement of citizen participation, thinking about the common good, impartiality and fairness, accountability, efficiency, fiscal responsibility and other values.

"If they hold in mind the values when they make the changes, that's the most important thing," Pamela Chaddock said.

Charter review committee members will consider the public input and work to formulate recommendations for the city council during their next two meetings at 7 p.m. on Thursday, April 14, and Thursday, April 21, in the Ashland Civic Center Council Chambers, 1175 E. Main St.

They also will discuss options for the election of councilors, from a ward system to having all councilors run against each other with the top finishers winning office.

The issue of compensation for the mayor, who earns \$500 per year, and councilors, who earn \$350 per year, also will be on the agenda. The mayor and council receive health and vision insurance as well.

Any revisions to the charter must be forwarded to the voters by the city council. A vote on charter issues could come before residents in November, or in the spring if more time is needed for citizen outreach and deliberation.

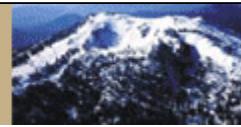
For more information on the charter review process, visit the city's Web site at [www.ashland.or.us](http://www.ashland.or.us) or call Ashland Management Consultant Ann Seltzer at 552-2106.

*Staff writer Vickie Aldous can be reached at 482-3456 or [valdous@dailytidings.com](mailto:valdous@dailytidings.com)*

[DailyTidings.com Home Page](#)

[Archives](#) | [Revels](#) | [Classifieds](#) | [Real Estate Guide](#) | [Weather](#) | [Subscribe](#) | [Contact Us](#)

Copyright 2005 Ashland Daily Tidings and Ottaway Newspapers  
All Rights Reserved



## Valley&State

April 5, 2005

### **City's balance of power weighed in public forum**

#### **Input requested by city charter review committee**

By Vickie Aldous

Ashland Daily Tidings

The Ashland City Charter Review Committee will host a public forum to gather input on the division of power between the mayor, city council and city administrator.

A discussion of how councilors should be elected and whether they should be paid also will be on the table for the meeting that runs from 7 to 9:30 p.m. on Thursday.

The charter review committee began examining the charter, which serves as the city's constitution, last year to determine if the document needs revision. The charter was last updated in 1970.

The issue of whether the city recorder, municipal judge and Ashland Parks and Recreation Commission should continue to be elected by voters will be the subject of future forums. The committee gathered input last week on whether provisions for a city band should remain in the charter.

At Thursday's meeting, the discussion will focus on the distribution of power among the city's top officials.

While many other cities have moved from the relatively weak city administrator system to the strong city manager system, Ashland retains the administrator system.

Forum participants will examine and discuss the current system, a League of Oregon Cities model charter that favors a city manager and a hybrid

option.

"The hybrid builds on the model charter and adds to it provisions that are unique to the city of Ashland," said charter review committee member Don Montgomery.

Forum participants also will review various ways of electing city councilors, ranging from all candidates running against each other and the top vote-getters taking office, to dividing the city into wards with a councilor representing each neighborhood, according to charter review member Pam Marsh.

Discussion also will include whether councilors — who currently serve as volunteers but are offered health insurance — should be paid in order to encourage more low-income people to run for office, she said.

Forum participants also will be asked to talk about what characteristics a government should have in order to best serve the people, according to committee member Carole Wheeldon.

For example, participants could say a government needs to be effective, efficient, respectful, trustworthy, competent, open or innovative, she said.

A group of residents has been meeting each Sunday separately from the charter review committee at the Rogue Valley Metaphysical Library Event Center on A Street.

Those residents have been searching for balance between the sometimes-opposing values they believe should guide the city government, according to group participant Joseph McCormick.

"My personal observation is that there is a desire for efficiency, order and stream-lined decision-making," he said. "On the other side, there is a desire for citizen participation and oversight and government accountability."

While participants in those discussions have different views on how city government should be structured, a consensus is emerging that the charter should encourage citizen participation and government accountability, and include ethical standards for elected officials, McCormick said.

The charter review committee hopes to bring charter recommendations to the city council on June 21 following a series of meetings.

Any changes to the charter must be approved by voters. Residents would likely be asked to vote on various charter issues separately, rather than being asked to approve the revised document as a whole, several charter review committee members said.

A forum on whether the city recorder and municipal judge should continue to be elected will be held on May 5. The issue of whether the parks commission should continue to be elected will be discussed at a forum on May 19.

The charter committee will continue its regular Thursday night meetings to discuss public input and formulate recommendations. For more information on the charter review process and meetings, visit [www.ashland.or.us](http://www.ashland.or.us) or call staff liaison Ann Seltzer at 552-2106.

Staff writer Vickie Aldous can be reached at 482-3456 x. 3018 or [valdous@dailytidings.com](mailto:valdous@dailytidings.com).

[DailyTidings.com Home Page](#)

[Archives](#) | [Revels](#) | [Classifieds](#) | [Real Estate Guide](#) | [Weather](#) | [Subscribe](#) | [Contact Us](#)

Copyright 2005 Ashland Daily Tidings and Ottaway Newspapers  
All Rights Reserved



---

paid advertising

---

[Free Music Downloads](#)  
[Slippers](#)  
[Ceramic Piggy Banks](#)  
[Heloc](#)  
[Calenders 2005](#)  
[Women's & Men's Slippers](#)  
[Accelerate Weightloss Products](#)  
[Memory Foam Mattress](#)  
[tcg student loan consolidation](#)  
[Home Equity Loans](#)  
[teleconferencing](#)  
[W2 Forms](#)  
[cortisol; weight loss](#)  
[Diamonds](#)  
[Futures Broker](#)  
[Bad Credit Loans](#)  
[Auto & Personal Loans](#)  
[Mesothelioma](#)  
[Search Engine Optimization](#)  
[Free Home-Loan Referrals](#)

[Sports Betting](#)  
[Website Design & Marketing](#)  
[Student Loans](#)  
[African Safari](#)  
[Conference Calls - \\$50/Month](#)  
[Security Systems](#)  
[Helzberg Diamonds](#)  
[Currency Exchange](#)  
[Online Casinos Community](#)  
[Student Loans](#)  
[Bonus Casino](#)  
[Poker Games](#)  
[Homeschooling](#)  
[Auto Insurance](#)  
[Mortgage Calculator](#)  
[Mailing Lists](#)  
[Mystery Shopping Jobs](#)  
[Debt Consolidation Loans](#)  
[Payday Loans](#)  
[Air Purifiers](#)

**LARKS**  
HOME KITCHEN CUISINE  
212 E. MAIN STREET  
ASHLAND, OR 97520

FRESH FROM THE FARMS,  
ORCHARDS, VINEYARDS, AND  
CHOCOLATIERS IN THE BEAUTIFUL  
ROGUE RIVER VALLEY

**OPENING MAY 23**  
541 488 1700  
*Click for information ▾*

## Valley&State

January 21, 2005

### Residents debate changes to city charter

By Vickie Aldous

Ashland Daily Tidings

Ashlanders had a lot to say about whether they want to keep power in the hands of elected city representatives or hand over more control to city staff.

A crowd of approximately 75 people converged on the Southern Oregon University campus Thursday night to debate the pros and cons of continuing to concentrate powers in the mayoral office rather than the city administrator.

The meeting was hosted by the Ashland Charter Review Committee, which is analyzing the document that sets up the city's structure and gathering input for possible changes to put before voters this fall.

Residents also wrestled with whether voters should continue to select the city recorder and parks commissioners, and with what is the appropriate relationship between the mayor and city councilors.

#### **Mayor and council roles**

Under Ashland's "strong mayor" form of government, the mayor - with the confirmation of the council - hires and fires department heads. City managers, typically more powerful than city administrators, have hiring and firing control in many other communities.

Some residents said the city should have a manager to handle the increasingly complex business of government, while others preferred that Ashlanders keep a greater measure of control over government through the elected mayor.

Many said the mayor should not vote on issues before the city council except to break a tie, as is now the case, while others want the mayor to vote every time.

"I like the present form. The mayor serves more as a facilitator of meetings, even if he has an agenda," said Michael Dawkins.

One of the mayor's key powers is to appoint residents to the Ashland Planning Commission.

"I doesn't make sense to me that the mayor should have that power," said Larry Kellogg, one of several advocating for shared appointment powers by the mayor and council. But residents also said mayoral appointments are more efficient.

Some people expressed misgivings about any change to elect city councilors from wards rather than on an at-large basis. They worried not enough qualified candidates would run from each ward. Many were enthusiastic about the idea for all council candidates to run against each other, with the top finishers taking office. Currently, candidates run for a particular seat and usually face only one or two opponents for that position.

"There should not be wards," David Chapman said. "There should be a whole list of candidates and you vote for the top three."

Residents had mixed views on term limits.

"When you have term limits, you lose experienced people," said Candice Chapman, voicing the views from that camp.

### **Elected commissioners**

Residents said that folding the now-independent parks and recreation department into the regular city government could improve efficiency, but they also worried about parks losing priority status in the community.

Many appreciated the role of the elected parks commission to shepherd the parks system, while also providing a point for residents to offer input and exercise control through elections.

"I still feel it's very nice that there's a group of people looking after parks," Vern Crawford said.

Spirited debate erupted about whether the city recorder - who handles public records, city elections and many financial matters - should still be elected or should be appointed by the city administrator or city council. Electing the city recorder raises the possibility that a person lacking the requisite skills could be voted into the office.

"If I knock on enough doors, I could be city recorder," Greg Williams said. "I don't have the background for that.... It's a roll of the dice."

But Suzi Aufderheide said an important role of the city recorder is to provide information and documents to residents. A city recorder who worked at the will of the city administrator or city council might be afraid to provide sensitive information to the public, she said.

"How do we get the professionalism we need... but also get a person whose commitment is to the people?" asked JoAnne Eggers, summing up the dilemma.

Residents had mixed views on whether they should be given the power to vote on annexations into the city, with some seeing a vote as a tool to slow unwelcome growth and others not wanting to be hassled with individual annexations that the public knows

little about. Some proposed annexations that reached a threshold size should be referred to voters.

## Brain-storming

Ashlanders spoke with affection about the city band and provisions for its existence in the current charter.

"This must be one of the few cities on the planet that has a band in the charter," Wendell Fitzgerald said. "One of the reasons why I came here is this community's love of the arts. I love the oddness of that. It's gleefully anachronistic."

As on most issues, views were divided on whether the fire department and police department should be merged.

Residents had a variety of ideas on the over-riding values that should guide the charter, ranging from sustainability to encouragement of citizen participation to pushing the city council into becoming a long-range planning and visioning body instead of one that deals with the mundane details of governing.

And as is almost always the case when a group of Ashlanders gather, residents hatched a number of creative ideas.

The charter could include provisions for a citizen advisory committee to plan for the future, more stringent ethics standards, a formal citizen participation plan and provisions for paying the mayor and councilors to allow more low-income residents to fill those time-consuming but unpaid positions.

For more information on the pros and cons of various charter options, visit the city of Ashland's Web site at [www.ashland.or.us](http://www.ashland.or.us) and click on "White Papers."

[DailyTidings.com Home Page](#)

[Archives](#) | [Revels](#) | [Classifieds](#) | [Real Estate Guide](#) | [Weather](#) | [Subscribe](#) | [Contact Us](#)

Copyright 2005 Ashland Daily Tidings and Ottaway Newspapers  
All Rights Reserved



---

### paid advertising

---

[Free Music Downloads](#)

[Slippers](#)

[Ceramic Piggy Banks](#)

[Heloc](#)

[Calenders 2005](#)

[Women's & Men's Slippers](#)

[Accelerate Weightloss Products](#)

[Memory Foam Mattress](#)

[Sports Betting](#)

[Website Design & Marketing](#)

[Student Loans](#)

[African Safari](#)

[Conference Calls - \\$50/Month](#)

[Security Systems](#)

[Helzberg Diamonds](#)

[Currency Exchange](#)



## Valley&State

January 18, 2005

### **Public gets chance to weigh in on Ashland charter**

By Vickie Aldous

Ashland Daily Tidings

Residents are being asked to weigh in on the fundamental structure of Ashland's government.

The Ashland Charter Review Committee is holding a public forum from 7 to 9 p.m. on Thursday in the Rogue River Room of the Stevenson Union Building on the Southern Oregon University campus.

"In the end, it's all about who makes decisions and who has power," said John Enders, chair of the committee that has been charged with examining the city's charter and recommending changes. "What more fundamental question is there?"

Ashland's charter is outdated in some areas but also reflects the city's values and unique - even quirky - nature.

Unlike many cities that have handed over significant powers to a city manager, Ashland retains a "strong mayor" form of government.

The mayor has ultimate authority over the hiring and firing of city department heads, while the city administrator handles day-to-day operations under the current charter, according to Enders.

In other areas, the charter also gives power to elected representatives and officials rather than to city staff members.

Residents directly elect parks commissioners, who oversee the affairs of a parks department that is separate in many ways from other city departments.

They also elect a city recorder and municipal judge, although some communities have an appointed city recorder and a justice of the peace to handle court matters, according to Enders.

Although the charter committee is examining these government structures, it may not recommend changes in all cases, he said.

"Ashlanders like having control over their government and having places where they can exercise leverage. That's usually through elected officials," Enders said. "My personal feeling is that there would be a lot of resistance to any effort to reduce the power of elected officials."

Charter committee members are keeping in mind Ashland's characteristics and needs, he said.

The charter committee could propose, for example, a hybrid form of governance in which the mayor would retain many powers but the city administrator's position would be strengthened.

Many changes to the charter involve "housekeeping chores," such as eliminating portions that are superseded by state law, Enders said.

The committee is unlikely to recommend changes to some aspects of the charter, such as its provision for a city band and separate police and fire departments, he said.

"People love the Ashland City Band. There is funding for the band in the charter. If we attempted to abolish the city band, we'd be run out of town on a rail - and rightfully so," Enders said. "It's an example of a very quaint and particular part of the City of Ashland."

The committee is looking at various options for the Ashland City Council, including whether there should continue to be six members with a mayor who casts a vote only in case of a tie, according to Enders.

During elections, council candidates potentially could all run against each other rather than the current situation where a few candidates vie for each seat.

"When you have three or four positions, the top three or four vote-getters would get those positions," Enders said.

After gathering input from residents, charter committee members hope to present proposed changes to the city council this spring for review and approval. Voters then would decide this fall on any changes to the charter, he said.

Parking for the meeting is available in the SOU parking lot on the corner of South Mountain Avenue and Henry Street.

More information about the city charter will be posted on the city's Web site at [www.ashland.or.us](http://www.ashland.or.us).

[DailyTidings.com Home Page](#)

[Archives](#) | [Revels](#) | [Classifieds](#) | [Real Estate Guide](#) | [Weather](#) | [Subscribe](#) | [Contact Us](#)

Copyright 2005 Ashland Daily Tidings and Ottawa Newspapers  
All Rights Reserved



## Valley&State

July 9, 2004

### **City charter commission gets going**

By Steve Zimmerman

Ashland Daily Tidings

The newly appointed Ashland Charter Review Committee began working in earnest Thursday, receiving some history and some education from former city administrator Brian Almquist.

He told the committee that it has been 34 years since the last charter review. He then delved into several areas the committee would be addressing in the he coming months.

The first area concerned legal questions. He specifically spoke about three issues.

"First, it is important that we preserve the general grant powers of the city," he said. "The second is whether the committee should amend the charter en masse or one item at a time. And the third is looking at the special provisions in the charter that may or may not need to be preserved."

Grant powers are the powers that local governments and the state have in common.

#### **Sensible changes**

Almquist noted that the current charter enumerates the powers and duties of the police chief. He told committee members that that does not need to be in the charter.

"There are also levy provisions in the charter that are now meaningless," he explained. "You may want to take them out as they are a part of general levy powers."

Almquist then addressed political issues that could arise during the charter review.

"Many in the community may see this as fixing something that does not need fixing," he said.

Almquist pointed out the current system has worked well in Ashland because we have had

elected officials with integrity.

But he said the current charter does include provisions that could have potential for mischief.

"Under the current form of government, you could have a mayor who refuses to consult on issues with the council," Almquist pointed out. "You could have a recorder who refuses to write checks. Or an administrator that is in the mayor's debt and the mayor tells the council they are their person and keeps them in the job."

Another area that could come under scrutiny is the Parks and Recreation Department. Almquist noted that the city has had the special Parks Commission since the 1960s and that has worked very well.

Finally, Almquist talked to committee members about inherent problems with the charter.

"There are no prohibitions in the current charter against the mayor or council members going around the city administrator and giving orders directly to employees. That violates the principle of command," he said. "In the charter, the city administrator is responsible for the performance of all department heads but has no authority over that department head."

"And the council is relegated to second class status under the mayor. The mayor can still veto action from the council. The mayor still should have appointment power but the mayor and council should be equal in the appointment of a city manager."

In closing, Almquist told the committee to not take on too many issues at one time and to not take on too many special interests. And he asked them to involve the public and keep the press fully informed.

Bryan Holley also spoke to the committee and spoke of a few hot button issues he feels may arise during the process. Holley is a member of the Tree Commission and is an ad hoc member of the Citizens for Responsible Government.

Two of those issues are the change in the mayor's role and the role of the Parks and Recreation Department in the city. He spoke of the mission statement of CRG. Four items are of interest to the group.

"We would like to see the city manager form of government," he said. "We are in favor of electing budget committee members, providing a salary to city councilors and having the administration of the Parks Department fall within the city government structure."

The next Charter Review Committee meeting will be Thursday at 4 p.m. The committee will then break for the summer and resume bi-weekly meetings on Sept. 16 from 7 to 9 p.m.

All meetings of the Charter Review Committee will be televised on Cable Channel 9.



## Editorial

May 17, 2004

### **This red tape is worth watching**

Pay attention, they're rewriting your constitution.

Not the Constitution. Rather, the Ashland City Charter, seen by many as the parallel of the Constitution on the municipal level.

On May 4, the city council approved the creation of a charter review committee to begin the work of sifting through the 130-year-old document. Last updated in 1970, the charter is the basis for determining the power and structure of city government.

Why does the mayor only vote to break a tie? Because the charter says so. Why do councilors serve for free? The charter says so. Why does the Parks Department operate on a different level than other departments? Again, the charter.

The document also governs city elections, how taxes are levied, the creation of ordinances, public improvements, the city's relationship with Ashland Community Hospital, open spaces, and (crucial with recent events surrounding Colin Swales' planning seat) the appointment of committee and commission members.

There are many common-sense aspects of the charter which should be upheld and even strengthened. Others, not so much.

Article IX, Section 5 reads: "Debt Limit: The Council, by a two-thirds vote at any regular or adjourned meeting, shall have the power within the limits of the City of Ashland to borrow money upon the credit of the City and authorize the issue of orders or notes therefor to an amount not exceeding \$5,000.00 when required for municipal purposes, which orders and notes shall bear a reasonable rate of interest and shall not aggregate at any time to exceed \$5,000.00."

What does that mean? \$5,000 is a drop in the bucket to the city's debt, but, by redefining what "debt" means, the city has sidestepped the potential conflict.

But, "It raises some confusion when we're going out to finance a project," City Administrator Gino Grimaldi said.

There are other parts that even City Attorney Paul Nolte says are indecipherable.

The committee will look at all this, and more, then decide where to propose changes.

In the end, it's up to the residents. According to the charter, any alteration must be voted on by the people of Ashland. But if residents don't know what's in the document, or what changes are being considered, how can they vote responsibly?

Check out the charter at [www.ashland.or.us/Page.asp?NavID=156](http://www.ashland.or.us/Page.asp?NavID=156), talk to your councilors, talk to your neighbors. In fact, the mayor is still looking for people to fill out the charter committee. Pick up an application at the city recorder's office in the City Hall on the Plaza. Call 488-5307.

It might not be a big deal, but how would you ever know?

[DailyTidings.com Home Page](#)

[Archives](#) | [Revels](#) | [Classifieds](#) | [Real Estate Guide](#) | [Weather](#) | [Subscribe](#) | [Contact Us](#)

Copyright 2005 Ashland Daily Tidings and Ottaway Newspapers  
All Rights Reserved



---

paid advertising

---

[Free Music Downloads](#)  
[Slippers](#)  
[Ceramic Piggy Banks](#)  
[Heloc](#)  
[Calenders 2005](#)  
[Women's & Men's Slippers](#)  
[Accelerate Weightloss Products](#)  
[Memory Foam Mattress](#)  
[tcg student loan consolidation](#)  
[Home Equity Loans](#)  
[teleconferencing](#)  
[W2 Forms](#)  
[cortisol; weight loss](#)  
[Diamonds](#)  
[Futures Broker](#)  
[Bad Credit Loans](#)  
[Auto & Personal Loans](#)  
[Mesothelioma](#)  
[Search Engine Optimization](#)  
[Free Home-Loan Referrals](#)

[Sports Betting](#)  
[Website Design & Marketing](#)  
[Student Loans](#)  
[African Safari](#)  
[Conference Calls - \\$50/Month](#)  
[Security Systems](#)  
[Helzberg Diamonds](#)  
[Currency Exchange](#)  
[Online Casinos Community](#)  
[Student Loans](#)  
[Bonus Casino](#)  
[Poker Games](#)  
[Homeschooling](#)  
[Auto Insurance](#)  
[Mortgage Calculator](#)  
[Mailing Lists](#)  
[Mystery Shopping Jobs](#)  
[Debt Consolidation Loans](#)  
[Payday Loans](#)  
[Air Purifiers](#)

## **Appendix III**

### **Structure of Government**

- a. White paper
- b. Topic Discussion Paper
- c. List of Mayor and City Manager Duties
- d. Recap of characteristics of government from April 7 public forum
- e. Minority Report — Michael Riedeman

# **Charter Review Committee**

---

## **City Government Structure**

---

**Date: January, 2005**

**Sub Committee Members : Hal Cloer, Donald Montgomery**

**Issue Statement:**

Should the city council appoint a city manager who is responsible to the council and subject to termination by a majority of the council?

If so, should the mayor have the unilateral authority to closely supervise the city manager and the officers and employees of the city?

**Background:**

Section 2.28.040 of the present Ashland City charter sets forth the administrative responsibilities of the City Administrator as follows "The City Administrator shall have responsibility for the general administrative coordination of all City departments except for those officers and employees of the Parks Department. The City Administrator shall have the right to submit recommendations to the Mayor, with confirmation by the City Council, as to the appointment or dismissal of any principal officer or Department head.

The Mayor and City Council, City Administrator, or the appropriate Department head may directly appoint or dismiss any subordinate employee." In addition, Section 2.28.030 of the City charter indicates that "The City Administrator shall have the duties, responsibilities, authorities and jurisdictions provided by the City Charter, the ordinances and resolutions adopted by the Council ... With City Council acknowledgment, the City Administrator is hereby empowered to make such rules and regulations for the conduct of the various administrative departments of the City as may be deemed necessary from time to time"

*Under these provisions, the City Administrator, while responsible for the general administrative coordination of all City departments, **may make recommendations relative only to the appointment and dismissal of any principal officer or Department head.** However, the City Administrator may directly appoint or dismiss any subordinate employee of the City.*

In contrast, the Model Charter for Oregon Cities makes provision for a City Manager, stating, in part, that "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". Moreover, the Model Charter states that "The manager must appoint, supervise and remove city employees ..."

In the last decade, considerable research has been directed towards an analysis and evaluation of forms of municipal government. This research has revealed that there is a contemporary trend towards hybrid forms of government, drawing the strong elements from each of the classical forms to create a more balanced and effective government structure. Various researchers have found weaknesses in both a strong mayor government and a strong manager government. For example, Nalbandian (1) has noted that the criticism of a strong manager structure falls into three major areas, namely, a) it gives too much power to the city manager and administrative staff, b) it fails to promote political leadership and accountability, and c) it frustrates political representation for minority citizens and viewpoints. Political leadership is a key issue for all government forms, and is well addressed by Protasel (2) who observes about a mayor's job description " strong leadership from the mayor as at least a coordinator and preferably as a director, is no longer optional in light of the increasing demands on city government. If these activities are not undertaken by the mayor, a serious vacuum exists." Nalbandian succinctly sums up the current view of government structure by noting that "the issue of whether to have a strong mayor or strong manager structure is artificial because you need strong political leadership wherever you can possibly attain it. **You need both a strong mayor and professional management**". This view is particularly pertinent in light of the fact that Ashland is no longer a village with few employees, and a modest budget, but more an expanding corporation with a \$100 M, and likely increasing, budget. A government structure crafted to effectively manage and lead the community for the future seems essential.

#### **Pros and Cons:**

##### **Appoint a City Manager**

###### **Pros:**

Provides city with opportunity to appoint a manager trained in public administration.

Corrects the present limitations of the city administrator, including the inability to hire and dismiss principal officers and department heads for which he/she is responsible.

Frees the mayor from administrative duties and allows him/her to serve as the political leader and policy developer for the city.

Provides for the city manager to be accountable to the entire city council for the satisfactory implementation of council policy and day-to-day administration of municipal affairs.

A city manager would be prone to use merit as the leading criterion for making all hiring and personnel decisions.

**Cons:**

Under some circumstances, depending on personalities, a competitive and contentious relationship could develop between the mayor and city manager.

Increasing authority of the city manager reduces power of the mayor.

**Elected Mayor Supervises City Manager, City Officers and Employees?**

**Pros:**

Mayor would have ability to insure city staff implements his/her policies.

**Cons:**

Would severely usurp the authority of the city manager.

Would put the mayor in the position of micromanaging the administration of the city.

Would detract the mayor from serving as the political leader of the city, responsible for developing policy, providing the long term vision and setting the tone for the community.

**Budget Implications:**

Overall city cost may be reduced, providing reduced operating costs, increased efficiency and productivity, and effective use of technology.

**Summary:**

Within the last decade, surveys and research results indicate that municipal governments have moved to incorporate the best elements of the classical government forms to create hybrid structures. These hybrid structures most often have incorporated an elected mayor to serve as the political leader of the community while engaging a council-appointed city manager to oversee the day-to-day administration of the city, carry out council policy and handle the hiring and personnel matters of the city. Most municipalities appoint a city manager who is formally educated and trained in public administration. The current Ashland City charter provides for an elected mayor and a city administrator with the responsibility for the day-to-day administration of city operations but with no authority to hire or dismiss principal officers of department heads. Such authority rests with the council. With an empowered city manager, council members can be devoted to legislative matters while the mayor is free of administrative responsibilities in order to devote attention to developing policy, establishing a long range vision and setting the tone for the community. With a structure involving a mayor and city manager (in contrast to a city administrator), and depending upon personalities, it is possible for a contentious and competitive relationship to develop between the mayor and manager. With Ashland now a \$100M corporation it may be prudent to consider the benefits of a city manager structure.

The Charter Committee must weigh whether to recommend the adoption of a city-manager form of government, or some hybrid thereof.

#### **Attachments/References:**

1. Nalbandian, John, "Professionalism In Local Government, Jossey-Bass, 1991.
2. Protasel, Greg J., "Leadershiip in Council-Manager Cities, The Institutional Implications".
3. Morgan & Watson, "Policy Leadership in Council-Manager Cities: Comparing Mayor and Manager" in Ideal and Practice in Council-Manager Government, 2nd edition, H.G. Frederickson (ed), ICMA, 1995.

# **TOPIC DISCUSSION PAPER: GOVERNMENT STRUCTURE**

**ISSUE STATEMENT:** **Should the structure of the city government remain as defined in the present city charter, or be changed?**

## **EXISTING CHARTER LANGUAGE AND CODES:**

### **Attachment I**

Mayor: ARTICLE IV  
Council: ARTICLE VIII  
City Administrator: ARTICLE XIII

## **MUNICIPAL CODES:**

### **Attachment II**

Mayor and Council: AMC 2.04  
City Administrator: AMC 2.28

## **ALTERNATIVE CHOICES:**

### **Attachment III (shows a comparison of the three alternatives listed below)**

- 1. Retain the government structure as defined in the present city charter (Status Quo).**

#### **Budget:**

No Change.

#### **Accountability:**

The Mayor and Council are accountable to the public as they are elected by a vote of the people. Critics would argue that the dual reporting possibilities (Mayor, Administrator) for city employees can create a confusing environment in terms of priorities and direction. Proponents of this provision argue that it provides the Mayor with additional administrative influence in support of his/her agenda.

#### **Organizational Impacts:**

Critics of the dual reporting provision argue that it creates a less efficient function of city operations. Critics would also argue that not providing the City Administrator with the authority to hire and dismiss department heads and other officers establishes a condition of responsibility without commensurate authority, confusing the lines of authority and diminishing the leadership possibilities for the City Administrator.

- 2. Provide a government structure consistent with the Model Charter for Oregon Cities (Model).**

#### **Budget:**

Little or no change with this alternative.

#### **Accountability:**

As in alternative #1, the Mayor and Council are accountable to the public as they are elected by the vote of the people. This alternative provides for a City Manager as administrative head of the city, reporting directly to the Council,

with full responsibility for the administrative functions and with broad hire and dismiss authority on all city employees, thus establishing a condition of authority commensurate with the responsibility. This eliminates any confusion of city employees relative to priorities and direction.

**Organizational Impacts:**

This alternative reduces the power of the Mayor relative to alternative #1, but establishes the Mayor as the political head of the city government while placing additional responsibility with the Council, thus allowing it additional influence in terms of policy and goals. Critics of this provision argue that citizen influence through the Mayor is diminished. Proponents would argue that the elimination of the dual reporting provision found in alternative #1 provides for a more effective and efficient functioning of the city administrative organization.

**3. Provide a government structure with the framework of the Model Charter for Oregon Cities with provisions for a Mayor/Manager partnership (Hybrid).**

**Budget:**

Little or no change in this alternative.

**Accountability:**

Would be the same as in alternative #2.

**Organizational Impacts:**

This alternative establishes the Mayor as the political head of the city government and a Mayor-Manager team arrangement which, while not providing the Mayor direct administrative power, but a formal link to the Manager and the city administration. Moreover, this alternative provides a somewhat balanced arrangement of responsibilities and influence for the Mayor and Council. However, additional influence is granted the Mayor by establishing a veto authority and requiring that a Council override be by a supermajority.

**Attachment I**

**Ashland City Charter**

**ARTICLE IV - Mayor**

Section 1. Term. The Mayor in office at the time this Charter is adopted shall continue in office until the end of his/her term of office as fixed by the Charter of the City in effect at the time this Charter is adopted. At the biennial general election held in 1972, and every fourth year thereafter, a Mayor shall be elected for a term of four (4) years.

Section 2. Powers and Duties. The Mayor is the executive officer of the municipal corporation and shall exercise careful supervision over the general affairs of the City and over appointive officers. He/she shall sign all orders and warrants on the Treasury for claims authorized by the Council.

Section 3. Vote. The Mayor shall not be entitled to vote on any ordinance or measure before the Council except in the case of a tie vote, in which case he/she shall have the

power to vote, and must vote either in the affirmative or in the negative. The Mayor shall, within five days after the passage of any ordinance, either approve or veto the same, and no ordinance shall go into effect until approved by the Mayor or passed by the Council over his/her veto. The Mayor shall, in case he/she vetoes any ordinance or resolution, file such veto with the City Recorder, together with reasons for his/her disapproval, which veto and message of disapproval shall be read at the next meeting of the Council, and such ordinance or resolution be put upon its passage again; and, if two-thirds of the Council members shall vote in the affirmative, it shall become law without the Mayor's approval, but not otherwise. In passing all resolutions and ordinances, the ayes and nays shall be called and permanent record made of the vote thereon.

## ARTICLE VIII - Council

Section 1. Where Powers Vested. Except as this Charter provides otherwise, all powers of the City shall be vested in the Council and the Mayor.

Section 2. Composition. The Council shall be composed of six (6) Council members elected in the City at large and by position number. Each position shall bear a number running from one (No. 1) through six (No. 6), and any candidate for Council shall, starting with his/her nominating petition, designate the number of the Council seat to which he/she seeks election; further, one candidate may only run for one position at an election.

The Council members whose terms of office expire with the end of 1972 shall be assigned seat numbers 1, 3 and 5; 1974 shall be assigned seat numbers 2, 4 and 6. Within the scope of the preceding provision, the Council shall forthwith determine by lot the numbers to be assigned to the incumbent Council members.

Section 3. Council Meetings and Rules. The Council shall hold a regular meeting in the City at least once each month at a time and place which it designates. Other meetings may be called as the Council deems necessary, with notice given the Mayor and Council members and the public as provided by ordinance. Minutes of any such special meeting shall be presented at the next regular Council meeting. The Council shall adopt rules for its proceedings.

Section 4. Quorum. The Mayor and not less than three (3) of the Council members, or four (4) of the Council members, shall constitute a quorum for conducting Council business.

Section 5. Journal. The Council shall cause a record of its proceedings to be kept. Upon request of the Mayor or any of the Council members, the ayes and nays upon any question before it shall be taken and entered in the record.

Section 6. Proceedings to be Public. No action by the Council shall have legal effect unless the motion for the action and the vote thereon take place at proceedings open to the public.

Section 7. Mayor's Function at Council Meetings. The Mayor shall preside over the deliberations of the Council. He/she shall have authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council.

Section 8. Chair of the Council. At the first regular meeting of the Council in January of each year, the Council shall by ballot elect a Chair of the Council from its membership to serve for one (1) year. He/she shall, during all times when the Mayor is absent or unable to attend to his/her duties or act in any matter, have and exercise the powers and perform the duties of the Mayor, except that he/she shall retain his/her Council member's right to vote. If, at any meeting of the Council, both Mayor and Chair are absent, the Council members present shall elect one of their number as Chair Pro Tem, who shall preside at that meeting.

Section 9. Vote Required. Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.

## ARTICLE XIII - Appointive Officers

Section 1. Appointive Officers. The Mayor, with the confirmation by the Council, shall appoint a City Administrator, City Attorney and such other officers as the Council deems necessary. The Council may combine any two or more appointive offices. (Charter amendment 5-23-78)

Section 1A. Separate Police and Fire Departments. The City of Ashland shall maintain a fire department which is separate and distinct from the City police department. The employees of one department shall not be assigned to do the job functions of employees in the other department. (Charter amendment 1-4-86)

Section 2. Qualifications, Duties and Salaries. The Council shall, by ordinances, prescribe the duties of appointive officers, and determine their compensation and qualifications, except the Municipal Judge shall be a member of the Oregon State Bar. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of his/her judicial duties.

Section 3. Removal. The Mayor, with the consent of the Council, may suspend and remove any appointive officer at any time.

Section 4. Interest in City Contracts. Except as provided otherwise by law, no officer, agent or employee shall have any interest in any City contract made by him/her in his/her official capacity or by any public committee, board, commission or department of which he/she is a member, agent or employee, except that the employment of the officer, agent or employee shall not be considered a contract for the purposes of this section.

## Attachment II

## **2.04 Rules of City Council**

### **2.04.010 Presiding Officer**

[This excerpt comes from the Ashland Municipal Code, Title 2-Administration, Chapter 4-Rules of City Council]

The Mayor, or in the Mayor's absence, the Chair of the Council, shall preside at the meetings of the City Council. In the absence of these officers at any session the Councilors present shall appoint a Chair pro tem and proceed with the meeting. The Chair, except the Mayor, may vote on all motions other than appeals from decisions made while acting as presiding officers. (Ord. 1544 SS1, 1967)

### **2.04.020 Quorum**

As provided in Article VIII, Section 4, of the City Charter, the Mayor and not less than three (3) Councilors, or four (4) Councilors, constitute a quorum and a simple majority of the Councilors present determines the action on any motion, question, ordinance, or resolution except, however, that on questions requiring a two-thirds (2/3) vote of the Council, as provided in the City Charter, there shall be required a vote of four (4) Councilors to exercise any such special powers. If the roll call shows no quorum present, as defined by Section 4 of Article VIII of the City Charter, the Councilors in attendance may direct the Chief of Police to notify the absent members, except those known to be unavoidably detained, that their presence is required to enable the Council to proceed with business. Should any then fail to soon appear the members present shall adjourn to a date fixed by them. (Ord. 1810 (part), 1974; Ord. 1544 SS2, 1967)

### **2.04.030 Minutes of Proceedings**

After the reading of the minutes of the preceding meeting by the City Recorder, if there are no corrections or objections thereto, they shall be considered approved; otherwise, to be approved by vote. The minutes as approved shall be signed by the Mayor and City Recorder. (Ord. 1544 SS3, 1967)

### **2.04.040 Order of Business**

A. Except as provided in subsection B hereof, the order of business of the Council shall be:

1. Roll call;
2. Approval of minutes of the previous meeting;

3. Special presentations, proclamations and awards;
4. Consent agenda, subject to the limitations of subsection C;
5. Public hearings, subject to the limitations of subsection D and first readings of ordinances that pertain to the public hearing.
6. Public forum for business from the audience not included on the agenda (limited to a total of 15 minutes);
7. Unfinished business;
8. New and miscellaneous business;
9. Ordinances, resolutions and contracts;
10. Other business from Council members.

**B.** At the first meeting in January, after the roll call, the presentation of the Mayor's address shall be first in order.

**C.** Routine business items may be listed by the City Administrator under a "Consent Agenda", which shall be acted upon in its entirety, except that the Mayor or any member of the Council may request that any item be moved to the regular agenda under the appropriate section of business.

**D.** Public hearings shall conclude at 9:00 P.M. and be continued to a future date to be set by the Council, unless the Council by a two-thirds vote of those present, extends the hearing(s) for one-half hour until 9:30 P.M. at which time the Council shall set a date for continuance and shall proceed with the balance of the agenda. Not more than two (2) land use appeal hearings shall be scheduled for any regular meeting of the Council. The City Administrator may, in the Administrator's discretion, schedule additional legislative hearings depending on the anticipated length of the Council meeting. (Ord. 2611 S1-1991; 2729-1994)

**E.** At any meeting of the Council, the order of business can be changed or any part thereof moved to a future agenda by a majority vote of the Council.

**F.** The City Administrator is responsible for the preparation of the agenda for each City Council meeting and, with the consent of the Council, shall determine the deadline by which any matter must be presented in writing by any citizen in order to be included on the agenda. (Ord. 1544 S4, 1967; Ord. 2523(A) S1, 1989).

## **2.04.050 Voting**

When a question or motion is put to a vote by the Chair, each member present shall vote for or against the same unless the Council excuses that member from so doing. If thereafter the Mayor or any member calls for a roll call vote, then each member must likewise vote. The Mayor can only vote in the case of a tie,

and then is required to vote. (Ord. 1544 SS5, 1967).

#### **2.04.060 Privileges of Members**

No member shall speak more than twice on the same question without leave of the presiding officer, except in informal and interlocutory debate, nor more than once until every member choosing to speak shall have spoken or waived their right to do so. (Ord. 1544, SS6, 1967).

#### **2.04.070 Roll Call Vote**

The voting on all ordinances or resolutions shall be by roll call vote and recorded in the minutes showing those numbers voting for and those voting against. (Ord. 1544 SS7, 1967).

#### **2.04.080 Appointing Committees**

All committees not required by State law to be appointed by the Council shall be appointed by the Mayor with the consent of the Council, or in the Mayor's absence, any appointment necessary may be made by the presiding officer, with the consent of the Council. After the standing committees have been formally announced they cannot be changed except at a regular meeting of the Council and by a majority vote of the members present. All terms of boards, commissions and committees shall be extended to April 30 of each year, beginning with the terms expiring on December 31, 1989. (Ord. 1875, 1976; Ord. 2523(A) S2, 1989).

#### **2.04.081 Notice of Appointments**

No person shall be appointed or elected to any committees or commissions established by ordinance until after the City Recorder has caused to be published once, at least ten (10) days prior to the date on which the appointment or election is to be made, in a newspaper of general circulation in the City of Ashland, a notice entitled "NOTICE OF APPOINTMENT", containing the following information:

1. The position to be filled by appointment or election;
2. That applications will be accepted by the City Recorder;
3. The date the appointment is expected to be made; and,
4. That additional information regarding the position can be obtained from the office of the City Recorder.

No appointment or election shall be made to any of the aforementioned committees or commissions, unless notice of such appointment or election

appears on the agenda for the meeting at which the appointment or election is to be made. Additional procedures regarding application deadlines and notification to the City Council of proposed appointments by the Mayor shall be set forth by Resolution of the Council. (Ord. 1903, 1976; Ord. 2523(A) S3, 1989).

#### **2.04.082 Student Memberships on Commissions and Committees.**

##### **Section 2.04.082 Student Memberships on Commissions and Committees.**

The Mayor with consent of the Council may add to the membership of any city commission, two positions for student liaisons, whether such commission or committee was established by ordinance or resolution. The student liaisons shall be non-voting ex officio members of their respective commissions or committees. Once the liaison positions have been added, the liaison from the high school shall be a high school student chosen by the Ashland High School Leadership Class and the liaison from the university shall be a university student chosen by the Associated Students of Southern Oregon University Student Senate. The requirements of sections 2.05.080 and 2.04.081 shall not apply to the students chosen under this section.

(Added by ORD 2889, 10/01/2002)

#### **2.04.090 Ordinances and Resolutions**

Every ordinance shall be enacted in accord with Article X of the Ashland City Charter. Every resolution shall receive one reading previous to the vote on its passage, provided however, that it may be read by title only if no Council member present at the meeting requests to have it read in full. (Ord. 1544 S9, 1967; Ord. 1950 S1, 1978; Ord. 2365, 1985; Ord. 2691, 1992).

#### **2.04.095 Identification of Fiscal Impact of Policy Decisions**

A. At such time as the council adopts a new program or policy with significant revenue implications, it shall offer clear direction to city staff and to the budget committee as to how the new program or policy is to be funded.

B. When the city council adopts such a program or policy, it shall indicate how it expects that program or policy will be funded; e.g., which existing taxes or fees the council expects to increase and by how much, or which current city programs or department expenditures the council expects to reduce to fund the new program or policy. However, if the council cannot reasonably identify a potential funding source, it shall so indicate.

C. As used in this section 2.04.095, the term "program or policy with significant

"revenue implications" includes an ordinance or a resolution in which implementation may entail expenditures in any budget year in excess of one and one-half percent (1.5%) of the city's annual General Fund budget, and which may require increasing existing taxes or fees or imposition of new taxes or fees.

D. The provisions of this section shall not apply to extraordinary expenditures in situations of, or necessitated by, public emergencies.

(Ord 2851, added, 11/02/1999)

## **2.04.100 Rights of Citizens**

All matters of business, propositions, requests, petitions, remonstrances, or any question whatsoever which a citizens, or any society or organization of citizens, severally or by committee, may desire to present for consideration of the Council shall be reduced to writing and filed with the City Administrator for presentation to the Council. The Council shall accord a hearing to any person in explanation of the matter or business so filed and presented. Provided, however, when the floor is accorded any citizen for such purpose, the Chair may then or later notify the speaker of the amount of time which the citizen will be allowed.

(Ord. 1544, S10, 1967)

## **2.04.110 Council Meetings**

### **A. Regular Meetings**

The regular sessions of the Council shall be on the first and third Tuesdays of each and every month, unless otherwise arranged, and shall be held on the days appointed at 7 p.m. Meetings shall end no later than 10:00 p.m. unless the Council by a two-thirds vote of those present extends the meeting for one half hour. (Ord. 2729-1994)

### **B. Adjourned Meetings**

At any regular or adjourned meeting the meeting may be adjourned to a later date by a majority vote of the Council. In the event any regular meeting is adjourned to call of the Mayor, the Mayor may call an adjourned meeting at such time as the Mayor may designate upon having each Councilor notified personally, or in writing, at least thirty-six (36) hours in advance of the time and place of such adjourned meeting. Any City business may be acted upon at an adjourned meeting.

### **C. Special Meetings**

A special meeting may be called either by the Mayor or two (2) members of the Council. Written notice of the time and place of such special meeting and the subjects to be acted upon shall be delivered in writing to all members of the

Council at least thirty-six (36) hours in advance of the time of said meeting, and the Council may consider and act only upon such matters as contained in the written notice.

**D. Study Sessions** The Mayor or two (2) members of the Council may call a study session at any time for the purpose of informing members of the Council as to City affairs. At such study sessions no decisions may be made or action taken either formally or informally by the Council. (Ord. 1544, S11, 1967)

#### **2.04.120 Reconsidering a Vote**

A motion to reconsider a vote can be made only once and at the session at which the motion or matter was adopted, or at the next meeting of the Council, provided that no vote to reconsider shall be made after the ordinance, resolution, or act shall have gone out of the possession of the Council. (Ord. 1544, S12, 1967)

#### **2.04.130 Conducting a Meeting**

Robert's Rules of Order shall be authority for the government of the Council during its sessions, when not in conflict with the City Charter and these code rules. (Ord. 1544 S13, 1967).

#### **2.04.140 Membership on Ashland Budget Committee**

For the purpose of local budget law, the Mayor is a member of the governing body of the City of Ashland. (Ord. 2501, 1989).

### **2.28 Administrative and Operating Departments**

#### **2.28.010 Title**

This chapter shall be known as "the organization ordinance", and shall be referred to as such.

(Ord. 1399 S34, 1965)

#### **2.28.020 City Administrator - Department Created**

A City Administrator Department is created, under the direct control and management of the City Administrator, and shall consist of the City Administrator, the employees provided for by the position classification plan or

a position ordinance, and such other employees as the City Administrator may assign to said Department.

(Ord. 1399 S1, 1965)

### **2.28.030 City Administrator - Duties - Generally**

The City Administrator shall have the duties, responsibilities, authorities, and jurisdictions provided by the City Charter, the ordinances and resolutions adopted by the Council, and the laws of the state wherein they relate to the administration of the City. With City Council acknowledgment, the City Administrator is hereby empowered to make such rules and regulations for the conduct of the various administrative departments of the City as may be deemed necessary from time to time.

(Ord. 1399 S2, 1965)

### **2.28.040 City Administrator - Administrative Responsibilities**

The City Administrator shall have responsibility for the general administrative coordination of all City departments except for those officers and employees of the Parks Department. The City Administrator shall have the right to submit recommendations to the Mayor, with confirmation by the City Council, as to the appointment or dismissal of any principal officer or Department head. The Mayor and City Council, City Administrator, or the appropriate Department head may directly appoint or dismiss any subordinate employee.

(Ord. 1399 S3, 1965; Ord 2826 S1, 1998)

### **2.28.050 City Administrator - Ex Officio Officer**

(Ord. 1399 S4, 1965; Ord. 2251 S3, 1983; Ord. 2267 S1, 1983; Repealed Ord. 2813, 1998)

### **2.28.060 Cemetery Department - Created**

A Cemetery Department is hereby created which is under the direction of the Director of Finance and Administrative Services, and consists of such employees authorized by the position classification plan or City budget, and such other employees as the City Administrator may assign to said Department.

(Ord. 1399 S5, 1965; Ord. 2251 S1, 1983)

## **2.28.070 Cemetery Department - Functions**

The functions of the Cemetery Department are the sale or other disposition of places of burial under control of said Department; the maintenance and care of all cemetery grounds, equipment, mausoleums and structures; the preparation and maintenance of accurate records of all burials; and the disposition of human remains in the manner provided by State law.

(Ord. 1399 S6, 1965; Ord. 2251 S2, 1983)

## **2.28.080 Electric Utilities Department - Created**

An Electric Utilities Department is created which is under the direction of the Director of Electric Utilities, and consists of such employees authorized by the position classification plan or City budget, and such other employees as the City Administrator may assign to said Department.

(Ord. 1399 S7, 1965; Ord. 2251 S4, 1983)

## **2.28.090 Electric Utilities Department - Director**

The Director of Electric Utilities, subject to the approval of the City Administrator and City Council, shall organize and maintain such divisions in said Department as the operation may, in the judgment of the Director, require. The Director of Electric Utilities shall be responsible for the general supervision and control of all divisions of said Department and for the performance of the functions herein assigned to said Department.

(Ord. 1399 S8, 1965)

## **2.28.100 Electric Utilities Department - Functions**

The functions of the Electric Utilities Department are the construction, operation, and maintenance of the electric distribution system; the installation of all new lines, services and meters; the maintenance of the hydro-generation plant; the preparation and submission of proposed work programs including estimates of cost; the installation, maintenance and operation of all electrical equipment and facilities of the City; and the implementation of programs for energy conservation required by state or federal law, or as approved by the City Council.

(Ord. 1399 S9, 1965; Ord. 2251 S5, 1983)

## **2.28.110 Finance Department**

Created as 2.22, editorially altered per request of the City Attorney dated 9/5/73 (Exhibit D); prior ordinance history: Ordinance 1399 S10, S11 and S12.

A Finance Department is created which is under the direction of the Director of Finance, and consists of such employees authorized by the position classification plan or City budget, and such other employees as the City Administrator may assign to said Department.

(Ord. 1399 S10, 1965; Ord. 2259 S1, 1983)

### **2.28.120 Finance Director and Administrative Svcs - Duties**

The Director of Finance, subject to the approval of the City Administrator and City Council, shall organize and maintain such divisions in said Department as the operation may, in the judgment of the Director, require. The Director of Finance shall be responsible for the general supervision and control of all divisions of said Department and for the performance of the functions herein assigned to said Department.

(Ord. 1399 S11, 1965; Ord. 2259 S2, 1983)

### **2.28.130 Finance Department - Functions**

**The functions of the Finance Department are**

- the administration and collection of various City taxes, licenses, and permits and the administration of ordinances and state laws applicable thereto;
- the receipt and safekeeping of all City money;
- preparation and control of the City budget;
- procurement of materials, supplies, equipment and services for all departments, except the Parks and Recreation Commission;
- receipt, storage and issuance of supplies, materials and equipment; the disposal of surplus property;
- fiscal and property accounting for all departments except the Ashland Parks and Recreation Commission;
- data processing;
- financial estimating, planning and programming;
- billing and collecting;
- investment of temporarily idle funds in cooperation with the City Recorder;
- dispatching of utility connect and disconnect orders;
- risk management and insurance administration; operation of the switchboard;
- coordination of the cleaning, maintenance and repair of all public buildings belonging to the City used for general administrative purposes;

- establishing and operating a centralized warehouse;
- general administration and control of the Cemetery Department;
- the performance of all duties prescribed by the City Charter and ordinances and the laws of the State for those officers and officials included in the Finance Department;
- and the performance of such other functions as may be assigned by the City Administrator or prescribed by the City Council.

(Ord. 1399 S12, 1965; Ord. 2551 S6, 1983; Ord. 2259 S3, 1983; Ord. 2826 S2, 1998)

#### **2.28.140 Fire Department - Created**

A Fire Department is hereby created which is under the direction of the Fire Chief, and consists of such employees provided for by the position classification plan or City budget, and such other employees as the City Administrator may assign to said Department.

(Ord. 1399 S13, 1965; Ord. 2265 S1, 1983)

#### **2.28.150 Fire Chief - Duties**

The Fire Chief, subject to the approval of the City Administrator and City Council, shall organize and maintain such divisions in said Department as the operations may, in the judgment of the Fire Chief, require.

The Fire Chief shall be responsible for the supervision and control of all divisions of said Department and for the performance of the functions herein assigned to said Department.

The Fire Chief shall have control and management of all officers, members, equipment, and functions of the Fire Department.

The Fire Chief shall have authority to adopt rules and regulations for the administration, discipline, equipment, and uniforms of members and officers of the Department, fixing the powers and duties and prescribing penalties for violations of any such rules and regulations and providing for their enforcement.

(Ord. 1399 S14, 1965)

#### **2.28.160 Fire Department - Functions**

The functions of the Fire Department are the prevention and extinguishment of

fires;

The enforcement of all laws and ordinances relating to the prevention and extinguishment of fires and storage, sale, and use of oils, combustible materials and explosives;

The investigation of the causes of all fires and the reporting of the same to the Police Department in all cases where there is reason to believe that any fire is the result of a crime or that a crime has been committed in connection therewith;

The inspection of all hydrants, stand pipes, and other water supply systems;

The performance of disaster and mutual aid services in accordance with approved plans or agreements; the performance of such other functions as may be assigned by the City Administrator or prescribed by ordinance of the City Council or by applicable State law.

(Ord. 1399 S15, 1965; Ord. 2246 S1, 1983)

### **2.28.170 Fire Department - Additional Duties**

In addition to the performance of their regular and ordinary duties, it shall be the duty of all members of the Fire Department, at all times and under all circumstances, to go to the aid of all persons in distress or danger and render them such help and assistance as lies within their power and to perform any and all other duties when ordered by the Fire Chief.

In case any member of the Fire Department is injured while rendering such additional services, the employee shall be deemed to be injured in the course of employment.

(Ord. 1399 S16, 1965; Ord. 2266 S2, 1983)

### **2.28.180 Municipal Court Department - Created**

A Municipal Court Department is hereby created which is under the direction of the elected Municipal Judge, and consists of such employees provided for by the position classification plan or City budget, and such other employees as the City Administrator may assign to said Department.

(Ord. 1399 S17, 1965; Ord. 2266 S3, 1983)

### **2.28.190 Municipal Judge Jurisdiction and Powers**

The Municipal Judge shall be the judicial officer for the City and shall have jurisdiction over all violations of City ordinances, the City Charter, and infractions, violations and misdemeanors described in the Oregon Revised Statutes occurring within the City.

The Municipal Judge, in exercising this jurisdiction, shall have all the powers of a circuit court judge set forth in the Oregon Revised Statutes.

For any case involving an infraction, other than a traffic infraction, where it appears on the face of one or more pleadings, appearances or motions, that the underlying dispute between the complainant and defendant could be resolved through mediation, the court shall have the authority to refer the matter for mediation prior to or concurrent with the setting of the matter for trial.

The purpose of the mediation shall be to assist the complainant and defendant in resolving the dispute leading to the alleged infraction instead of litigating those issues before the court. The mediator shall report to the court the outcome of the mediation at the conclusion of the mediation proceeding. The mediator shall report in writing to the court any agreement reached by the parties as a result of the mediation, and if the municipal judge approves, the agreement shall be incorporated in the order disposing of the case. If the parties do not reach an agreement, the mediator shall report that fact to the court and may make a recommendation to the court as to disposition of the case.

The municipal judge shall have the authority to dismiss any case in which the complainant fails or refuses to participate in mediation. The municipal judge shall have the authority to compel the defendant to participate in mediation, and any defendant who wilfully fails or refuses to participate in mediation after being ordered to do so may be cited for contempt in the manner provided by law.

The municipal judge shall have the authority to require the defendant and complainant to agree to comply with any order disposing of the case that incorporates the outcome of the mediation. If the complainant fails or refuses to agree to comply with such order, the municipal judge shall have the authority to dismiss the case. Any defendant who wilfully fails or refuses to agree to comply with such order after being ordered to do so may be cited for contempt in the manner provided by law.

(Ord 2820, S1, 1998)

## **2.28.200 Municipal Judge--Pro tempore**

The Mayor, with confirmation by the City Council, shall appoint a Municipal Judge Pro tempore, who shall serve as Municipal Judge in the absence from the

City of the elected Municipal Judge, or due to the inability of said elected Judge to serve. The Municipal Judge shall have a right to submit recommendations as to the appointment or dismissal of the Municipal Judge Pro tempore, however, this shall not limit the Mayor's power to appoint or dismiss. The Municipal Judge Pro tempore shall be employed at the expense of the City upon such terms as are prescribed by the Council or City Administrator.

(Ord. 1399 S19, 1965; Ord. 2266 S5, 1983; Ord. 2268, 1983)

### **2.28.210 Municipal Judge--Records**

The Municipal Judge shall keep on file in the Municipal Court office all written communications and opinions, decisions, briefs and papers used in cases wherein the Judge presides. The Municipal Judge shall deliver all books, records, papers, documents and property of every description belonging to the City to his/her successor in office.

(Ord. 1399 S20, 1965)

### **2.28.215 Municipal Judge--Parking Violations**

The Municipal Judge is authorized to assign any and all parking violations issued to persons residing outside the City limits of Ashland to a collection agency or agencies for collection of the penalty provided for such violations. The penalties for parking violations as provided in the Ashland Municipal Code shall be enhanced in each case when the defendant fails to appear or post bail within the time required by the citation as follows:

- A. When the defendant fails to appear or post bail within seven (7) days of the due date thereof, the penalty shall increase by Ten Dollars (\$10.00).
- B. When the defendant fails to appear or post bail within thirty (30) days of the due date thereof, the penalty shall increase by Thirty Dollars (\$30.00).
- C. When the defendant fails to appear or post bail within fifty (50) days of the due date thereof, the penalty shall increase by Fifty Dollars (\$50.00).

(Ord. 2047, 1979)

### **2.28.220 City Attorney--Created**

A Legal Department is hereby created which shall be under the direction of the City Attorney, and shall consist of such employees provided for by the position classification plan or City budget, and such other employees as the City

Administrator may assign to said Department.

(Ord. 1339 S21, 1965; Ord. 2266 S6, 1983)

### **2.28.230 City Attorney--Duties--Legal**

The City Attorney shall prosecute and defend for the City all actions at law or in equity, and all special proceedings for or against the City. The City Attorney shall commence any legal proceedings when directed to do so by the City Administrator or City Council, and shall give legal advise, in writing, to the Mayor, the Council, the City Administrator, Department heads, and Boards and Commissions when requested to do so by them, upon questions of law arising in their separate Departments involving the rights and liabilities of the City. The City Attorney shall not settle or dismiss any litigation for or against the City or take an appeal to any appellate court unless instructed to do so by the City Administrator or City Council.

(Ord. 1399 S22, 1965; Ord. 2266 S7, 1983)

### **2.28.240 City Attorney--Duties--Responsibility to Council**

The City Attorney shall draw such ordinances, resolutions and contracts, or other instruments, as shall be requested by the Council or the City Administrator, and shall attend the meetings of the Council when requested to do so by the Mayor, the Council or the City Administrator.

(Ord. 1399 S23, 1965; Ord. 2266 S5, 1983)

### **2.28.250 City Attorney--Substitute Counsel**

Whenever, in the opinion of the City Attorney, the City Administrator, or the City Council, the interests of the City require it, assistant or substitute counsel may be employed at the expense of the City, upon such terms as are prescribed by the Council or City Administrator.

(Ord. 1399 S24, 1965)

### **2.28.260 City Attorney--Records**

The City Attorney shall keep on file in his\her office all written communications and opinions, briefs and papers used in cases wherein he\she appears. The City Attorney shall deliver all books, records, papers, documents, and property of every description belonging to the City to his\her successor in office.

(Ord. 1399 S25, 1965)

### **2.28.270 City Attorney--Ex officio Duties**

With respect to criminal proceedings in the Municipal Court, the City Attorney shall be the Ex officio prosecuting attorney whenever the defendant is represented by an attorney. In all other criminal proceedings in the Municipal Court, the City Attorney shall consult and assist the officer involved or represent the City when the case is of unusual complexity or contains unusual difficulties as determined by the officer involved, and the Chief of Police, or a designee.

(Ord. 1399 S26, 1965; Ord. 2156 S1, 1981)

### **2.28.280 Police Department--Created**

A Police Department is hereby created which is under the direction of the Chief of Police, and consists of such employees provided for by the position classification plan or City budget, and such other employees as the City Administrator may assign to said Department.

(Ord. 1399 S27, 1965; Ord. 2266 S9, 1983)

### **2.28.290 Police Chief--Duties**

The Chief of Police, subject to the approval of the City Administrator and City Council, shall organize and maintain such divisions in said Department as the operations may, in the judgment of the Chief, require, and shall be responsible for the supervision and control of all divisions of said Department and for performance of the functions herein assigned to said Department. The Chief of Police shall, in the lawful exercise of the duties of Police Chief, and subject to the provisions of the City Charter, have all the powers that are now or hereafter may be conferred upon sheriffs by the laws of the State, and shall be entitled to the same protection.

(Ord. 1399 S28, 1965; Ord. 2266 S10, 1983)

### **2.28.300 Police Chief--Department Administration**

The Chief of Police shall have authority to adopt rules and regulations for the administration, discipline, equipment and uniforms of the members and officers of the Department, fixing powers and duties and prescribing penalties for violations of any such rules and regulations, and providing for their enforcement.

(Ord. 1399 S29, 1965)

### **2.28.310 Police Department--Functions**

The functions of the Police Department are the maintenance of law and order in the City; the enforcement in the City of all laws of the United States and of the State, and all ordinances of the City, except when such enforcement is by such law, ordinance or charter of the City made the responsibility of another officer or Department, or when such enforcement is the responsibility of a State or Federal agency or officer; the administration of the City lockup and the care, custody and control of prisoners; the performance of such other functions as may be assigned by the City Administrator or prescribed by ordinance of the Council or by applicable State law.

(Ord. 1399 S30, 1965; Ord. 2266 S11, 1983)

### **2.28.320 Public Works Department--Created**

A Public Works Department is hereby created which is under the direction of the Director of Public Works, and consists of such employees provided for in the position classification plan or a City budget, and such other employees as may be assigned by the City Administrator to said Department.

(Ord. 1399 S31, 1965; Ord. 2259 S4, 1983)

### **2.28.330 Public Works Director--Duties**

The Director of Public Works, subject to the approval of the City Administrator and City Council, shall organize and maintain such divisions in said Department as the operations may, in the judgement of the Director, require and shall be responsible for the supervision and control of all divisions of said Department and for the functions herein assigned to said Department. The Director of Public Works shall be ex officio City Engineer, ex officio Street Commissioner, and ex officio Water Superintendent.

(Ord. 1399 S32, 1965; Ord. 2259 S5, 1983)

### **2.28.340 Public Works Department--Functions**

The functions of the Public Works Department are the construction and maintenance of all streets, alleys, sidewalks, paths, bike paths, rights-of-way, and courts now open or which hereafter may be opened; the cleaning of streets; the construction, maintenance, and operation of the sewer and storm drain

systems; the maintenance and operation of the sewage disposal plant; the construction, maintenance and operation of the water distribution systems, the maintenance and operation of the water filtration plant; the supervision of all work done on streets, alleys, or other public ways, land, buildings, or other structures by anyone other than the City; supervision of the repair and maintenance of all motor equipment of the City, except equipment of the Parks and Recreation Commission; the performance of traffic engineering; the planning, improvement and maintenance of the Ashland Municipal Airport; the performance of all phases of engineering work required in connection with all the functions of said Department; the keeping of records of all surveys and measurements made, which records shall be open for public inspection.

(Ord. 1399 S33, 1965; Ord. 2246 S2, 1983; Ord. 2251 S7, 1983; Ord. 2259 S6, 1983; Ord. 2826 S3, 1998)

### **2.28.350 Community Development Department--Created**

A Community Development Department is hereby created which is under the direction of the Director of Planning, and consists of such employees provided for by the position classification plan or City budget, and such other employees as the City Administrator may assign to said Department.

### **2.28.352 Director of Planning--Duties**

The Director of Planning, subject to the approval of the City Administrator and City Council, shall organize and maintain such divisions in said Department as the operation may, in the judgement of the Director, require, and shall be responsible for the supervision and control of all divisions of said Department and for the performance of the functions herein assigned to said Department. The Director of Planning shall be the ex officio Secretary to the Planning Commission, Historic Commission, Economic Development Commission, and Citizens Planning Advisory Committee.

### **2.28.354 Community Development Department--Functions**

The functions of the Community Development Department are the preparation and maintenance of the Comprehensive Land Use Plan of the City as required by State Law; the preparation of ordinances, policies, maps and studies implementing said plan; the processing of applications for planning actions set forth in Title 18 of this Code; with the assistance of the Police Department, the enforcement of all laws, ordinances and regulations governing the erection and occupancy of buildings and structures, and the alteration of or additions to buildings and structures as required in Title 15 of this code; with the assistance of the Police Department, the enforcement of all laws and ordinances governing

zoning and land-use as set forth in Title 18 of this code; and the development and implementation of energy conservation programs as may be approved by the City Administrator or City Council.

(Ord. 2246 S3, 2983)

### **2.28.360 Department and Division Duties--Generally**

The officers and employees of the divisions and departments shall perform such other duties as may be required of them by the City Charter, laws or ordinances of the City, and such other or further duties as may be required from time to time by the person having direct charge of the division or Department, or by the City Administrator, or the City Council.

(Ord. 1399 S35, 1965)

## **STRUCTURE OF GOVERNMENT**

### **ALTERNATIVES IN SUMMARY** **(April 14, 2005)**

- **THE STATUS QUO**

The present Ashland City charter provides for a voter-elected **Mayor** who serves as the executive officer of the City. In this structure, considerable power is vested in the Mayor, who has oversight and authority over much of the administrative functions of the City. This includes, in consultation with the Council, the hiring and dismissal authority over the City Administrator, department heads and subordinate employees. The Mayor presides over Council meetings, votes only in case of a tie vote, and has veto authority. The Mayor appoints members to committees and commissions.

Ashland has a **City Administrator** who is responsible to the Mayor and Council to manage the administrative functions of the City to effectively deliver services to the citizens. The City Administrator has authority to hire and dismiss subordinate employees, but not department heads.

The **City Council** is composed of six (6) Councilors, each elected by the citizens, to establish City policies, adopt ordinances and to guide, in concert with the Mayor, the City Administrator in implementing such policies and ordinances. The Council approves the City budget, and with a two-thirds vote, may override a mayoral veto.

- **THE MODEL**

This alternative is based entirely on the Model Charter for Oregon Cities, created by the League of Oregon Cities in 2002, and which gives considerable power to the Council. In this alternative, the **Mayor** is elected by the citizens and serves as the political head of the City government. The Mayor appoints, with consent of the Council, members to committees and commissions, presides over Council meetings, votes with the Council and has no veto authority.

This form of government provides for a **City Manager** who is hired (and dismissed) by the Council and who is the administrative head of the government. The Manager is responsible for all administrative functions of the City with authority to hire and dismiss all employees.

Importantly, the Manager is responsible to the Council for

the effective implementation of policies and ordinances established by the Council.

The **Council** is the legislative head of the government and much of the power in this structure is vested in the Council. The Council is composed of six (6) elected councilors and the Mayor, who is a voting member of the Council. The Council establishes policy and adopts ordinances and is responsible for the hiring, performance and, if necessary, dismissal of the City Manager, the City Attorney and Municipal Judge. The Council approves the City budget and approves the appointment of members to committees and commissions.

- **THE HYBRID**

The hybrid structure establishes a Mayor-Council partnership, with a sharing of power and influence in establishing policy. A team arrangement consisting of the Mayor, Council and City Manager attempts to achieve a balance of responsibilities and authorities.

The **Mayor** is an elected official and serves as the political head of the City government. In concert with the Council, and with citizen input, he/she develops a vision for the City. The Mayor presides over Council meetings, votes in the event of a tie and has veto authority, and with Council consent, appoints members of committees and commissions.

This structure provides for a **City Manager** who serves as the administrative head of the City government and is responsible to the Mayor and Council for proper administration of all City business, including City utilities and property. The City Manager carries out the policies and ordinances established by the Council, and prepares and administers the City budget.

In this structure the **Council**, consisting of six (6) Councilors, is the legislative head of the City government. The Council appoints (and dismisses) the City Manager and City Attorney, approves the City Budget, maintains oversight of City operations and approves Mayor-appointments to committees and commissions.

## Mayoral Duties and City Manager Duties

### List of Mayoral Duties to be included in Model Charter

#### Article IV-Mayor

##### Section 2 Powers and Duties

The mayor serves as the political head of city government, and is a voting member of the council. The mayor must:

- (1) Preside over and facilitate council meetings, preserve order, enforce council rules, and determine the order of business under council rules.
- (2) With consent of council, appoint members of commissions, boards and committees established by ordinance or resolution.
- (3) Sign all records of council decisions.
- (4) Prepare and deliver an annual state of the community report to the council and city.
- (5) Appoint council chairs and committee members and assigns matters to committees.
- (6) Present the proposed budget to the council with comments and questions for consideration.
- (7) Cooperate with the manager in coordinating and facilitating communication among elected officials, governmental staff, and members of the public.
- (8) Guide the setting of goals and the development and implementation of policies that improve community well being and service delivery.
- (9) Promote and defend the city, and handle the external relationships of the city.
- (10) Initiate and conduct an evaluation of the city manager and city attorney annually or as needed.

### List of City Manager Duties included in Model Charter

##### Section 33 (e)

The manager must:

- (1) Attend all council meetings unless excused by the mayor or council;
- (2) Make reports and recommendations to the mayor and council about the needs of the city;
- (3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
- (4) Appoint, supervise and remove city employees;
- (5) Organize city departments and administrative structure;
- (6) Prepare and administer the annual city budget
- (7) Administer city utilities and property
- (8) Encourage and support regional and intergovernmental cooperation;
- (9) Promote cooperation among the council, staff and citizens in developing city policies and building a sense of community
- (10) Perform other duties as directed by the council;
- (11) Delegate duties, but remain responsible for acts of all subordinates

**4/20/2005 Recap of Characteristics of Government from April 7<sup>th</sup> Forum**

**What characteristics should government embody in order to effectively serve the public interest and deliver public service?**

Group 1	Group 2	Group 3	Group 4
Accountable	Transparency	Open Government	Transparency
Responsible	Open to communication – available to listen	No conflict of interest (see state law)	Common Good
Ethical	Able to explain obscure concepts	Honest/Responsible	Citizen participation
Clearly divide policy-making from administration	Rise above interest groups in the electorate	Knowledgeable/Intelligent	Reflect traditions and preserve future
Serve the whole community	Promote public involvement	Receptive/Open minded	Charter should be limited and specific in its powers
Be visionary	Seek the good of the whole not special interests	Efficient/Accountable	System of accountability
Represent the electorate	Keep power close to the people	Fiscally Responsible	Organizational structure should support public interest
Knowledgeable	Ethical standards beyond legal requirements	Accessible	Clarify city involvement regarding land use
Effective two way communication between elected and electorate	Fairness, equality among residents	Professionally Staffed	Protect city resources
Effective and efficient	Impartiality Nimble enough to respond to change Overall long term vision Security and safety from sidewalks to terrorism Open to new ideas Collective will	No Nepotism Communicate fully and objectively Social equity Concern for individual rights Encourages participation by Public	Consider direct democracy Collaborative and cooperative Honest/Ethical No conflict of interest Effective use of

			<p>two way technology Periodic review of charter every 10 years</p>
--	--	--	---

**Regarding: Power of Appointment  
of Members of City Committees and Commissions  
(Minority Opinion by Michael Riedeman)**

The Charter Review Committee (CRC) voted to recommend that the mayor, alone, should continue to propose and appoint members of committees and commissions with council's approval. I write to express that I do not concur with the CRC's vote on this matter. In my review, I would foresee no detrimental effect by allowing council members, in addition to the mayor, to formally propose members of city commissions and committees. I feel it would be beneficial to gain the more diverse input by council members having the formal power to propose committee members rather than merely ratifying those chosen by the mayor alone. At our public forum with about seventy participants contributing opinions on this and many other issues, a large majority of participants expressed a preference for allowing councilors, in addition to the mayor, to be allowed to propose Planning Commission members. At that forum the topic was framed regarding the appointment Planning Commission members only, yet many citizens expressed that they felt this process should apply to all committees and commissions. I share this view.

The CRC later hosted roundtable public forum between citizens and committee members with an estimated ten citizens present, which yielded similar results to the larger forum. Alternative 2 below receive 9 votes from the non-committee citizens in attendance, alternative 3 received one vote, and alternatives 1 and 4 received no votes.

Issue: Appointment of Commission and Committee members

The 4 alternatives for this issue were explained as follow:

1. *The Mayor* proposes and appoints members of the committees and commissions with Council confirmation,
2. **Council and Mayor together propose and appoint members of committees and commissions,**
3. Mayor proposes and appoints members of committees and commission, *except the Planning Commission*, with Council confirmation. Council and Mayor together propose and appoint members of the Planning Commission,
4. *Council* proposes and appoints all commission and committee members.

Some of the comments made during the roundtable discussion included:

- The Mayor and the Council together should make the appointments.
- It would be helpful if the Council could have a role in selecting the candidates and then have the Mayor make his appointments.
- The Council does not have the knowledge or depth of experience of what the goals are needed to make the appointments.

- I support option 3 because it separates out the Planning Commission appointments.
- Why pull out the Planning Commission? We are just reacting to headlines and it is not appropriate to single out one group just because that is the hot topic of the day.
- The appeals to the Planning Commission decisions should be made to a hearings officer, not the Council.

Here were the opinions captured on poster sheets at the larger public forum:

<b>Planning Commission: allow council to propose appointees also?</b>	
<b>favor mayor-only appointment</b>	<b>favor council+mayor appointment</b>
now council gives input, simplifies the process	a bigger pool of selectors is good
present system makes sense	all councilors should be allowed to select
this creates more accountability	allowing councilors to appoint would tap into councilors' expertise
<b>whole group says keep the current system</b>	always a lack of candidates
	any one person has a specific agenda
	appointments should be a consensus
	charter should not be left to current mayor
	council should have approval
	council should make nominations
	council should share the power
	councilor involvement in the selection process would be a good thing
	councilor point of view is important in selection
	councilors would be more likely to draw a larger pool of names
	cronyism
	each councilor should have an opportunity to appoint
	if council says no, you lose a month
	if councilors can also propose PC members, there is more of a chance of member approval
	increases accountability
	mayor having sole power to appoint does not make sense
	mayor's point of view may be too narrow
	needs to be more than one selector
	open selection allows the whole public to know members
	take it away from the mayor
	this would bring more candidates
	this would spread out and diversify power
	we need more to choose candidates
	<b>whole group for all council appoints</b>
	<b>whole group for all council appoints</b>
	<b>whole group for all council appoints</b>

why not allow councilors to select?

---

Respectfully submitted,

Michael Riedeman

## Appendix IV

### Council Election Materials

- a. White papers
- b. Topic Discussion paper
- c. Memo from City Attorney Mike Franell
- d. Instant Run-off Voting (IRV) (non-committee member Pam Vavra)
- e. Divergent Opinion – Michael Riedeman
- f. Minority Report – Hal Cloer

## **Charter Review Committee**

---

### **Number of City Councilors**

---

Date: January 5, 2005

Sub Committee Member: Michael Riedeman, Keith Massie, Hal Cloer

#### **Issue Statement:**

*Should the number of city councilors remain six or should it change to another number?*

#### **Background:**

In Charter Review Committee discussions it was noted that with six councilors, it takes the same number of council votes to pass an ordinance by majority (four votes) as it takes to over-rule a mayoral veto by a two-thirds vote (also four votes). Also a study published by the League of Oregon cities indicates that various Oregon cities have between and five and eight council members. As a result of these observations, Michael Riedeman proposed the Charter Review Committee engage in some discussion to determine what number of councilors may best serve the city.

#### **Budget Implications:**

Fewer councilors may save the city expenses related to salary or benefits for councilors. More councilors may increase the city expenses related to salary or benefits for councilors.

#### **Pros and Cons:**

*The number of council members affects the number and percentage of councilor support*

*needed for a majority or a two-thirds veto over-ride as follow:*

<i>Number of</i>	<i>2/3 Veto</i>	<i>Majority of Lowest</i>
------------------	-----------------	---------------------------

<i>Councilors</i>	<i>Majority</i>	<i>Over-ride</i>	<i>Possible Quorum</i>
-------------------	-----------------	------------------	------------------------

5	3 (60%)	4 (80%)	2 or 3?
---	---------	---------	---------

6	4 (67%)	4 (67%)	3
---	---------	---------	---

7	4 (57%)	5 (71%)	3
8	5 (63%)	6 (75%)	3 or 4?

*So among these four options it should be hardest to pass an ordinance with six councilors and easiest with seven councilors. Also it should be hardest to over-ride a veto with five councilors and easiest to over-ride a veto with six councilors (in fact, with six councilors, if no councilor changes their vote after a veto it is a given that a veto will be over-ridden).*

*With six councilors, a mayoral veto holds little political authority, except that it may indicate a mayor's desire that council members voting affirmatively should reconsider their votes, and it would allow councilors further time for such reflection. With five, seven, or eight councilors, one more vote would be required to over-ride a mayoral veto. Therefore each of these three configurations gives the mayor more power than with six councilors.*

*Theoretically, the fewer councilors the more focused and concise council discussions may be, and it may be argued that council business could proceed more expeditiously. Conversely, more councilors should increase the diversity of council opinion and insight into the many complex issues city councilors must decide upon.*

*Proposing a reduction of the number of councilors may give voters a sense that they have less input into electing councilors of their choice, or it may somewhat increase the familiarity or visibility of elected councilors. Contrarily, proposing an increase in the number of councilors may give voters a greater sense of input into electing councilors, or it may dilute their awareness of who the various councilors are and what they stand for.*

*Regarding Oregon cities with populations between 13,000 and 29,000 citizens cited in the League report: one has five city councilors; five others have six councilors; none have seven councilors; and four have eight councilors. Here's the breakdown:*

<u>City</u>	<u>Population</u>	<u>Councilors</u>	<u># of Wards</u>	<u>Seats/Ward</u>	<u>At-large</u>	<u># of City</u>	<u># Elected</u>
<i>Lebanon</i>	<i>13,110</i>	<i>6</i>	<i>3</i>	<i>2</i>	<i>0</i>		
<i>Central Point</i>	<i>14,120</i>	<i>6</i>	<i>4</i>	<i>1</i>	<i>2</i>		
<i>Hermiston</i>	<i>14,120</i>	<i>8</i>	<i>4</i>	<i>1</i>	<i>4</i>		
<i>Pendleton</i>	<i>16,600</i>	<i>8</i>	<i>3</i>	<i>2</i>	<i>2</i>		
<i>Newberg</i>	<i>18,750</i>	<i>6</i>	<i>6</i>	<i>1</i>	<i>0</i>		
<b><i>Ashland</i></b>	<b><i>19,522</i></b>	<b><i>6</i></b>	<b><i>0</i></b>	<b><i>--</i></b>	<b><i>6</i></b>		
<i>Klamath Falls</i>	<i>19,680</i>	<i>5</i>	<i>5</i>	<i>1</i>	<i>0</i>		
<i>Roseburg</i>	<i>20,170</i>	<i>8</i>	<i>4</i>	<i>2</i>	<i>0</i>		

<i>Woodburn</i>	20,860	6	6	1	0
<i>Grants Pass</i>	23,870	8	4	2	0
<i>McMinnville</i>	28,200	6	3	2	0

*Note: If the Charter Review Committee decides in favor of some elections by ward, the number of councilors desirable could be impacted by the mapping of the city into wards.*

## **Summary:**

The Charter Review Committee must evaluate several factors:

1. *The number and percentage of council votes desired for a majority vote to pass an ordinance.*
2. *Whether a mayoral veto should hold more or less political authority (as affected by the number and percentage of votes required for a two-thirds vote to over-ride a veto.)*
3. *The number of council voices that would best balance expediency of discussions with diversity of ideas and opinions.*
4. *The number of council members that would allow voters the optimal diversity of input while maintaining voters' familiarity with councilors.*
5. *If the Charter Review Committee decides upon instituting a councilor election by wards, they should then determine how this would influence the number of councilors desired.*

## **Resource for this Report:**

“Ward Electoral Systems in Oregon Cities” by John Rehfuss, September 2003,  
<http://www.orcities.org/webdocs/wards.Rehfuss.pdf>

## **Charter Review Committee**

---

### **Term Limits**

---

Date: January, 2005

Sub Committee Members: Hal Cloer, Michael Riedeman, Keith Massie

#### **Issue Statement:**

Should the Mayor and City Councilors have a maximum number of terms that they can serve?

#### **Pros and Cons:**

##### **PROS:**

1. Long term incumbents may have unfair advantage in re-election.
2. More frequent turnover in political leadership allows for new ideas and less entrenched city government.

##### **CONS**

1. Loss of experience
2. Increased training of elected officials
3. Regular elections already serve as a form of term limits
4. Can lead to more influence for lobbyists
5. Potential loss of committed experienced politicians

#### **Budget Implications:**

None

#### **Background:**

A largely underestimated component of the term limits movement is local limits. At the municipal level, term limits have spread silently but steadily across the country. From Florida to Alaska, from New York to California, over 58 million Americans live in localities with limits of various sorts, and more than 17,000 politicians serve in 2,890 term limited cities, counties and towns. Virtually everywhere voters are given the chance; they pass measures to limit the terms of city officials. *By Danielle Fagre (Former Research Director of the U.S. Term Limits Foundation)*

#### **Summary:**

1. Is there a problem in the City of Ashland that term limits would solve?
2. Would term limits benefit the City or would the loss of experience outweigh any potential benefits?
3. What would the length of term limits be?

## **Charter Review Committee**

---

### Council Wards

---

Date: Revised January, 2005

Sub Committee Members: Hal Cloer, Michael Riedeman, Keith Massie

#### **Issue Statement:**

*Should City Councilors be elected by wards? Should Councilors be elected at-large, or by specific position?*

#### **Pros and Cons:**

##### PROS

1. Can lead to more representative government
2. Ward elections can ensure more minority representation
3. Ward elections can ensure neighborhood concerns are heard
4. Permits more effective canvassing by political candidates

##### CONS

6. Not as relevant an issue for smaller cities
7. Difficulty in determining the boundaries of wards
8. Ashland's councilors generally come from different neighborhoods now
9. At times, it could be more difficult to find viable candidates from each ward

**Budget Implications:** None, unless special elections are held.

#### **Background:**

A ward is a division of a city or town, especially an electoral district, for administrative and representative purposes.

#### **Summary:**

1. Cities with under 20,000 population may not need wards. Also, there's no evidence that ward issues are generally important or that wards improve political participation, as far as ousting incumbents or having competitive races.

*Ward Electoral Systems in Oregon Cities*

*By John Rehfuss (John Rehfuss is a retired College Professor of Public Management.)*

*September 2003*

## **TOPIC DISCUSSION PAPER: City Council Elections**

**ISSUE STATEMENT:** How should city council members be selected?

**EXISTING CHARTER LANGUAGE:** Article 8, Section 2 of the city charter delineates the existing system that governs selection of city council members. Existing language requires council members to be elected by position number (one through six); each candidate is required to designate the number of the Council seat to which he or she aspires. A candidate may run for one position in any given election.

**Budget implications:** Periodic election costs.

**Accountability:** Council members are elected by the city as a whole and are thus accountable to all voters.

**Community/Council impacts:** Proponents argue that the existing system results in better debate and clarification of issues. Conversely, critics charge: 1) that the position system can be used to target specific minority candidates; 2) that it unnecessarily complicates the voting process and stymies a citizen's ability to support the candidates of his/her choice; and, 3) that it can allow unchallenged incumbents to avoid scrutiny.

**ALTERNATIVES:**

1. **Status quo.** Charter language remains unchanged.  
Budget, accountability and impacts as outlined above.

2. **Maintain existing position system with addition of instant voter runoff.**

**Budget:** IVR costs (voter education and election tally) would need to be absorbed by the city.

**Accountability:** As with the status quo, council members would be accountable to city-wide voters. However, IVR proponents argue that the process empowers minority candidates and thus requires candidates to be more sensitive to the range of voters.

**Community/council impacts:** Proponents argue that IVR will empower minority candidates and their issues, and perhaps encourage cooperation among candidates, both before and after the election; additionally, IVR may re-energize disenchanted voters through its requirement that the winning candidate amass at least 50% of the vote. Conversely, the complexity of IVR would require extensive voter education.

**3. Implement a city-wide ward system; candidates would be elected from six different districts apportioned within city boundaries.**

**Budget:** Ongoing election costs should vary little from the status quo; however, city will experience additional costs from initial implementation and periodic reapportionment.

**Accountability:** Council members will be accountable to specific neighborhoods and specific neighbors.

**Community/council impacts:** Proponents argue that wards allow voters to choose candidates who reflect the specific needs of a neighborhood, thus ensuring that the local agenda is represented on the council.

Conversely, critics charge that the ward system can encourage divisiveness and undermine a city-wide vision.

**4. Implement a city-wide ward system with addition of instant voter runoff.**

Budget, accountability, and impacts as outlined in options 2 and 3 above.

**5. Eliminate position system in favor of city-wide at-large election. Top vote-getters would win council seats at issue.**

**Budget:** Ongoing election costs should vary little from the status quo.

**Accountability:** Candidates/council members will be accountable to city-wide voters.

**Community/council impacts:** Proponents argue that a city-wide at large election (no positions, no wards) will simplify the voting process and enable voters to support their candidates of choice; streamlining the selection process could result in more voter participation. Additionally, an open field would require all candidates to campaign for office and actively debate the issues.



# Memo

---

DATE: April 21, 2005  
TO: Charter Review Committee  
FROM: Michael W. Franell, City Attorney  
RE: Compensation Question and IRV Question

You have requested a legal analysis of two questions for you meeting tonight.

## **Councilor Compensation**

The First Question concerns the compensation for Council under the Charter. The Ashland Charter of 1970, as amended May 23, 1978 provides in relevant part in Article 3, Section 3:

**“Section 3. Salaries** Any change in the amount of the present compensation received by elective officers, except for the Recorder and Municipal Judge, shall be submitted to the vote of the people; . . .”

You want to know whether benefits provided to Council members included in compensation, requiring submission to the voters for any change. The current compensation levels were established by an amendment to the charter in 1954 and were found in Article VI, Section 2. The relevant sections read:

"The City council shall, by ordinance, prescribe the duties of appointive and elective officers; and fix and determine their compensation and essential of qualifications (sic), and may, in its discretion, subject to the conditions heretofore stated in Section 1 of this article, remove any appointive officer at any time.

"Each councilman shall receive as compensation for his or her services a salary not exceeding \$350.00 per year, unless for extraordinary services required of them. The Mayor shall receive a salary not exceeding \$500.00 per year unless for extraordinary services required of him for which he

may be allowed such compensation as may be determined by the Council."

In that instance, compensation was established as salary. The current Charter has a section title "Salaries" before it indicates changes in compensation must be submitted to voters. Based upon this, the interpretation that has been made is the limitation of required voter approval has only been applied to actual salary given to Councilors. Benefits for Councilors have not been interpreted as being subject to the required voter approval limitation. The practice of paying for the health insurance benefits for Councilors was adopted when Ashland joined the City County Insurance Services group in the 1960s. That decision was not submitted to the voters and has not been challenged even though there have been at least two amendments to the Charter since then, one of which adopted the specific language we have in our current charter.

### **Instant Runoff Voting**

You have had several citizens indicate an interest in instant runoff voting (IRV). There has been some indication that IRV may be precluded under current state statute. You have requested an opinion as to whether or not Ashland could put a provision in its charter that would allow instant runoff voting.

The current process set forth in Article 7 of the Ashland Charter of 1970, provides in Section 1, all regular elections shall be held "at the same times and places as biennial general State elections, in accordance with applicable State election laws."

Current state statute (ORS 254.065) provides that the person receiving the highest number of votes shall be elected to office. This allows for election through only a plurality of votes.

The initial question that needs to be decided is whether the City wants to have a majority vote requirement, rather than a plurality of votes for winning an election. Without a majority vote requirement, there is no need for a run-off, and therefore no need for an "instant run-off" system.

The Oregon Constitution expressly recognizes the option of preference voting in Article II, Section 16: "Provision may be made by law for the voter's direct or indirect expression of his first, second or additional choices among the candidates for any office."

In 1913, the Oregon Supreme Court held that a city could adopt preference voting by charter. *State ex rel v. Portland*, 65 Or 273 (1913).

In 2001, the state's Director of the Elections Division (Secretary of State) issued a letter to the legal counsel for the City of Eugene, which, took the position that

preference voting (including IRV) is no longer an option for cities, regardless of Charter language that allows such voting systems. The letter reasons that since state statutes generally contemplate uniform election laws, allowing a city to establish a separate voting system would conflict with state law. The letter cites a 1988 Oregon Supreme Court case that held that a City could not require the county elections officials to place an “advisory” measure on the elections ballot. *City of Eugene v. Roberts*, 305 Or 641 (1988). The Court declined the city’s request to force the county to include an advisory measure on the ballot because a city’s home rule authority does not “empower city governments to conscript the services of county and state officials in the conduct of city business.” The letter then concludes that the preference voting question would have the same outcome.

However, I disagree with the conclusion of this letter. I believe that the City’s Charter may allow for IRV under home rule authority, but that such a system likely would be required to be developed and administered by the City, and not the County. Currently, Jackson County has no system in place for IRV. Therefore, the costs associated with developing an IRV system would likely be borne by the City. If the City were to provide a system for IRV voting, the county would not be “conscripted” by the City. The Oregon Supreme Court, in dicta, stated that a legitimate home rule question might have been presented in the *Roberts* case “had the city sought to conduct its own election on the proposed question [the advisory measure] and the defendants, under the authority of ORS 246.200, sought to prevent the city from doing so.” *City of Eugene v. Roberts*, 305 Or at 651 (1988) (emphasis added). In other words, by administering an IRV election by itself, without the aid of the county, the City may be able to legitimately implement IRV.

In conclusion, the Oregon Constitution allows city charters to allow for preference voting. Although cities may not require a county elections official to place certain items on a ballot that conflict with state elections law, a home rule city may have the authority to conduct its own IRV election. Case law implies that a city’s home rule charter may allow for a city to administer its own IRV election.

*The following was submitted to the Charter Review Committee for consideration by Pam Vavra. Vavra was not on the committee by attended many of the meetings.*

Topic Discussion Paper on Preference Voting (Version 01, 5/10/05)

Question: Should a provision adopting Preference Voting (PV) be included in the City Charter?

## EVIDENCE IN SUPPORT OF A CHARTER PROVISION ADOPTING PREFERENCE VOTING

Four recent Ashland city elections have resulted in winners receiving less than 50% of the vote (Council 2004 and 2002, Municipal Judge 2002, and Mayor 2000). Council candidates in 2002 and 2004 were elected with less than 31% AND 36% of the vote, respectively.

Substantial public support of PV (IRV in particular) has been received from groups surveyed initially, participants in public forums, email submissions, and oral testimony at Committee meetings. Notably, many individuals who expressed support are community leaders highly knowledgeable in election matters.

Ashland resident and state representative, Peter Buckley has sponsored legislation to explicitly enable preference voting at the State level; and he cited the need evidenced by recent Ashland elections and community support for it in public testimony delivered in support of that legislation.

Preference voting is consistent with the City's expressed goal of increasing participation in government in that it results in higher voter turnout and more civil campaigns. As participation increases and more candidates run for office, preference voting is needed to prevent a less desirable candidate from winning on account of multiple preferred candidates splitting the popular vote.

Several state chapters of the League of Women Voters recommend adoption of preference voting methods at all levels of government. No known LWV chapter recommends against it.

## NO LEGAL OBSTACLE PREVENTS ASHLAND FROM ADOPTING PREFERENCE VOTING

Opinions received from three practicing attorneys in the State of Oregon, including counsel for the City of Ashland, indicate that the city has the right and ability to adopt PV, despite contrary opinions expressed by non-attorney elections officials.

## COST IS NOT AN OBSTACLE

Ongoing research indicates that existing vote tabulating equipment certified by the State and in current use by Jackson County elections officials could conceivably be used to

accommodate PV, given appropriate ballot design. If so, there would be no resultant increase in cost to the City.

In the event that the above is not true, nor does the State certify software and procedures needed to accommodate PV (in time for the first election to which it would apply), it is estimated that for a city the size of Ashland, 25-30 volunteers could hand-tabulate PV-style ballots in 1-2 hours.

A non-profit organization capable of educating voters and training volunteers in the process could be contracted to do so at little or no cost to the City. By the time Ashland becomes so large in voting population to render hand-tabulation infeasible, it is likely that either the State will be able to accommodate it, or, the cost of computer-based vote tabulating equipment will be easily affordable.

#### EVIDENCE IN OPPOSITION TO A CHARTER PROVISION ADOPTING PREFERENCE VOTING

Opponents argue that PV is too confusing for voters and elections officials; but, this opinion is contrary to documented testimony from the growing number of voters and elections officials who have experienced it.

Opponents argue that PV gives an unfair advantage to certain candidates; but, this opinion is contrary to opinions by knowledgeable informed supporters who argue that the greater good is served by PV.

## Regarding: Election Systems (Majority yet Divergent Opinion by Michael Riedeman)

The Charter Review Committee (CRC) voted to recommend that the current position system for selecting council members should be eliminated in favor of city-wide, at-large elections in which the top three vote-getters win the council seats at issue. I voted in the majority on this opinion, and I write to elaborate on my recommendation more than is contained in the full report.

Most importantly I write because I feel strongly that our election systems would be best served if council would appoint an Elections Review Committee dedicated strictly to review of our city's election systems in detail. I submitted this as a motion on the CRC and it was not supported while I heard no counter-point presented regarding this recommendation. In addition, it was commonly expressed by a number of committee members that further elections review would be desirable or necessary. Should such a hypothetical committee be proposed by council, I would suggest that it should contain at least one members with expertise in statistical analysis, one with advanced understanding of algebraic math formulae, and at least one with advanced knowledge of Oregon elections law.

My preferences are summarized on page three, but to explain them, some shared understanding is necessary. So I begin by summarizing five elections methods that have arisen in committee discussions or in my personal elections studies (among the dozens which exist):

1. **Plurality Voting** (a.k.a. Winner-Take-All, First Past the Post) – Each voter gets one vote, and the candidate with the most votes wins. *This is our current voting system.*
2. **Limited Voting (SNTV)** (a.k.a. Single Non-Transferable Voting, Top-Vote-Getters Win) - Each voter gets one vote and the top vote-getters win until all seats are filled. *This is the method recommended narrowly by our charter committee.*
3. **Cumulative Voting**, Each voter gets a pre-established number of equally-weighted votes, two or more, and the top vote-getters win until all seats are filled.
4. **Single-Transferable Voting (STV)** – Voters rank their favorite candidate choices in order, up to whatever number of choices is allowed. A pre-established quota is required to win. (For three candidates it would be most common to establish a quota of 25%+1). If no candidate receives a quota among voters' first choices, the candidate with the fewest first-choice votes is eliminated and their votes get re-distributed to those voters' second choices. This method continues until all open seats are filled.
5. **Instant-Runoff Voting (IRV)** – This is the STV method as applied to single-seat elections. Voters rank their favorite candidate choices in order, up to whatever number of choices is allowed. A *majority plus one vote* is required to win. If no candidate receives a majority among voters' first choices, the candidate with the fewest first-choice votes is eliminated and their votes get re-distributed to those voters' second choices. This method continues until one candidate receives a majority plus one vote. *This was a very popular option from community input received.*

These methods fall into two categories:

“**Single-Winner**” election methods: The **Plurality** method and **IRV** apply to races where candidates each apply for a single seat. Either of these can be applicable to Ashland’s mayor, judge, recorder, and parks commissioner positions. These two methods are also applicable to the election of councilor positions as they are currently elected by position, but would not be applicable to the election of at-large multiple-seat councilor positions as recommended by the CRC, eliminating positions numbers.

“**Legislative**” or “**Multiple-Winner**” election methods: **Limited Voting**, **Cumulative Voting**, and **STV** apply to legislative elections in which multiple-seats are open and are contested “at-large” rather than by applying for specific position. So any these three methods could apply to council positions elected at large, as recommended by the CRC, or parks commissioner positions if the position numbers were eliminated as well.

### ***Arguments favoring Limited Voting, Cumulative Voting, or IRV over Plurality Voting***

“At all levels of politics, the plurality method usually results in a true two-party system.”<sup>1</sup> In a non-partisan election the effect of this, I believe, is that plurality voting works significantly to the disadvantage of candidates with more similar views running for the same seat against a candidate with less compatible views. I find this a very undesirable and common result of our current plurality voting method. For this reason I prefer Limited Voting or Cumulative Voting, which are “viewed as method[s] which encourage proportional representation because [they] tend to be optimal strategies for a party [or political alliance] to run a number of candidates proportional to its percentage of the vote. Then, if parties are correct in their guesses, the results will be largely proportional.”<sup>2</sup> Instant-Runoff Voting allows a majority of voters to contribute at least secondary or tertiary support to the elected candidate, avoiding the common plurality voting scenario whereby the candidate least favored by the majority of voters actually wins an election with 30 to 50% of the vote.

### ***Arguments favoring Limited Voting at-large over Plurality Voting by-position***

- In an at-large system, each candidate is running directly against everyone running, which may limit a candidate’s choice of who to oppose but enhances a voter’s choice of who to select over others.
- I tend to think voters would benefit more from debates amongst a larger field of candidates sharing a broader array of views, as opposed to head-to-head personal competitions.
- I tend to think that top vote getters may produce clearer tenure-continuancy because a superior incumbent councilor doing a fine job would only have to remain among the top-three choices from the pool to stay in their position. So it would take three particularly strong challengers to remove a superior incumbent.
- The position system may allow a challenger a better shot to unseat a certain incumbent because only one challenger needs to beat that incumbent, not three. However, in an at-large election, the challenger can still have the goal of placing

ahead of that particular incumbent. This may, indeed, unseat the foe but more importantly, it would seat the challenger higher and if they both are among the three voters' favorites, I see this as a benefit to voters.

- I feel that the position system adds an extra layer of confusion and complication. I find this choice very clear: "These are my three favorites, and so these are the three I want to vote for."

While the position method begets stuff like this:

In pool 1, Juanita seems better than the other four.

In pool 2, Shifty seems better than Slimy but I really dislike both of them.

In pool 3, Dharma seems better than Smiley, but I like them both and I sure wish Smiley could run against Shifty and Slimy.

Ranked-choice voting in an at-large system would eliminate this rather common nightmare.

### ***Argument favoring by-position elections over at-large***

Under the at-large system, each candidate is in effect running against all others, even though he may in fact support some of them. I feel this is one rather significant concern. To me, this makes a partial case for adding multiple-choice voting to the at-large system, such as Cumulative voting or STV, because multiple voter choices actually tend to encourage candidate alliances.

<sup>1</sup> Wikipedia, [http://en.wikipedia.org/wiki/First-past-the-post\\_electoral\\_system](http://en.wikipedia.org/wiki/First-past-the-post_electoral_system)

<sup>2</sup> Elections Method Resource, <http://condorcet.org/emr/multi.shtml>

### ***My conclusions***

After my election studies, I have found that there exists no voting method that does not contain significant strategic flaws, and no voting method which satisfies all criterion that people use to define a "fair" election. (There's an excellent summary of the criteria people use to assess fairness available at the University of Alabama's Math Department's website).<sup>3</sup>

At this point I have **three preferences** while I remain undecided regarding which would best serve Ashland, and I feel further study is warranted by a dedicated Elections Review Committee. For the positions of mayor, judge, and recorder, I lean towards **Instant-Runoff Voting** as my preferred choice. Regarding city council positions and parks commissioners, my preference would depend upon whether the positions are elected by position or at-large. If at-large, I would prefer either **Limited Voting** or **Cumulative Voting**; but if elected by position I would prefer Instant-Runoff Voting.

Respectfully submitted,  
Michael Riedeman

<sup>3</sup> See <http://www.ctl.ua.edu/math103/Voting/whatdowe.htm>.

## **Submitted by Hal Cloer**

**Minority Opinion** for regarding the recommendation “The current position system for selecting council members should be eliminated in favor of citywide, at-large elections in which the top three vote getters win the council seats at issue.”

Among goals of a council election procedure are (1) informed voting, (2) valid community representation, and (3) effective council operation. Election procedures for attaining those goals change as the population of a city grows and becomes more diverse. The adopted recommendation is to return to a procedure that served Ashland well in an earlier time (1928 to 1972), when a higher proportion of residents were somewhat acquainted. Informed voting became more dependent on media coverage.

The committee member who wrote the “White Papers” and the “Topic Discussion Paper” on city council elections has called for continued investigation by the Council of various election procedures. The National Civic League’s Model Charter discusses ten possible variations of election procedures. The League of Oregon Cities Model Charter recommends a charter provision calling for deviations from state and federal law to be in the form of ordinances, to provide the flexibility needed as conditions change. I would suggest that the council consider adopting the LOC Model’s recommendation.

At the 5/12/05 committee’s 5 to 4 vote to make the above recommendation, proponents commented on the absence of rationales for the existing “numbered position” system. Ann Seltzer provided the committee with an Oregonian news account of the city of Sherwood’s proposal to change the charter from the “top three” system to a numbered position system. On 5/18/05, the city recorder, Barbara Christensen, forwarded Sherwood’s city recorder’s report regarding the reasoning for the recommended change--and also mentioned that Ashland had made the same change in 70’s, and invited committee members to review information on the change.

The 2/15/72 Ashland council’s decision to recommend changing from the “top 3” system to a numbered position system was virtually unanimous, 5-1 (with the dissenter saying he was voting against all 4 recommendations because he still felt the 1970 voter-approved charter was invalid). At the 5/23/72 election, the change was approved by voters, 2,351 to 1,589.

There are tradeoffs in a decision to move from a “top 3” to a numbered position system (or visa versa) for electing city councilors--generally between simplicity of indicating one’s top three preferences, plus avoidance of elimination of desirable candidates in head to head contests vs. attainment of the three goals of the system: informed voting, valid community representation, and effective council operation. I would contend that city councilors were better positioned for evaluating those tradeoffs than were our committee members. We didn’t know that city councilors had experienced our recommended system and had discarded it, and we didn’t have access to their rationales for doing so.

The councilors' preference for head-to-head contests seems largely to be a judgment that such contests produced campaigning and results more closely tied to counselor roles, rather than from purchased or irrelevant name recognition. In Sherwood, a non-performing councilor was constantly reelected, apparently from having greater name-recognition than others in the pool. They felt that operation of the council had been crippled when orchestrated block voting wiped out three incumbents. Further, Sherwood councilors claimed that large pool campaigning produced unclear messages for voters.

In the 2/10/72 Ashland council vote to move from "top 3" to numbered positions, councilor McCannon said "Elections now are more or less a popularity contest." Other councilors said that in the "top 3" system, council candidates are not running against anyone, so voters were faced with no clear choices. Another councilor felt that having incumbent councilors running against each other, with no rationale for that, was not productive.

The editor of the Tidings wrote on 2/10/72: "The proposed position system would eliminate the kind of conspiracy in which a group of people trying to boost one specific candidate votes only for that candidate and doesn't vote for other council jobs that are open. The current system allows the situation in which, if the majority of voters happens to have the same third choice for councilman, that candidate will get the highest number of votes. That distorts the mandate under which the council operates once it is constituted. The proposed system would likely lead to some lively campaigning, which undoubtedly would let voters know more about candidates...the proposed system would be a great help in letting voters pick those candidates who are most responsive to their needs and wishes." In a 5/22/72 editorial, adding to those arguments, the editor claimed, "The system would focus more attention on issues in council elections, as incumbents seeking reelection, for example, would have to defend their record against challengers."

I feel that insufficient information on the tradeoffs between the voting systems was available for decision-making on this issue, with rationales being more speculative than evidence-based. (For example, the claim that "it ( the numbered position system) can allow unchallenged incumbents to avoid scrutiny" is directly opposed by Sherwood's claim that the constant reelection of a non-performing councilor in the candidate pool situation might have been stopped through direct contesting for his office). More importantly, I believe that sitting councilors are generally more attentive to and more knowledgeable about election systems than are our committee members, and that councilor judgments should weigh heavily in decisions.

I believe that there is need for flexibility in attaining the goals of an election system as conditions change, and therefore no particular system should be embedded in the charter. Further, I feel that an ordinance authorizing a system different from that currently existing in Ashland should give adequate weight to the experience and judgment of sitting councilors.

Submitted by Hal Cloer, 815 Creek Stone Way, Ashland. 482-8364.

**Appendix V**  
**Election of City Recorder**

- a. White paper
- b. Topic Discussion paper

## **Charter Review Committee**

---

### White Paper on Election vs. Appointment of City Recorder and Municipal Judge

---

Date: January 2005

Sub Committee Member(s): Kate Culbertson, John Enders

**Issue Statement:**

Should the City Recorder and the Municipal Judge continue to be elective positions, or should the charter be amended to make them appointive positions? (**Corollary Issue:** Should the formula for computing salaries of both public officials be removed from the charter?)

**Background:**

Recorder: Election of city recorders formerly was more commonplace. The Ashland City Recorder is the city “clerk,” and also the city “treasurer.” S/he ensures that public meetings and records laws are followed, proper administrative processes followed, oversees banking and handling of cash and investments for the city, and ensures city officials perform under municipal contracts. S/he also is the city elections officer. While under state law the organization of and the counting of votes in elections are performed by the County Clerk, the City Recorder handles the filing/nominating process for electoral office. Under the present City Charter, the City Recorder is the only fulltime elected city official.

Election of the City Recorder has often been viewed as providing citizens an official independent of the City Council, Mayor and Administration to whom they can communicate concerns or address complaints. Such independence allows the recorder to be free of political interference or pressures from other city officials; s/he answers only to the voters. Although it is not a part of the City Charter, the current mayor has allowed the present City Recorder to occasionally look into citizen complaints regarding the city council and/or staff, effectively making the recorder the city’s defact “ombudsman.” The citizens and the committee may wish to address this matter in the charter regarding the powers of the City Recorder.

Judge: The election of city judge in a small city is rare, if not unique. The Ashland Municipal Judge hears cases involving all misdemeanors not associated with felonies, and infractions of city ordinances. The term is four years, and commonly the post is held by a practicing attorney. There is no requirement that the Municipal Judge be a resident of the city; that could be an issue the citizens of Ashland would want to examine.

Salaries: Salaries of both elected officials are set under a formula set in the charter. They use 1974 as the base year and are to increase annually based on the “average” increase for other supervisory staff. The City Recorder’s salary in 2005 is \$64,286 plus benefits. The Municipal Judge’s salary in 2005 is \$43,843 plus benefits.

## **Pros and Cons:**

### **City Recorder:**

Pros— The City Recorder’s term is four years; city recorders frequently learn on-the-job. An elected City Recorder may take time to come “up to speed,” but there is no graduate school for recorders. It’s mostly on-the-job training. The present recorder believes that an elected City Recorder gives citizens an important place where they can have input, free from the current Administration and staff.

Cons—The City Recorder position is more administrative and clerical today than in the past; more developed skills and expertise are required. The Recorder develops a constituency of friends and allies, and attempting to change the position to an appointive one can lead to significant opposition. In the worst case, the recorder can be a partisan official who divides the city administration. There also is the possibility in the future that an unqualified or inappropriate candidate for the position would seek and obtain the position. Appointment of a City Recorder could allow the appointing official or body to find a professionally trained recorder.

### **Municipal Judge:**

Pros: Election of the Municipal Judge provides for a separation of powers of the judicial branch of city government from the executive (mayor) and legislative branches (council). An elected Judge connects the city to its citizens; local minor offenses are heard locally, and the community retains more control over the justice meted out to its citizens. Justice is based on local “community standards,” which can vary dramatically between communities. The state court system is overburdened and could not properly absorb the extra load. An elected Judge is not beholden to any mayor or council, and can rule based on the law, not on political or police pressures. (Example: Tree-sitting and/or nudity ordinances).

Cons: The municipal judge hears relatively minor cases. The current charter also does not require the judge to be a resident of the city. His/her work could be done by a circuit judge (state) or a justice of the peace (county). There also is the possibility in the future that an unqualified or inappropriate candidate for the position would seek and obtain the position.

(Salary issue: Retaining the salary formula in the charter allows the recorder and the judge to be independent from the mayor and council. If the salaries were set by the budget committee, it would undermine the political independence of those two officials).

**Budget Implications:** If the municipal judge’s judicial workload were taken over by the county courts, the city could reduce its expenses, unless the county charged back to the city the judicial costs. There are no apparent budgetary differences in whether the municipal judge and recorder are appointive versus elected; presumably their salaries would be the same in either case. The election of both officials, however, adds an additional electoral expense for the city. The cost of electing the city recorder every four

years is \_\_\_\_\_. The cost of electing the municipal judge every four years is \_\_\_\_\_.

**Summary:**

The Charter Committee should decide whether to recommend leaving the City Recorder and Municipal Judge as elected positions and having that clearly defined in a new City Charter, leaving them as elected officials but not so defined by the charter, or recommending a change to appointive positions. There also is the possibility of contracting with the county to handle municipal court cases, effectively abolishing the judgeship. The committee also should deliberate and hear input on whether one or both positions, if they are changed to appointive, should be filled by the mayor and council or by the city administrator/manager.

Regarding salaries, the committee should examine the possibility of establishing a new formula for determining City Recorder and Municipal Judge salary levels.

**Resources consulted:**

Model Charter, National Civic League; Model Charter, League of Oregon Cities;  
Roy Bashaw; Kathy Shaw; Brian Almquist; Alan Drescher; Barbara Christensen, etc.

## TOPIC DISCUSSION PAPER: City Recorder

**ISSUE STATEMENT:** Should the city recorder be an administrative position appointed by the mayor, or the council, or continue to be an elective position?

### **EXISTING CHARTER LANGUAGE AND ORDINANCES:** (see Appendices I and II)

**Budget:** The office of City Recorder in 2005 has a budget of \$172,375. The Recorder's salary is set in the charter and rises annually based on an average of all senior city administrators.

**Accountability:** The Recorder is elected by the citizens of Ashland and is accountable only to the voters. In the event of "willful absence" for more than 30 days without the Council's consent, or "carelessness or inattention to the duties of the Recorder," the Council may declare the position vacant.

**Organization Impacts:** The Recorder works closely with the Finance director and the City Administrator, but does not report to any supervisor.

### **ALTERNATIVE CHOICES & PRACTICAL CONSEQUENCES OF CHANGE:**

**1** Recorder remains elective position; charter language is cleaned up to bring it in line with state elections and other laws. If this alternative is chosen, the committee suggests retaining Art. VI, Section 1 outlining election of recorder, and Sections 3 and 4 on Vacancy and Absence of Recorder. The committee also recommends the City Council establish an Ordinance setting salary level for the Recorder, and City Council review existing Ordinance 208 for possible overlap and conflicts with role and duties of Director of Finance.

**Consequences:** Leaving the current structure would have no impact.

Budget: No immediate impact on budget.

Accountability: No impact on authority or accountability of Recorder position

Organization Impacts: No change in existing structure

**2** Recorder position remains in the Charter, but is not elected by a popular vote. Instead, the position is filled much like the City Attorney and reports to the City Council; Charter language is cleaned up as in No. 1

**Consequences:** This alternative would end the direct election of the Recorder, and substantially alter the independence of the Recorder position, yet it would provide more independence from the city Administration than Alt. 3 below.

Budget: No immediate change. When the current Recorder retires, a new Recorder could be hired at a lower annual compensation level. The city Budget Committee would have discretion to establish salary and benefits package for possible long-term savings.

Accountability and Organization Impact: The Recorder would report to the Council. The section of the Charter (Art. VI) outlining the duties and role of the Recorder would be removed; the Recorder position would be added to Art. XIII, "Appointive Officers."

**3** Recorder position would be removed from the Charter and become an appointive position reporting to the City Administrator/Manager; Charter language would be cleaned up as in Alt. 1 and 2.

**Consequences:** This alternative would end the direct election of the Recorder, and place her/him under the supervision of the city Administrator/Manager.

Budget: Same as No. 2.

Accountability and Organization Impacts: Recorder would be supervised by City Administrator/Manager. As in Alt. 2, the Recorder would become a new department head, or would be housed in another department. Appropriate ordinances would establish job description.

---

---

## **Appendix I** **Existing Charter Language and Ordinances**

### **Charter:**

#### **Article III – Elective Officers**

Section 1. Elective Officers. The elective officers of the City shall be: a Mayor, Recorder, six (6) Council Members, five (5) Park Commissioners and a Municipal Judge. (Charter amendment 5-23-78)

Section 3. Salaries. Any change in the amount of the present compensation received by elective officers, except for the Recorder and Municipal Judge, shall be submitted to the vote of the people; however, the salary of the elected Recorder shall be in the amount being paid in 1974 and be adjusted starting with the fiscal year 1974-75 in the same percentage as the average salary adjustments of the other supervisory employees and department heads of the City of Ashland; further, the salary of the Municipal Judge will initially be the same as for the year 1978-79 and thereafter to be adjusted in the same

percentage as the average salary adjustment of the other supervisory employees and department heads of the City of Ashland. (Charter amendment 5-23-78).

#### Article VI – Recorder

Section 1. Term. The Recorder in office at the time this Charter takes effect shall continue in office until the end of his/her term of office as fixed by the Charter of the City in effect at the time this Charter is adopted. At each biennial general election held in 1970, and every fourth year thereafter, a Recorder shall be elected for a term of four (4) years.

Section 2. Powers and Duties. The Recorder shall act as Clerk of the Council and shall keep plain and correct records of all business and proceedings of the Council. He/she shall maintain a file of all papers presented to him/her officially, and safely keep all files, records and papers of the corporation pertaining to his/her office, and these shall be open to the public. At the expiration of his/her term of office, he/she shall turn over to his/her successor any and all records, books, and papers pertaining to said office.

The Recorder must draw all orders for the proper payment of monies against the proper funds that have been appropriated by the City Council, and, together with the Mayor, sign the same. He/she may make periodic audits of all City accounting records.

The Recorder, shall, as soon as the Council shall make a general levy of the taxes for the city, certify the same, together with any and all special benefits and assessments then due, to the Clerk of the County Court.

The Recorder shall record, in a book to be kept for that purpose, all ordinances and resolutions passed by the City Council, and the same shall be signed by the Recorder, as well as signed and approved by the Mayor therein.

Section 3. Vacancy. A willful absence of the Recorder from the City for more than thirty (30) days without the consent of the Council, carelessness or inattention to the duties of the Recorder, shall be grounds for the Council to declare the office vacant; and it may fill such vacancy in the same manner as vacancies in the office of Council members are filled.

Section 4. Absence. In the Recorder's absence, the Mayor shall appoint a Clerk of the Council Pro Tem who, while acting in that capacity, shall have all the authority and duties of the Recorder.

#### ARTICLE VII - Elections

Section 3. Special Elections. The Council shall provide the time, manner and means for holding any special election which shall comply with applicable State laws. The Recorder shall give at least ten (10) days notice of each special election in the manner provided by the action of the Council ordering the election.

Section 4. Regulation of Elections. Except as this Charter provides otherwise and as the Council provides otherwise by ordinances relating to elections, the general laws of the State shall apply to the conduct of all City Elections, recounts of the returns therefrom, and contests thereof.

Section 5. Nominations. A qualified elector may be nominated for an elective City office to be filled at the election. The nomination must be by a petition that specifies the office sought and must be in a form prescribed by the Council. The petition shall be signed by not fewer than twenty-five (25) electors, and with the candidate's written acceptance of such nomination. No elector may sign more than one petition for each office to be filled at the election. If he/she does so, his/her signature will be valid only on the first sufficient petition filed for the office. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature of the person appended thereto was made in his/her presence, and is the genuine signature of the person whose name it purports to be. Opposite each signature shall be stated the date of signing, the signer's place or residence, identified by its street and number or other sufficient designation. The Recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the Recorder shall notify the candidate and the person who filed the petition within twelve (12) days after the filing. If the petition is insufficient in any other particular, the Recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. The deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed, within the regular time for filing nomination petitions. All nomination papers comprising a petition shall be assembled and filed in final form as one instrument with the Recorder not less than twelve (12) days before the date that the Recorder must file the same with the County Clerk. (Charter Amendment 11-2-82)

Section 6. Canvass of Returns. In all elections held in conjunction with State and County elections, the State laws governing the filing of returns by the County Clerk shall apply. In each special City election, the returns therefrom shall be filed with the Recorder on or before noon the day following; and, not later than five (5) days after the election, the Council shall meet and canvass the returns. The results of all elections shall be entered in the record of the proceedings of the Council. The entry shall state the total number of votes cast at the election, the votes cast for each person, and for and against each proposition, the name of each person elected to office, the office to which he/she has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the Recorder shall make and sign a Certificate of Election of each person elected and deliver the Certificate to him/her within one (1) day after the canvass. A Certificate so made and delivered shall be "prima facie" evidence of the truth of the statements contained in it.

## **ARTICLE XVII - Hospital**

Section 1. The City of Ashland is hereby authorized and empowered to own, operate and conduct a municipal hospital within the limits of said City of Ashland under the authority and direction of the Council.

Section 2. The Council is hereby authorized to issue and sell, in manner and form as in its judgment it may deem best, general obligation bonds of said City in a sum not to exceed \$350,000.00 for the purpose of providing funds with which to purchase real property for a hospital, construct a building or buildings to be used for hospital purposes, and equip and furnish said hospital in and for said City. Said bonds shall bear the date established by the Council, be serial in character, callable at any interest payment date in whole or in part on or after five (5) years from the date thereof after notice as provided by law, be retired by the said City in a period of not to exceed twenty-five (25) years, be in denomination of \$1,000.00 each, be signed by the Mayor and countersigned by the Recorder under the corporate seal of said City, have semi-annual interest coupons bearing the facsimile signatures of the Mayor and Recorder attached thereto, by the terms thereof pledge the full faith and credit of the said City for their repayment, and hold and promise to pay to the bearer of each of said bonds at maturity thereof, the sum therein named in legal tender of the United States of America, with interest thereon in like legal tender, at the office of the City Recorder in said City or at such other office as the Council may, in its judgment, determine, which bonds shall be known as "Hospital Bonds". The particular form of said bonds, the maturities thereof, the rate of interest thereon, and such other details of their issuance and sale as are not herein mentioned shall be determined by the Council in the exercise of its best judgment in order to carry out the intention hereof. That it shall be the duty of the Council to attend to the proper application of the funds derived from the sale of said bonds and the purchaser or purchasers thereof shall in no event be responsible or charged with the proper application of the funds derived from the sale thereof. That the Council is hereby authorized and empowered each year at the time of making the annual tax levy for City purposes to include in such levy a sufficient amount to meet the payment of principal and interest on said Hospital Bonds as same shall be come due, and this authority shall be in addition to all Charter and Oregon Constitution debt limitation.

---

## **Appendix II**

### **Ordinances**

#### **2.08.010 Duties - Generally**

The duties of the City Recorder/Treasurer include those imposed by State law, the City Charter and City ordinances. (Ord. 1705 S2, 1971)

#### **2.08.020 Duties - Designated**

It shall be the duty of the City Recorder/Treasurer to perform the following tasks:

- A. Act as clerk of the Council, record and transcribe proceedings of the City Council, and sign and record ordinances and resolutions;
- B. Act as custodian of all City ordinances, resolutions, Council minutes, deeds, contracts, judgments, promissory notes and the City seal;
- C. Certify property tax levies and delinquent assessments to the County, receive property taxes paid over by the County;
- D. Act as custodian of all City monies and securities;
- E. Prepare, issue and record all cemetery deeds;
- F. Conduct City elections in cooperation with the Jackson County officials responsible for conducting elections;
- G. Maintain daily and monthly bank account balances;
- H. Redeem bonds, coupons and warrants, maintain bond registers;
- I. Secure signed Bancroft bonding applications;
- J. Record and bank monies received by the City;
- K. Issue checks and warrants necessary to pay valid claims on the City treasury;
- L. Maintain docket of City liens and prepare lien reports as required;
- M. Purchase investment securities in cooperation with the Director of Finance;
- N. Maintain docket of City liens and prepare lien reports as requested;
- O. Maintain docket of water and sewer connect fees;
- P. Allocate property tax receipts;
- Q. Maintain warrant register;
- R. Maintain file of legal notices;
- S. Keep Charter available to public, with updated boundaries; and
- T. Maintain public relations between citizens and the City. (Ord. 1705 S3, 1971)

#### **2.08.030 Other Officers**

The City Recorder/Treasurer shall work with the Mayor, Council, City Administrator, and Director of Finance. (Ord. 1705 S4, 1971).

#### **2.08.040 Substitute - Appointment**

The Mayor shall appoint a Clerk of the Council pro tem to serve during a temporary absence of the City Recorder/Treasurer. (Ord. 1705 S5, 1971).

**Appendix VI**  
**Election of Municipal Judge**

- a. White paper
- b. Topic Discussion paper
- c. E-mail from Judge Drescher

## **Charter Review Committee**

---

### White Paper on Election vs. Appointment of City Recorder and Municipal Judge

---

Date: January 2005

Sub Committee Member(s): Kate Culbertson, John Enders

#### **Issue Statement:**

Should the City Recorder and the Municipal Judge continue to be elective positions rather than change to appointive positions? (**Corollary Issue:** Should the formula for computing salaries of both public officials be removed from the charter?)

#### **Background:**

Recorder: Election of city recorders in Oregon formerly was more commonplace. Most are now appointed. The Ashland City Recorder is the city “clerk,” and also the city “treasurer.” S/he ensures that public meetings and records laws are followed, proper administrative processes followed, oversees banking and handling of cash and investments for the city, and ensures city officials perform under municipal contracts. The Recorder, along with the Director of Finance, are designated as “investment officers” for the city under review of the Council.

The City Recorder is the city elections officer, overseeing nominations and filing procedures, contribution and expenditure reports, etc. Under state law, the organization of elections and the counting of votes are performed by the County Clerk. Under the present City Charter, the City Recorder is the only full-time elected city official. Under the charter’s Article 6, Section 3, the Recorder may be removed for “willful absence of the Recorder from the City for more than thirty (30) days without the consent of the Council, carelessness or inattention to the duties of the Recorder.”

Election of the City Recorder provides citizens an elected official independent of the mayor and council from whom they can seek information. Such independence allows the recorder to be free of political interference or pressures from other city officials; s/he answers only to the voters. This is particularly true regarding elections issues.

Judge: The election of city judge in a small city is rare, if not unique. The Ashland Municipal Judge hears cases involving all misdemeanors not associated with felonies, and infractions of city ordinances. The term is four years, and commonly the post is held by a practicing attorney. There is no requirement that the Municipal Judge be a resident of the city; that could be an issue the citizens of Ashland would want to examine.

Salaries: Salaries of both elected officials are set under a formula set in the charter. The year 1974 is the base year, and salaries increase annually based on the “average” increase for other supervisory staff. The City Recorder’s salary in 2005 is \$64,332. The Municipal Judge’s salary in 2005 is \$43,716.

#### **Pros and Cons:**

**City Recorder:**

Pros— An elected City Recorder gives the citizens more direct influence over city government and an elected official not answerable to the Mayor, Council or administration. While the Recorder’s position often involves on-the-job training, there is substantial support through a statewide recorders association.

Cons—The City Recorder position is more complex today than in the past, and involves technical knowledge and expertise that an elected official might not have. There is the possibility that an unqualified or inappropriate candidate for the position would seek and obtain the position. (Such also is the case with an appointed Recorder, however).

**Municipal Judge:**

Pros: Election of the Municipal Judge provides for a separation of powers of the judicial branch of city government from the executive (mayor) and legislative branches (council). An elected Judge connects the city to its citizens; local minor offenses are heard locally, and the community retains more control over local justice. Justice is based on local “community standards,” which can vary dramatically between communities. The state court system is overburdened and could not properly absorb the extra load. An elected Judge can better withstand political pressures.

Cons: The municipal judge hears relatively minor cases. The current charter does not require the judge to be a resident of the city. His/her work could be done by a circuit judge (state) or a justice of the peace (county). There is the possibility that an unqualified or inappropriate candidate for the position would seek and obtain the position. (Such also could be the case with an appointive person as well).

(Salary issue: Retaining the salary formula in the charter allows the recorder and the judge to be independent from the mayor and council. If the salaries were set by the city budget committee, it would undermine the political independence of those two officials).

**Budget Implications:** If the municipal judge’s judicial workload were taken over by the county courts, the city could reduce its expenses, unless the county charged back to the city the judicial costs. There are no apparent budgetary differences in whether the municipal judge and recorder are appointive versus elected; presumably their salaries would be the same in either case. The election of the two officials would add additional costs to the city only if they were elected during a special election; regular elections are paid for by the county.

**Summary:**

The Charter Committee should decide whether to recommend leaving the City Recorder and Municipal Judge as elected positions and having their powers clearly defined in a new City Charter; leaving them as elected officials but defined by city ordinance rather than in the charter; or recommending a change to appointive positions. There also is the possibility of contracting with the county to handle municipal court cases, effectively abolishing the judgeship. The committee also should deliberate and

hear input on whether one or both positions, if they are changed to appointive, should be filled by the mayor and council or by the city administrator/manager.

Regarding salaries, the committee should examine the possibility of establishing a new formula for determining City Recorder and Municipal Judge salary levels, and removing that from the charter.

### **Resources consulted:**

Model Charter, National Civic League; Model Charter, League of Oregon Cities;  
Roy Bashaw; Kathy Shaw; Brian Almquist; Alan Drescher; Barbara Christensen, etc.

## TOPIC DISCUSSION PAPER: Municipal Judge

**ISSUE STATEMENT:** Should the Municipal Judge continue to be an elective position, or should the city contract for judicial services?

### **EXISTING CHARTER LANGUAGE AND ORDINANCES: (see Appendices I and II)**

**Budget:** The Municipal Court budget in 2005 is \$297,427. The Municipal Judge's salary is set in the charter and rises annually based on an average of all senior city administrators.

**Accountability:** The Judge is elected by the citizens of Ashland and is accountable only to the voters. He is not required to be a resident of Ashland.

**Organization Impacts:** The Judge works part-time and maintains a court staff. He/she does not report to any supervisor.

### **ALTERNATIVE CHOICES & PRACTICAL CONSEQUENCES OF CHANGE:**

- 1      Judge continues to be elective position. If this alternative is chosen, the committee suggests the City Council review powers and duties of the Judge. Currently, the judge's salary is established in the Charter; the committee suggests removing reference to salary from the Charter.

**Consequences:** Leaving the current structure would have no impact.

Budget: No immediate impact on budget. If the salary is removed from the Charter, the city Budget Committee could become the decision-making authority on compensation. Long-term saving might be possible.

Accountability: No impact on authority or accountability of Judge position

Organization Impacts: No change in existing structure

- 2      The judge becomes an appointive position reporting to the City Council, as described in "Model Charter" language (see Appendix III)

**Consequences:** This alternative would end the direct election of the Municipal Judge. It would not necessarily change the role or duties of the judge, but it might, depending on the City Council prerogative. The Council could choose to contract for judicial services with another court, moving judicial services outside the city or bringing contracted personnel into the city.

Budget: No immediate change. Long-term budget savings possible. The city Budget Committee would have discretion to establish salary and benefits package for

possible long-term savings. The Committee recommends the city conduct a cost analysis of the Municipal Court to determine its cost effectiveness.

Accountability and Oversight: The Municipal Judge would report to the Council

Organization Impacts: The section of the Charter outlining the duties and role of the Judge would be removed and the “Model Charter” language or some version thereof would be adopted. the Judge position would be added to Art. XIII, “Appointive Officers.”

---

---

## **Appendix I Existing Charter Language and Ordinances**

### **Charter:**

Article III – Elective Officers

Section 1. Elective Officers. The elective officers of the City shall be: a Mayor, Recorder, six (6) Council Members, five (5) Park Commissioners and a Municipal Judge. (Charter amendment 5-23-78)

Section 3. Salaries. Any change in the amount of the present compensation received by elective officers, except for the Recorder and Municipal Judge, shall be submitted to the vote of the people; however, the salary of the elected Recorder shall be in the amount being paid in 1974 and be adjusted starting with the fiscal year 1974-75 in the same percentage as the average salary adjustments of the other supervisory employees and department heads of the City of Ashland; further, the salary of the Municipal Judge will initially be the same as for the year 1978-79 and thereafter to be adjusted in the same percentage as the average salary adjustment of the other supervisory employees and department heads of the City of Ashland. (Charter amendment 5-23-78).

Article VI A. –Judge

Section 1. Term. At the biennial general election held in 1978, and every fourth year thereafter, a Judge shall be elected for a term of four (4) years. (Charter amendment, 5-23-78)

ARTICLE XV - Court

Section 1. Court. A court is hereby created in the City of Ashland, Oregon, to be known as the Municipal Court. The court shall be open for the transaction of judicial business at regular times specified by the Council. All area within the City shall be within the territorial jurisdiction of the court. When not governed by ordinances or this Charter, all proceedings in the Municipal Court for the violation of a City ordinance shall be governed by the applicable general laws of the State governing District Courts.

Section 2. Judge. The Municipal Judge shall be the judicial officer of the City. He/she shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by ordinances and Charter of the City and all other offenses made punishable

by State law over which the City is given concurrent jurisdiction. He/she shall have authority to issue process for the arrest of any person accused of an offense against the ordinances and Charter of the City, to commit any such person to jail or admit him/her to bail pending trial, to issue subpoenas, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the Court, and to punish witnesses and others for contempt of the Court. The Judge shall make a monthly report of the Court's proceedings in writing to the City Council.

Section 2A. Term. The term of the Municipal Judge shall be four (4) years. (Charter amendment 5-23-78).

## ***Ordinance***

### **2.28.180 Municipal Court Department - Created**

A Municipal Court Department is hereby created which is under the direction of the elected Municipal Judge, and consists of such employees provided for by the position classification plan or City budget, and such other employees as the City Administrator may assign to said Department.

(Ord. 1399 S17, 1965; Ord. 2266 S3, 1983)

### **2.28.190 Municipal Judge Jurisdiction and Powers**

The Municipal Judge shall be the judicial officer for the City and shall have jurisdiction over all violations of City ordinances, the City Charter, and infractions, violations and misdemeanors described in the Oregon Revised Statutes occurring within the City.

The Municipal Judge, in exercising this jurisdiction, shall have all the powers of a circuit court judge set forth in the Oregon Revised Statutes.

For any case involving an infraction, other than a traffic infraction, where it appears on the face of one or more pleadings, appearances or motions, that the underlying dispute between the complainant and defendant could be resolved through mediation, the court shall have the authority to refer the matter for mediation prior to or concurrent with the setting of the matter for trial.

The purpose of the mediation shall be to assist the complainant and defendant in resolving the dispute leading to the alleged infraction instead of litigating those issues before the court. The mediator shall report to the court the outcome of the mediation at the conclusion of the mediation proceeding. The mediator shall report in writing to the court any agreement reached by the parties as a result of the mediation, and if the municipal judge approves, the agreement shall be incorporated in the order disposing of the case. If the parties do not reach an agreement, the mediator shall report that fact to the court and may make a recommendation to the court as to disposition of the case.

The municipal judge shall have the authority to dismiss any case in which the complainant fails or refuses to participate in mediation. The municipal judge shall have the authority to compel the defendant to participate in mediation, and any defendant who willfully fails or refuses to participate in mediation after being ordered to do so may be cited for contempt in the manner provided by law.

The municipal judge shall have the authority to require the defendant and complainant to agree to comply with any order disposing of the case that incorporates the outcome of the mediation. If the complainant fails or refuses to agree to comply with such order, the municipal judge shall have the authority to dismiss the case. Any defendant who willfully fails or refuses to agree to comply with such order after being ordered to do so may be cited for contempt in the manner provided by law.

(Ord 2820, S1, 1998)

## **2.28.200 Municipal Judge--Pro tempore**

The Mayor, with confirmation by the City Council, shall appoint a Municipal Judge Pro tempore, who shall serve as Municipal Judge in the absence from the City of the elected Municipal Judge, or due to the inability of said elected Judge to serve. The Municipal Judge shall have a right to submit recommendations as to the appointment or dismissal of the Municipal Judge Pro tempore, however, this shall not limit the Mayor's power to appoint or dismiss. The Municipal Judge Pro tempore shall be employed at the expense of the City upon such terms as are prescribed by the Council or City Administrator.

(Ord. 1399 S19, 1965; Ord. 2266 S5, 1983; Ord. 2268, 1983)

## **2.28.210 Municipal Judge--Records**

The Municipal Judge shall keep on file in the Municipal Court office all written communications and opinions, decisions, briefs and papers used in cases wherein the Judge presides. The Municipal Judge shall deliver all books, records, papers, documents and property of every description belonging to the City to his/her successor in office.

(Ord. 1399 S20, 1965)

## **2.28.215 Municipal Judge--Parking Violations**

The Municipal Judge is authorized to assign any and all parking violations issued to persons residing outside the City limits of Ashland to a collection agency or agencies for collection of the penalty provided for such violations. The penalties for parking violations as provided in the Ashland Municipal Code shall be enhanced in each case when the defendant fails to appear or post bail within the time required by the citation as follows:

A. When the defendant fails to appear or post bail within seven (7) days of the due date thereof, the penalty shall increase by Ten Dollars (\$10.00).

B. When the defendant fails to appear or post bail within thirty (30) days of the due date thereof, the penalty shall increase by Thirty Dollars (\$30.00).

C. When the defendant fails to appear or post bail within fifty (50) days of the due date thereof, the penalty shall increase by Fifty Dollars (\$50.00).

(Ord. 2047, 1979)

---

### Appendix III Model City Charter language pertaining to Judge:

#### Municipal Court and Judge

- (a) 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.
- (b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.
- (c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.
- (d) 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.
- (e) The municipal judge may:
  - 1. Render judgements and impose sanctions on persons and property;
  - 2. Order the arrest of anyone accused of an offense against the city;
  - 3. Commit to jail or admit to bail anyone accused of a city offense;
  - 4. Issue and compel obedience to subpoenas;
  - 5. Compel witnesses to appear and testify and jurors to serve for trials before the court;
  - 6. Penalize contempt of court;
  - 7. Issue processes necessary to enforce judgements and orders of the court;
  - 8. Issue search warrants, and
  - 9. Perform other judicial and quasi-judicial functions assigned by ordinance.
- (f) The council may appoint and remove municipal judges pro tem.
- (g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

----- Original Message -----

From: [Drescheral@aol.com](mailto:Drescheral@aol.com)  
To: [wheeldon@mind.net](mailto:wheeldon@mind.net)  
Sent: Friday, May 06, 2005 5:19 PM  
Subject: Charter Review Committee

Dear Carole,

Thank you for allowing me to address the Charter Review Committee last night. Please forward this email to the members of the committee so I can thank them for the warm welcome that they gave me. I was impressed with the quality of work that the committee is doing and the intelligence of their questions.

I would like to let the committee know that I agree with the direction that I sensed the committee is likely to take regarding the position of municipal judge. I agree that the position should remain an elected position and that the qualifications for the office should be in the charter and that the compensation of the judge should be removed from the charter. I have a few more thoughts that I would like to share with the committee.

The qualifications for the office of municipal judge should, in my opinion, include that the judge be a resident of the City of Ashland; an active member, in good standing, of the Oregon State Bar; and that the judge must maintain an office for the practice of law in the City of Ashland. The last requirement, in my opinion, will assure that a candidate for municipal judge is a part of the Ashland community and is engaged in business in Ashland and can be found in Ashland during normal business hours. With this requirement, we are more likely to get a judge who shares the common values that make Ashland special.

I have another idea that occurred to me after I got home from the meeting last night and that I left on your answering machine this morning. I would recommend that the municipal judge be an independent contractor and not a city employee.

Making the judge an independent contractor will save the city a good deal of money, because the city then would not have to provide to the judge benefits that are provided to other city employees. Most lawyers can afford to pay for their own benefits, and I don't think that the elimination of benefits from the position of municipal judge will deter qualified candidates from seeking office. You might wonder why I am coming up with this idea in the twilight of my career, after I have enjoyed these benefits for so many years, but, frankly, the issue never came up before.

Finally, the salary of the judge should be set by the budget committee and city council rather than being set in stone in the charter. A point was well made by one of your committee members that after I retire, it is quite likely that a younger, less experienced lawyer is likely to be elected, most likely for the first time to serve as a judge, and the city should be able to offer a starting salary that is less than what the outgoing fossil is paid.

I will be available next Thursday, May 12, for your next meeting if my presence would be of any help to your committee. Please give my thanks to the committee for taking the time to consider my suggestions and for the thought they are giving to the review of our city charter.

Sincerely,

Allen

**Appendix VII**  
**Election of Parks and Recreation Commission**

- a. White paper
- b. Topic Discussion paper
- c. Minority Report – Don Montgomery

## **Charter Review Committee**

---

### White Paper on Election v. Appointment of Parks & Recreation Commission

---

Subcommittee members: Laurie MacGraw, Hal Cloer

#### **Issue Statement:**

*The Ashland Parks Commission, so named in the charter creating it, in 1908, says (Article 19, section 3), that it (APC), “has control and management” of all lands dedicated, (or hereafter acquired), by the city for such park purposes....and “control and management...of park funds...whether obtained by taxation, donation or otherwise...”*

*Should the Parks and Recreation Commission continue to be elected and be autonomous?*

*Should the powers and duties of the commission be included in the city charter? Is there a predominate perception that a change is necessary in regard to Parks and the City?*

#### **Background:**

The City of Ashland was incorporated in 1874, a new Charter was approved in 1898, and a state constitutional amendment giving cities Home Rule was passed in 1906. In 1908, the Ashland Parks Department was established along with its own taxing authority. This structure remained in effect until 1970 when the Ashland City Charter was revised and adopted. Voters again continued to support Parks as an autonomous department. In the early 1980s, a recreational serial levy was established that appropriated funds for recreational purposes, (i.e. Daniel Meyer Pool operation, swim programs, summer youth programs, etc.). When the Youth Activity Levy passed however, the recreational levy was discontinued. After a great deal of campaigning and controversy in 1990, the Food and Beverage Tax was instituted and thus a funding mechanism for the Open Space/Land Acquisition Program was established. Funds for this program do not cover maintenance or operational costs. Such expenditures are covered by the “Park Fund” division of the overall Park Budget. The O.S. Program expires December 31, 2010, unless extended by a vote of the electorate.

There are two different models for managing parks in the State of Oregon: cities and parks districts. . . Ashland’s park’s are managed by an autonomous/independent department with its own elected commission and is possibly the only one of its kind in Oregon to date.

The passage of Ballot Measure 50, (1997), eliminated the park’s special, (property) tax levy. Ashland Park’s funding is now part of the general fund. Thus far, funds have been allocated to Parks as if the levy was still in place. This has occurred primarily due to an understanding and informal agreement between the City Council and the Park’s Commission. Such an agreement originated in 1997, after Measure 50 passed so as to honor Ashland’s dedication to the value of a healthy park’s system.

**Current Government:** The City and The Park's Department.

The primary common ground between the City and Parks, aside from serving Ashland citizens, is a shared tax base. Parks however still generates its own budget that is interfaced into the city budget for review and processing. (See Appendix 3 for pre and post Measure 50 rate allocations to Parks, pg. 8).

Presently, there are numerous services that are routinely provided between City and Parks to meet various needs of both entities. These services range from Central Services to Accounting to landscaping and Ashland School District ground maintenance. Sharing the cost of operations and staff at various levels with a spirit of cooperation has served the community for many years even though such agreements are informal.

#### **Maintaining the parks commission as an elected body:**

##### **Pros:**

- An elected commission allows public access to government. It invites public participation, which empowers citizens.
- Having elected officials specifically responsible for parks assures a strong focus and expertise toward park development, maintenance and recreation.
- An elected commission has political power to make changes, adopt budgets, fight for funding, appoint directors, set policy and be accessible and transparent to the public.
- An elected commission provides a necessary balance between the administrative powers of the City and the Parks Department.
- An elected commission represents a political constituency.
- An elected commission is directly involved in performance evaluation of the Park's Director and in salary negotiations for administrative staff.

##### **Cons:**

- Management of P and R could be simplified if treated as a city division. The City Council and senior City staff would have the authority to set priorities for all City Departments in a balanced fashion.
- Ashland is more affluent than it was in the past and there is an appreciation for parks. An independent governing body is no longer needed to maintain Parks and Recreation.
- An advisory, (non-elected), board has the power to make recommendations to the City Council, thus lessening the work load of the Council, yet it doesn't demand political attention.

- An appointed commission is independent of political process and makes independent decisions.
- The City Administrator is not directly involved in personnel matters with the director and consequently has no hire/fire capabilities in the park department.

### **Maintaining the parks department as a separate agency:**

#### **Pros:**

- Ashland parks, as a separate agency, have always been one of excellence because of its funding. Such funding has been supported via taxes or informal agreements.
- In the typical city structure that oversees the park department, a parks budget often succumbs to police and fire needs.
- The Parks Commission and the City Council function together with various checks and balances as seen in joint study sessions, shared decision-making duties for the Open Space Program and identification of shared services for the community.

#### **Cons:**

- P and R no longer have any taxing authority. It is technically a department directly under city administration. Therefore, overlap and duplication of services is inefficient and costly.
- There is a belief that past park management has been too expansion-minded and that Ashland spends more money on parks than many other cities. Shrinking what the city spends on parks would reduce taxes paid by citizens.

(See Appendix 1 for specific comments from former and current city officials, pg. 5.)

### **Budget Implications:**

The Ashland Park Funds are divided into 3 categories:

#### A. Park Funds:

- Park division—includes all “natural areas” of park land
- Recreation division
- Golf division

#### B. Capital Improvement Fund:

- This fund utilizes a 5-year Capital Improvement Plan for long-range planning.

#### C. Youth Activity Levy Fund:

- Of the total expected levy, 6% (\$123,000.00) is managed by the Park’s Commission.

(Please see Appendix 2 for expenditures by division, fiscal year 2003-2004, pg. 7)

Each year the commission schedules 4 to 6 budget meetings to review expenditures, allocate funds for current and upcoming projects, receive public input for the capital improvement plan and prepare a budget to submit to the city’s budget committee in the spring.

## **Summary:**

*The following considerations/possible options should be discussed by the Charter Review Committee.*

- A. Edit the Parks and Recreation section of the current charter only in respect to the language pertaining to taxing authority.
- B. Remove from the charter the reference to the Parks and Recreation thereby allowing the governing body to establish it as a department/division within the city Administration and affording the governing body to appoint the commission.
- C. Formalize the relationship between the City and Parks:
  - Pass a council resolution or ordinance that would provide the Parks Commission with the same portion of the property tax that was in the charter before Ballot Measure 50.
  - Amend or revise the charter so to provide an elected commission with the same share of the property tax levy that was originally approved by the people and maintained in the charter in 1970.
  - Amend or revise the charter so to provide an elected commission with a formalized budgeted amount that continues to support Parks and Recreation as it has been supported before Ballot Measure 50.
- D. Maintain an elected commission, yet require that the Park's Director report to the city administrator.
- E. Transform the City of Ashland Park Department into a special park and recreation district that includes a larger area than the city limits and has a property tax base associated with the boundaries of the district, and has an elected policy making body associated with the same boundaries. This would involve transferring the park to the ownership or control of the district and would be in conflict with the traditional restraint in the current Charter, (See Article 19, Section 1), that the parks "are hereby reserved and forever dedicated to the people of the city for park purposes and shall never be sold, leased, etc..."

## **Appendix 1**

### **Comments in regards to the autonomy of the Ashland Park's and Recreation:**

*The following includes comments and input from Ken Michelson (KM) former Parks Director,*

*Don Robertson (DR) current Parks Director, Harvey Roth (HR) former Parks Director of 1000*

*Oaks, CA and Prof. of Recreation at Chico State, George Kramer (GK) Historian, Brian*

*Almquist (BA) former City Administrator, Gino Grimaldi (GG) current City Administrator,*

*Martin Levine (ML) chair Citizen's Budget Committee, John McLaughlin (JM) City Community*

*Development Director, Lee Turnberg (LT) City Finance Director, Dave Williams (DW) current Citizen's Budget Committee member.*

A. Parks as autonomous entity vs. a division of the city.

- The Parks, as a separate agency, has always been one of excellence because of its funding. Such funding has been supported via taxes or informal agreements.(KM.)
- P and R no longer have any taxing authority. It is at the mercy of the budget committee/City Council that perhaps has no long-term historical understanding of past agreements.(KM)
- Ashland Parks reflect the values of the P and R Commission that is elected by the citizens of Ashland.(KM)
- Without any taxing authority, the Park's department is technically a department directly under the city administration. Therefore, overlap and duplication of services is possible and consequently costly.(LT)
- If there is one unifying force/source of pride in Ashland, it is Lithia Park. (KM) Is the quality of parks dependant on the autonomy of the parks commission?
- P and R are critical to the quality of life in Ashland. Tourism, theater and education serve as Ashland's economic engine. Many tourists and students are attracted to Ashland and many desire to live here. The parks, trails, viewscape and the charm and beauty of downtown are inherent in the Parks vision and mission statement.(DR)
- Management of P and R could be simplified if treated as a city division. Yet, in the typical city structure that oversees the park department, a parks budget often succumbs to fire and police needs. (LT) Would this affect the quality of life in Ashland?
- The present system allows for all the benefits of working for a city with the autonomy of working for a district.(DR)
- Some citizen's have come to believe that it is time for Parks to be brought into the City. They believe that the park's director should report to a city manager who would have direct hire and fire authority over all department managers. (DW)
- There is a belief that past management and commissions have been too expansion-minded. They have not resisted the temptation to "gild the lily"; to further "improve" what is already a gorgeous system. It all becomes a matter of efficiency and balance. (DW)
- There is a remarkable working relationship between the Parks and the City. This was established by Ken Mickelsen, Don Laws, (City Councilman), and Brian Almquist. Formalizing the gentlemen's agreement regarding shared services and the budget is an issue deserving discussion. (GG)

B. The Elected Commission.

- An elected commission allows the public to access government. The commission invites public participation which empowers citizens.(DR)
- There is a perception that a special constituency exists because of the elected commission. This could be a pro or a con.(GK)
- Ashland is well served by the separate election of Park's Commissioners. Having elected officials specifically responsible for this aspect of the community has assured a strong focus and expertise toward park development throughout Ashland's history. Transforming the Park's Commission into an appointed body subject to council would inherently dilute our attention and commitment to our parks, or at a minimum put them at risk to other short-term goals.(GK)
- Ashland parks are an intrinsic and valuable part of Ashland's character. This value could be maintained, enhanced or diluted by changing over to an advisory board versus the elected commission.(BA)
- The Park's Commission should be retained, but only as an advisory board that makes recommendations, yet does not have hiring and firing authority. The City Council and senior City staff should have the authority to set priorities for all City Departments in a balanced fashion. (DW)
- An elected commission is able to focus exclusively on P and R issues and be directly accountable to its budget. An elected board is needed to fight for park's funding. It is the only watchdog available now since the passage of ballot Measure 50. An advisory board is sometimes not listened to and doesn't necessarily represent the diversity of the community. It is likely to change-over every time a new mayor is elected.(BA)
- The Parks Commission and the City Council function together with various checks and balances as seen in joint study sessions, shared decision-making duties for the Open Space Program and a council member attends Park Commission meetings as a liaison. Does this promote synergy between the two entities or redundancy?(DR)
- An elected commission and an appointed advisory board are not the same. An elected commission has political power to make changes, adopt budgets, appoint directors, set policy and be accessible and transparent to the public. An advisory board has the power to make recommendations, yet they are not as strong. (HR)
- An elected commission brings more attention to the Parks and its budget. It is awkward for the parks to have its own budget, yet the commission represents the community and therefore validates the budget allocation. (ML)
- It is possible that Ashland spends more money on parks than many other cities. This may be desirable and certainly adds to the quality of life in Ashland, however; the budget committee needs objective data that verifies the Park Commission's requests. (ML)
- Ashland has "grown up" in the last 100 years. It is more affluent and there is an appreciation and sense of pride in our park's system. An independent governing body is no longer needed to maintain Parks and Recreation. (DW)

- To date the City Budget Committee has never denied or reduced the Park's budget. The pre-Ballot Measure 50 arrangement has always been honored. (ML)
- An elected commission provides a necessary balance between the administrative powers of the City and the Parks Department. (GG)

## **Appendix 2**

**Ashland Park Commission  
Expenditures by Division  
Fiscal Year 2003 - 2004**

**Parks and Recreation Fund**

Park Operations Division	\$ 3,022,863
Recreation Division	207,829
Golf Division	327,763
Capital Outlay Division	270,841
Debt Service Division	21,738
	3,851,034

**Capital Improvement Fund**

233,006

**Youth Activities Levy Fund**

1,972,496

<b>Total Expenditures</b>	<b>\$ 6,056,536</b>
-------------------------------	---------------------

## *Appendix 3*

***Levied Taxes Pre and Post Ballot Measure 50***

*Prior to Measure 50, Parks was authorized to levy up to \$4.25 per \$1000.00 assessed value in property taxes. The city was authorized to levy \$4.29. Neither entity ever levied the full amount. The chart below shows that pre-measure 50, Parks levied \$2.23 per \$1000.00 assessed value and the city levied \$1.75 per \$1000.00 assessed value. That levy rate is approximately the same today; fiscal year 2004-2005 allows \$1.47 for the city and \$2.09 for parks.*

	pre 50 1997-98	post 50 1998-99	2004- 2005 Rate Levied	Measure 50 Rate Limit
City Funds	1.17320	1.45291	1.4719	
Parks	2.23623	2.25600	2.0928	
	3.40943	3.70891	3.5647	4.2865
Local Option Levy:				
Youth Activities			1.3800	
Total			4.9447	

## **TOPIC DISCUSSION PAPER: PARKS AND RECREATION**

**ISSUE STATEMENT:** Should the Parks and Recreation Commission continue to be elected or be appointed by the City Council? Should the Director of Parks and Recreation continue to be supervised by the elected commission or be under the supervision of the City Manager?

**EXISTING CHARTER LANGUAGE AND ORDINANCES:** The Parks commission is described in Article 19 of the Charter and the Recreation Commission in Article 21 and Section 10.68 of the municipal code (attached).

### **DESCRIPTION OF CURRENT STATUS RELATIVE TO:**

- Budget - See attached 2005 budget. Prior to the passage of Measure 50 in the mid 1990's the Parks Department had the authority to levy a separate tax for operations. Because of the long history of an independent Parks department the budget committee has continued to honor Parks autonomy.
- Accountability - The approximately 46 Parks employees are supervised by the director of Parks and Recreation who reports to the 5 elected Parks Commissioners.
- Organizational Impacts - While the director works closely with the City Administrator and for a fee uses many services of the City such as the legal, personnel and finance departments, the Parks Department maintains autonomy in areas such as personnel policies and compensation levels which are overseen by the elected commissioners.
- Appropriate for charter inclusion:- The elected Parks and Recreation Commission is historic and unique in Ashland. As with the City Band, retaining acknowledgement of the institution in the Charter seems appropriate.

### **ALTERNATIVES**

**Alternative I** - Leave reference to the Parks and Recreation Department in the Charter. Combine Articles 19 (Parks Commission) and 22 (Recreation Commission) and streamline language.

- Budget - Remove the funding formula as it is obsolete. Continue to fund Parks and Recreation as an autonomous department of the City.
- Accountability - Retain the elected Parks Commissioners and Director under their supervision.
- Organizational Impacts - Retaining the elected commission underscores the importance of Parks and Recreation in the community. While the City Council by Charter has certain oversight responsibilities, the intensive work taken on by Parks Commissioners relieves the council from becoming overburdened. Some disparity between Parks and City employees may exist.

**Alternative II - Remove Parks and Recreation from the Charter and have the Commission be appointed by the Council.**

- Budget - Fund as a department of the City.
- Accountability - Director reports to the City Administrator as other department heads. Commission reports to the Council.
- Organizational Impacts - The City Council and the Administrator would take on the policy making and implementation roles respectively. This could serve to diminish the importance of the Parks and Recreation function in the City or overwhelm the Council and Administrator. Some gains in continuity between employment groups may be realized.

**Alternative III - Retain in Charter. Maintain elected Commission and Director. Write ordinance to formalize funding levels.**

- Budget - Locks in budget amount which would then rise with the general budget assumptions.
- Accountability - Same as Alternative I
- Organizational Impacts - May create inequity in budget allocations with other departments.

Submitted by Carole Wheeldon

## Attachments

### ARTICLE XIX - Park Commission

Section 1. Dedication. All those lands specified by the Charter Amendment of December 15, 1908 and May 13, 1912, are hereby reserved and forever dedicated to the people of the City for park purposes and shall never be sold, leased, encumbered or used for any purpose inconsistent therewith; provided, however, that such public buildings as may enhance the beauty of said park, or that shall not detract therefrom, may be constructed if so directed by a majority vote of the electors of said City; and provided further, that nothing contained in this act shall be construed so as to impair or interfere with proper construction or operation of the City's light, power or water system.

Section 1-C. That the Ashland Park Commission, with the consent of the Common Council, shall have the authority to lease to the Oregon Shakespearean Festival Association, a non-profit corporation of the State of Oregon, any portion of Lithia Park described as follows, to-wit:

That certain property commencing at the northeast corner of the Chamber of Commerce building; thence, southerly along the base of the hill to southern side of pond in lower park; thence, east to ditch carrying water to waterfall; thence, southerly along ditch 150 feet; thence, east 110 feet to west side of Hargadine Street; thence, northerly on west line of Hargadine Street to northeast corner of park property; thence, following the meandering north line of park property to place of beginning, containing approximately two acres

for the purpose of remodeling and expanding the present Festival theatre and the construction of additional buildings which are hereby designated as public buildings for use by the Oregon Shakespearean Festival Association for any of the purposes authorized by the corporate charter of said association, said use to be on such terms and conditions as the Ashland Park Commission, with the consent of the Common Council, deems in the best interests of the City; provided, however, that any lease shall not exceed a period of ninety-nine (99) years.

Section 2. Park Commission. The certain board created by a vote of the qualified electors of the City of Ashland, Oregon, at a special election held on the 15th day of December, 1908, which became effective by the proclamation of the Mayor published on the 17th day of December, 1908, and known and designated as the "Ashland Park Commission", be and the same, as constituted and created by said Charter amendment, and as now existing, is hereby perpetuated and continued as five (5) members with all the powers conferred and duties imposed by said Charter amendment and ordinances of the City of Ashland.

Provided, that at the general biennial election to be held on the first Tuesday after the first Monday in November, 1920, two commissioners shall be elected to serve for the term of four (4) years from the first day of January, 1921, and that at the general biennial election to be held in November, 1922, three commissioners shall be elected to serve for the term

of four (4) years from the first day of January, 1923, and that the term of office for each succeeding commissioner shall be four (4) years unless elected to fill a vacancy, in which event he/she shall be elected to serve until the first day of January following the next succeeding biennial election after any such vacancy. Provided, further, that each of the commissioners now constituting the present Ashland Park Commission shall hold office for the term for which he/she was elected, and until his/her successor is elected and qualified.

**Section 3. Funding.** The said Park Commission shall have control and management of all the lands here dedicated for park purposes and of all other lands that may hereafter be acquired by the City for such purposes. They shall have control and management of all park funds, whether the same is obtained by taxation, donation or otherwise, and shall expend the same judiciously for beautifying and improving the City's parks.

It shall be the duty of said Commission and they shall, at the beginning of each month, file with the City Recorder for the information of the City Council and the public, a report of their doings for the preceding month. Such report shall specify all funds on hand and the source from whence obtained. It shall carry a clear statement of all monies expended and for what purpose. All purchases made and all labor performed, together with the cost thereof, shall be embodied in said report. At the time for making the tax levy for general City purposes in each year, the said Commission shall cause a careful estimate to be made of the money required for park purposes for the ensuing year and file the same with the City Recorder, whereupon there shall be included in said general levy not to exceed four and one half (4-1/2) mills on the dollar to meet such requirements, which, when collected, shall be deposited with the City Recorder subject to the order of said Commission. The levy herein authorized shall be outside the limitation on taxation set forth in Article XI, Section II of the Constitution of Oregon.

**Section 4. Salary; Government.** The said Commission shall serve without pay and shall have power to formulate and adopt rules and regulations for their government and for the purpose of carrying into effect the purposes of their creation as Park Commission. They shall enter upon the discharge of their duties immediately upon their organization and shall, as soon as may be expedient, cause a map or maps to be made of the lands herein dedicated, and shall make the same conform to the descriptions contained in the instruments by which said City obtained title thereto; which said instruments shall be considered as carrying a more specific description of said lands.

## ARTICLE XXII - Recreation Commission

**Section 1.** The Ashland Recreation Commission is hereby created to be composed of the five (5) Ashland Park Commissioners and their terms of office shall be the same.

**Section 2.** The powers and duties of the Recreation Commission shall be as set forth in this Charter, the Ordinances of the City of Ashland, and by any other applicable law.

**Section 3.** Any funds to be spent by the Recreation Commission for recreation purposes

shall be from such funds as may be appropriated from time to time by the City Council, and in no event shall any funds be spent for recreation purposes that are received pursuant to Article XIX of this Charter and which relates to the Park Commission and a levy for park purposes.

## Ashland Municipal Code **10.68 Public Parks**

### **10.68.010 Parks - defined**

Unless some other meaning clearly appears, the words "park" and "parks" means the lands dedicated for park purposes under and by virtue of that certain charter amendment adopted by a vote of the people of the city at the annual city election held on December 15, 1908, and proclaimed by the mayor December 17, 1908, together with all other lands since acquired or that may hereafter be acquired, or may have been dedicated, or may hereafter be dedicated, for park and recreation purposes, either by the city, by corporations, or by individuals.

(Ord 626 S1, 1916)

### **10.68.020 Parks - Purpose**

The parks are maintained for the recreation of the public and the greatest possible use is encouraged, subject only to such regulation as will preserve the parks for the purposes for which they are laid out, and the enjoyment, convenience, and safety of all concerned.

(Ord 626 S2, 1916)

### **10.68.030 Park Commission - Authority**

The Park Commission of the city is authorized to make such rules and regulations not in conflict with the ordinances of the city as it may think necessary for the better control and management of the parks. If any person feels aggrieved by any such rule or regulation, such person may appeal to the Council for its amendment or repeal by filing with the City Recorder, a petition which shall be presented to the Council at its next regular meeting, but until amended or repealed by the Council, such rule or regulation shall be in full force and effect as if it were an ordinance.

(Ord 626 S3, 1916)

## 2005-2006- Parks Budget

### PARKS & RECREATION DEPARTMENT

Description	2003 Actual	2004 Actual	2005 Amended	2006 Proposed	
<b>Department Totals by Function</b>					
500 Personal Services	\$ 2,257,108	\$ 2,216,645	\$ 2,702,300	\$ 2,905,000	
600 Materials and Services	3,183,442	3,314,306	3,535,475	4,167,700	
700 Capital Outlay	197,978	503,847	503,000	655,100	
800 Debt Service	21,183	21,738	37,000	14,000	
	<b>\$ 5,659,711</b>	<b>\$ 6,056,536</b>	<b>\$ 6,777,775</b>	<b>\$ 7,741,800</b>	
<b>Department Total by Fund</b>					
Parks and Recreation Fund	\$ 3,691,859	\$ 3,851,034	\$ 4,439,775	\$ 4,911,000	
Youth Activities Levy Fund	1,888,409	1,972,496	2,095,000	2,509,300	
Parks Capital Improvements Fund	79,442	233,006	243,000	321,500	
	<b>\$ 5,659,711</b>	<b>\$ 6,056,536</b>	<b>\$ 6,777,775</b>	<b>\$ 7,741,800</b>	
<b>PARKS AND RECREATION FUND</b>					
	2003 Actual	2004 Actual	2005 Amended	2005 Estimate	2006 Proposed
<b>Revenues</b>					
Taxes	\$ 2,911,752	\$ 3,148,886	\$ 3,152,000	\$ 3,299,845	\$ 3,502,500
Intergovernmental Revenues	31,203	9,297	80,000	16,000	55,000
Charges for Service	666,782	741,851	838,708	858,188	804,000
Interest on Investments	30,802	25,779	18,000	29,997	30,000
Miscellaneous	355,563	150,382	45,000	30,673	30,000
Transfers In	-		43,333	43,333	-
<b>Total Revenues</b>	<b>3,996,102</b>	<b>4,076,195</b>	<b>4,177,041</b>	<b>4,278,036</b>	<b>4,421,500</b>
<b>Expenditures</b>					
Parks Division	3,142,363	3,293,704	3,673,075	3,385,415	3,653,600
Recreation Division	224,156	207,829	363,700	360,374	862,400
Golf Division	304,165	327,763	366,000	371,890	395,000
Debt Service	21,181	21,738	37,000	25,522	-
Transfers Out	70,000	70,000	100,000	50,000	125,000
Contingency			35,000		35,000
<b>Total Expenditures</b>	<b>3,761,865</b>	<b>3,921,034</b>	<b>4,574,775</b>	<b>4,193,201</b>	<b>5,071,000</b>
Excess (Deficiency) of Revenues over Expenditures					
	234,237	155,161	(397,734)	84,835	(649,500)
Working Capital Carryover					
<b>Ending Fund Balance</b>	<b>\$ 1,403,171</b>	<b>\$ 1,558,332</b>	<b>\$ 965,822</b>	<b>\$ 1,643,167</b>	<b>\$ 993,667</b>

Total Revenue 4,421,500 and Working Capital Carryover 1,643,167= 6,064,667 less Expenditures of \$5,071,000 and Ending Fund Balance \$993,667= \$6,064,667

Note: The above detail covers the Parks and Recreation Fund not the Youth Activities Levy Fund and the Parks Capital Improvement Fund, both of which are administered through the Parks and Recreation Department. If you look at the Parks and Rec fund department total and subtract the transfer out and contingency from the fund, the total is \$4,911,000.

## A MINORITY OPINION

### PARKS AND RECREATION Submitted by Don Montgomery

Since its formation in December 1908, the Ashland Parks and Recreation Department has been an autonomous department of the city, not under the purview of the City Administrator but, rather under the auspices of the City Council, with a Parks Director, who responds to policy from an elected Parks Commission, and who is responsible for the management of the Department. As created, the Parks and Recreation Department had not only complete control of its budget, but was able to establish a tax levy to augment funding from the city budget. Funding levels were guaranteed through provisions in the City Charter. The Department was shielded from being subject to city budget reductions, particularly in times of economic restraint. All would agree that this autonomy and set of funding provisions has provided Ashland with undoubtedly one of the finest system of parks in Oregon, if not in the nation. Moreover, this autonomy has allowed a wonderful set of recreation facilities and an enviable offering of recreational programs.

Measure 50 has now eliminated the ability of the Parks and Recreation Department to establish a tax levy, and to have a guaranteed, formula-based funding level based on city tax revenues. Funding levels for the Department are now subject to accommodation and recommendations of the Citizens Budget Committee and approval of the City Council. No longer is the Department able to enjoy a guaranteed annual budget which has been, in large part, responsible for the world-class Ashland parks system. The autonomy of the Department is maintained by the City Charter, but the real benefits of autonomy have diminished, if not been eliminated. The Parks and Recreation Department is now as subject to the same fiscal provisions as are the other departments of the city. Fortunately, the Citizens Budget Committee and City Council have, to date, upheld the pre-measure 50 funding and resource provisions for the Department.

The Charter Review Committee has recommended that a position of City Manager be established, to serve as the administrative head of the city government, and to be responsible for implementing the policies established by the Mayor and Council. An autonomous Parks and Recreation Department is inconsistent with this concept. However, with the present City Administrator, city staff, and Parks Director, this autonomous arrangement has, and continues to, function quite well.

In the future, circumstances may be such that fiscal needs and realigned citizen priorities may require budgetary adjustments and restraints not consistent with maintaining the historical budget levels afforded the Parks and Recreation Department. It may well serve the City needs to achieve cost efficiencies to accommodate these new circumstances. Such cost efficiencies can best be realized within an integrated city administration. Such an integrated arrangement, amongst many things, avoids duplication of capital investments, provides for uniform personnel policies and compensation methods, and,

when needed, budget adjustments and redistributions put in place by a professional manager with an intimate understanding of the administrative workings of the City. Moreover, an integrated Parks and Recreation Department relieves an overburdened Council from oversight responsibilities associated with a separate Department, allowing their efforts to be more focused on priority policy matters.

The time is clearly not right, neither do the circumstances presently warrant, nor are voters sufficiently inclined, to undertake an initiative to judiciously integrate the Parks and Recreation Department into the City administrative structure. It would, however, be prudent to begin study and dialogue on such an integration initiative in order to have it as a realizable alternative, should future fiscal circumstances and/or citizen priorities require significant budget adjustments and realignments.

**Appendix VIII**  
**Ashland City Band**

- a. White paper
- b. Topic Discussion paper

# Charter Review Committee

---

## Ashland City Band

---

Sub Committee Member: Kate Culbertson

### **ISSUE STATEMENT:** Should the City Band remain in the Charter?

#### **BACKGROUND:**

The Ashland City Band traces its roots to 1876. The Ashland Brass Band came into being that year and its influence in the musical life of Ashland appears as part of an article in the April 14, 1877, issue of the Ashland Tidings. In 1890 the band numbered about twenty musicians. By 1961 the band was up to about sixty-five members and in the 1990's had reached into the mid eighties. In 1938 the city of Ashland approved a .6-mil levy to support the band. Presently the band has three members who have performed with the ensemble in excess of fifty years each.

#### *ARTICLE XXI - City Band*

*Section 1. At the time of making the tax levy for general City purposes each year, the Council shall cause a careful estimate to be made of the money required for the purpose of a City Band for the ensuing year, such estimate shall be presented and considered with the other items in the annual budget and there shall be included in the general levy for the ensuing year not to exceed six-tenths (.6) mills on the dollar for such band requirements, which fund, when collected, shall be deposited with the City Recorder, subject to the order of the Council.*

The Article XXI above, is in fact no longer relevant due to Measure(s) 47/50. According to the City Finance Director, the Band is funded under Central Services/Finance Department, from the General Fund. Each year it receives a couple of percentage points increase, currently totaling \$57,500. A portion of this is for the director and the remainder for music, rehearsals and performances. The appropriation is set by ordinance of the Budget Committee. There is no connection between revenue source and expenditures. Band expenditures have never been questioned.

In the past few years, surveys have put the band in the top 3 choices in citizen priorities.

#### **PROS & CONS:**

Pro:

- 1) Remaining in the Charter would ensure that the Band remains as an Ashland institution unless a vote of the citizens determines otherwise.

2) The Budget Committee or the Council could remove the funding source - i.e. a *small* group of appointed or elected officials. They (or other citizens) might argue that the Band should be self-sufficient.

Con:

1) Council should be able to determine budget items as appropriate to the times and tax dollars available and not be bound by the Charter.

*Consulted were the Band Board of Directors (5 present) and Lee Tuneberg*

March 29, 2005

## TOPIC DISCUSSION PAPER: ASHLAND CITY BAND

**ISSUE STATEMENT:** Should the City Band remain in the Charter?

### EXISTING CHARTER LANGUAGE AND ORDINANCES:

#### ARTICLE XXI - City Band

Section 1. At the time of making the tax levy for general City purposes each year, the Council shall cause a careful estimate to be made of the money required for the purpose of a City Band for the ensuing year, such estimate shall be presented and considered with the other items in the annual budget and there shall be included in the general levy for the ensuing year not to exceed six-tenths (.6) mills on the dollar for such band requirements, which fund, when collected, shall be deposited with the City Recorder, subject to the order of the Council.

#### ORDINANCE (see below)

**Budget:** The '03-'04 Budgeted amount for the Band was: \$56,750. Actual expenditures were: \$43,417. Of that total, \$3,660 was for the Band Director; \$2,600 for music; \$1,200 for the Band Shell, \$1,750 for the services of RVTV; \$5,100 for insurance and administration fees; and \$29,000 was paid to the musicians, who number between 70 and 80.

The budget is presented to the City Finance Director in December of each year.

**Accountability:** The Band Director is selected by the mayor, with confirmation by the council. The Band Director selects the musicians for the band. The City Attorney is consulted as necessary.

**Organization Impact:** Is provided by the Band Board, as in Ordinance 2.56

### ALTERNATIVE CHOICES & PRACTICAL CONSEQUENCES OF CHANGE:

**1** The Band could be removed completely from the charter.

**Consequences:** Eliminating the band would require the city council to include it as a line item in the budget, assign it to a department (Parks & Recreation) for oversight and establish an ordinance to continue the band and the band board.

**Budget:** would be put into Parks and Recreation, and be subject to council approval.

**Accountability:** Would be assigned to Parks & Rec.

**Organizational Impact:** Ordinance (2.56) would be modified to establish the band and to change reporting to P & R.

**2** The Band could be left in the charter without a funding source.

**Consequences:** Leaving the band in the charter with no specific funding source would reinforce the city's commitment to the band but leave it open to presenting a budget request every year and assign it to a department (P & R) for oversight.

Budget, Accountability, and Organizational Impact are the same as in Alternative #1.

3 The Band could be left in the charter, but with a new and less specific funding source.

**Consequences:**

Budget: A funding formula could be developed that was tied to current city budgeting practices; the band assigned to a department (P & R) for oversight. Currently the band levy is automatically budgeted because of language in the charter (.0006 mil). Post Measure 50 required that the city charge itself in the charter to specifically fund the band. The .0006 mile could be replaced with a budget using 04-05 actual expenditures that has subsequent increases built on annual city budget guidelines.

Accountability and Organizational Impact: as above.

**Ashland Municipal Code**

**2.56 City Band**

**2.56.010 Band Board Established Membership**

The Ashland Band Board is established and shall consist of six voting members appointed by the mayor with confirmation by the council. The board shall also consist of one non-voting ex officio member, who shall be the director of the band.

(Ord 2830, Amended, 10/20/1998)

**2.56.015 Band Board Terms Vacancies**

The term of voting members shall be for three years, expiring on April 30 of each year. The members serving on the band board as of September 1998 shall serve until April 30, 1999. Any vacancy shall be filled by appointment by the mayor with confirmation by the city council for the unexpired portion of the term. The terms of the six members appointed to succeed those members whose terms expire in April 1999 shall be staggered in the following manner: Two members shall be appointed for one year, two members for two years, and two members for three years. The length of the initial terms for these six members shall be determined by the mayor at the time of appointment. Their successors shall be appointed for three-year terms. Any board member who is absent from four or more meetings in a one-year period shall be considered no longer active and the position vacant, and a new person shall be appointed to fill the vacancy.

(Ord 2830, Amended, 10/20/1998)

## **2.56.020 Quorum Rules and Meetings**

Four voting members of the board shall constitute a quorum. If a quorum is present, the affirmative vote of a majority of members present at the meeting and entitled to vote shall be sufficient to conduct business. The board may make rules and regulations for its meetings and procedures consistent with city ordinances, and shall meet as necessary but not less than once per year. At its first meeting, the board shall elect a chair, who shall preside over all meetings and perform such other duties as may be necessary for the administration of the band, band board and this chapter. A vice-chair shall also be elected who shall serve in the absence of the chair.

(Ord 2830, Amended, 10/20/1998)

## **2.56.025 Powers and Duties Generally**

The powers, duties and responsibilities of the Ashland Band Board shall be as follows:

General supervision and control over the Ashland City Band.

Report at least annually to the mayor and city council of the activities of the band.

On or prior to December 15 of each year, report to the mayor as to the activities and welfare of the band.

Determine compensation for the band director and members in accordance with the band's approved budget.

(Ord 2830, Amended, 10/20/1998)

## **2.56.030 Director Appointment, Duties, Compensation**

Prior to January of each year, after receiving the report of the band board under section 2.56.025, the mayor, with confirmation by the council, shall appoint a band director who shall serve at the pleasure of the mayor.

The director shall:

Promote, organize and direct the Ashland City Band,  
Select the musicians for the band,

Appoint a band secretary who shall keep minutes of all band board meetings, records of the organization and shall particularly keep a careful and accurate record of attendance by all members. The secretary shall serve at the pleasure of the director and perform such other duties as may be assigned by the director.

Appoint a band librarian, who shall have charge of and shall carefully keep all the sheet music now owned or hereafter acquired by band. The librarian shall keep proper and complete records of all property placed in the librarian's custody and shall make a proper inventory and accounting thereof at the end of the year. The librarian shall serve at the pleasure of the director and perform such other duties as may be assigned by the director. Appoint a quartermaster who shall have charge of and shall carefully keep all band uniforms and other property which is now owned or may hereafter be acquired by the band. The quartermaster shall serve at the pleasure of the director and perform such other duties as may be assigned by the director.

Perform such other services as may be reasonably requested by the band board.

(Ord 2830, Amended, 10/20/1998)

## **2.56.040 Budget**

Prior to the preparation of the City budget each year, the band board shall cause a careful estimate to be made of the band's needs for the ensuing year in view of the funds to be available and shall submit same to the director of finance for consideration with the other budgetary matters. Through the city's budget process, the City Council shall fix and determine the Band's budget for the ensuing year.

(Ord 2830, Amended, 10/20/1998)

## **2.56.060 Performances**

The City Band shall present not less than ten concerts, including the Fourth of July parade, during each summer season.

(Ord 2830, Amended, 10/20/1998)

## Appendix IX

### Council Salaries and Benefits

- a. Topic Discussion papers
- b. Summary of council salary and benefits in other Oregon cities
- c. Minority Report – Michael Riedeman

## **TOPIC DISCUSSION PAPER: City Council Salaries**

**ISSUE STATEMENT:** Should the charter address salary issues for city council members?

**EXISTING CHARTER LANGUAGE:** Article 3, Section 3 of the city charter requires that changes to the level of compensation received by elective officers (except for Recorder and Judge) be submitted to a vote of the people. Right now, each city council member receives \$350 per year and the Mayor receives \$500; these pay levels have been unchanged since at least 1976. However, elected officials also receive full medical, vision and dental benefits and a small life insurance policy that covers themselves and dependents.

**Budget implications:** It is likely that the charter election requirement discourages the council from proposing pay raises for its members, thus minimizing budget impacts.

**Accountability:** City voters are required to approve all changes in council pay.

**Community/Council impacts:** Proponents argue that the existing system restrains the council from enacting costly and/or inappropriate pay increases. Conversely, critics claim: 1) that salary issues are best delegated via ordinance; and/or, 2) that council members deserve to be paid for the work that they perform.

### **ALTERNATIVES:**

6. **Status quo.** Charter language remains unchanged.  
Budget, accountability, and impacts as outlined above.
7. **Remove the election requirement from the charter.**

**Budget:** No immediate impacts. Budget allocation for council salaries could increase with future council action.

**Accountability:** Decision-making would shift from voters to the council.

**Community/council impacts:** Proponents argue that the council should be allowed to administer salary increases without assuming the burden of a city election; critics believe the voters should be the arbiters of council salaries.

8. **Implement a specific salary-level in the charter along with requirements for periodic review and/or pay increases.**

**Budget:** Budget impacts will depend on the specific proposal. For example, if council members were paid for twenty hours a week at the current living wage level of \$11.44/hour, the monthly bill would be approximately \$7,207 (seven elected officials each working 90 hours a month), or more than \$86,000 annually.

**Accountability:** After initial charter approval, all pay raises would be predicated on a specific formula or review process.

**Community/council impacts:** Proponents argue that more significant salary levels would encourage prospective council candidates who now feel that serving on the council is too much of a financial burden. Conversely, critics argue: 1) that it is inappropriate to allocate extensive city funding to support elected officials; and, 2) that substantive salary levels would encourage council members to become too involved in city administration.

## Benefits for City Councilors

June 2, 2005

<b>City Population</b>	<b># of Councilors</b>	<b>Salary/Stipend</b>	<b>Medical</b>	<b>Other Benefits</b>
Grants Pass 21,000	Mayor plus 6 council	None	None	Travel/training for city business
Klamath Fall 25,000	Mayor plus 5 council	\$200 p/m \$100 p/m	Full medical	Travel/training for city business
Central Point 12,400	Mayor plus 6 council	\$250 p/m \$125 p/m	None	Travel/training for city business
Medford 63,000	Mayor plus 8 council	None	None	Travel/training for city business
Corvallis 50,000	Mayor plus 8 council	\$100 p/m (mayor only)	None	Travel/training for city business
Bend 57,000	7 council (council elects Mayor)	\$200 p/m	None	Travel/training for city business
Hillsboro 70,000	Mayor plus 6 council	\$250 p/m/ \$175 p/m	None	Travel/training for city business
Forest Grove 18,000	Mayor plus 6 council	\$100 p/m	Mayor and council elected to use their stipend to pay medical employee premium of 10% which is approximately \$56 per month for single coverage	Travel/training for city business
Albany (left voice msg. 5/26) no response 43,000				
Pendleton (left voice msg. 5/26) no response 16,400				
Wilsonville (left voice msg. 5/26) no				

response 15,000				
Lake Oswego 36,000	Mayor plus 6 council	\$288 p/m \$128 p/m/	None	Travel/training for city business
Eugene 138,000	Mayor plus 6 council	\$1,500 p/m \$1,000 p/m	Elected can opt to purchase health insurance through the city and must pay premium (ex: full family coverage premium is \$1100 p/m) See attached memo	Travel/training for city business
Salem 120,000	Mayor plus 9 council	None	None	Travel/training for city business

Comments from Tina Gray, Human Resource Manager on providing health benefits to elected officials.

1) **Impact on Risk Pool** - The City purchases our health benefits through City County Insurance Services. We are part of a public employer risk pool that includes a majority of the cities, counties and special districts in Oregon. City County Insurance has offered many incentives to our employees to keep them healthy (Health Screening clinics, healthy benefits incentives, 24-hour nurse line, etc.). Additionally, the City offers a Wellness Program incentive to our employees. All of these Wellness initiatives are directed at trying to impact our rates and keep our claim frequency and severity as low as possible.

By adding elected officials into the mix, the City has less control over the impact this small group may have on the City's overall rate risk pool. The City has no control over who is elected to the Council, and we do not conduct pre-employment physicals to determine if they are fit to serve as a City Council Member. So, the City is accepting whatever health risks the elected group may bring with them into our risk pool. City County Insurance does use a rate smoothing process to prevent one catastrophic claim from having a huge impact on the entity's rates, but this small elected group could impact the City's overall rates positively or negatively.

2) **Cost Containment** -- The City has worked to achieve a cost-share from employees to help them understand that decisions they make regarding their health care have a direct correlation to the rates that we pay. When the city paid 100% for health benefits, we found that employee's took advantage of their "free" coverage and didn't make health care decisions in the same way they do now that they have some out-of-pocket investment.

Currently city employees pay 5% of the monthly premium, Mayor and council members do not pay this percentage. Providing a monthly stipend that elected officials they could use to buy-in to the City's health plan at their option would allow the City to budget a fixed cost and help continue the City's efforts toward cost containment on health benefits.

3) **Additional administrative work** - Although it is usually minimal, there is additional Administrative work attributed with managing the elected official benefits. This group isn't as easy to communicate with on changes to the plans, Open Enrollment requirements, etc. as our employee group. Everything has to be customized for the differences in Elected Official benefits in order to eliminate confusion.

4) **Group Plan Membership**-Membership in a group health plan offers an elected official the ability to continue to "buy in" to the group coverage under COBRA when they leave office. Once they have exhausted their rights under COBRA, they also have portability rights that may offer significant advantages over what they might have access to on the open insurance market. This could be especially valuable for someone who fills a vacant spot on the council and doesn't get re-elected or someone who is appointed mid-term and is not re-elected.

Until there is a change in the benefit package and/or parameters for Elected Officials, health insurance is made available as an option to all elected officials regardless of how long they serve, and they have the same rights to continued coverage and portability as any employee of the City.

5) **Adverse selection** – Employees cannot waive health coverage even if they are covered under different insurance through a spouse. This is in place to prevent adverse selection. e.g. healthy employees who can opt out could do so, leaving a pool of less healthy employees which could affect the number of claims compared to the pool and in the end raise rates. Elected officials can opt out. This means that healthy electeds could opt out if they have other coverage leaving less healthy electeds in the pool.

This can work for and/or against the city. In past years, some members of council have elected not to take advantage of the insurance options. Each member of the current council as well as the city recorder and judge is taking full advantage of the health insurance, thus there is a significant increase in the budget to cover the increase in health costs.

#### City of Ashland

#### Monthly Health Insurance Premiums

**Note:** Employees pay 5% of the monthly premium, Mayor and council do not.

\$396.52 p/m	single coverage
\$818.15 p/m	2 people coverage
\$1124.05 p/m	full family coverage

**Regarding: Voter Approval of Council Salaries  
Eliminated from Charter  
(Minority Opinion by Michael Riedeman)**

The Charter Review Committee (CRC) voted to recommend that voter approval of all increases in council salaries be eliminated from the charter, and that salary levels should be established via a city ordinance. This would make councilors themselves responsible for establishing their own salaries. I write to express that I do not concur with the CRC's vote on this matter. In my outlook, I feel it would establish an undesirable conflict of interested for elected representatives to establish their own salaries.

My preference would be to establish salary levels for councilors in the charter based upon an average number of hours councilors are required to dedicate to council duties, multiplied by the city's established living wage level. I feel that a councilor should want a council position for the benefit of serving their communities. Yet beyond this, I feel the challenging economic conditions in our region are such that many Ashland citizens could not afford to dedicate the significant amount of time required by a council position unless their time were rightfully (in my view) compensated. Therefore, I perceive that council positions that compensated a living wage would greatly enable lower- and middle-income community members to run for council. It seems likely that lower- and middle-income citizens have historically been under-represented on council, and I would argue that this is the primary reason: they can't afford it.

The CRC also deliberated whether such compensation would be more appropriate as a dollar value or in the form of health benefits. My view is that currency is the most equal form of exchange we use in our society, thus I feel that money is more equitable than health benefits. Health benefits may be of great value to some people yet worth very little to others. I feel the goal should be to pay councilors equitably, and that money would be a fairer exchange than benefits. This wage, then, could be used towards the purchase of a health benefits package if any councilor would so choose. However, for those councilors who would prefer to spend that money on something else, we should allow them that option.

Also, the argument that it would be too costly to citizens to pay their elected representative holds little water, in my view. Currently we pay councilors and the mayor over \$10,000 each annually for health benefits. From rough estimates discussed in CRC meetings, it was estimated that a living wage would come out to approximately the same cost.

Respectfully submitted,

Michael Riedeman

Appendix X  
Ashland City Charter markups/Model Charters

- a. Consultant Tom Sponsler markup
- b. Former City Attorney, Paul Nolte markup
- c. City Attorney Mike Franell, draft Ashland Model Charter
- d. Draft alternative Language for Article XVI, Section 1 (Public Works: Water Works) — Mike Franell

**BEERY, ELSNER & HAMMOND, LLP**  
ATTORNEYS AT LAW

---

PAMELA J. BEERY\*

SPONSLER †

PAUL C. ELSNER

DOUGHMAN

JOHN H. HAMMOND, JR.

PARSONS

1750 SW HARBOR WAY, SUITE 380 PORTLAND, OREGON 97201-5164

TELEPHONE (503) 226-7191 FACSIMILE (503) 226-2348

WWW.GOV-LAW.COM

THOMAS

DAVID F.

SPENCER Q.

\* ALSO admitted  
in Washington

† Of Counsel

November 4, 2004

Ashland Charter Committee

As you requested, attached is my highlighted version of the current city charter. I understand you wish to compare it with the version submitted to you by former city attorney Paul Nolte.

As with Paul's version, charter provisions ~~lined through~~ in my version should not be included in a new charter. Text that is outmoded, antiquated and obsolete is shown in **orange**, and text that has been superseded by state law is shown in **green**.

Sections that could be eliminated from the charter, but merit analysis and consideration for enactment by ordinance are shown in a single box in **pink type**.

Provisions that may be politically sensitive, and merit discussion and consideration beyond legal analysis are shown in a double box in **blue type**.

Some sections of the current charter are not highlighted. This means they do not clearly fit into one of the four categories of highlighted provisions. However, almost all sections of the current charter should be revised and substantially edited before inclusion in a new charter.

Also attached is an Ashland version of the 2004 LOC Model Charter. As with the current city charter version, sections of the Ashland Model Charter draft that may be politically sensitive are shown in **blue type**. The committee will want to review and consider all sections of the model, but the provisions should not require substantial editing before inclusion in a new charter.

Thomas Sponsler

# CITY OF ASHLAND CITY CHARTER

## ARTICLE I - Name and Boundaries

Section 1. Title of Enactment . This enactment shall be referred to as the Ashland Charter of 1970.

Section 2. Name. The municipality of Ashland, Jackson County, Oregon, shall continue to be a municipal corporation with the name "City of Ashland".

Section 3. Boundaries. The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by the voters, by the Council, or by any other agency with legal power to modify them. The Recorder shall keep in her/his office at City Hall at least two (2) copies of this Charter, in each of which he/she shall maintain an accurate and up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the Recorder.

## ARTICLE II - Powers

Section 1. Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

Section 2. Construction of the Charter. In this Charter, the mention of a particular power shall not be construed to be exclusive or to restrict the scope of the powers which the City would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the City shall have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to State laws and to the municipal Home Rule provisions of the State Constitution.

Section 3. Provisions for Amendment and Revision. The Council shall have the power to call a special election upon a resolution passed by the Council for the purpose of amending the Charter or enacting a new Charter, or whenever petitioned to do so by the electors of said City, under any initiative or referendum ordinance of the City of Ashland, or the laws of the State of Oregon.

Section 1. Elective Officers. The elective officers of the City shall be: a Mayor, Recorder, six (6) Council Members, five (5) Park Commissioners and a Municipal Judge. (Charter amendment 5-23-78)

Section 2. Qualifications. All elective officers except the Municipal Judge shall be residents and qualified voters in the City. (Charter amendment 5-23-78).

~~Section 3. Salaries. Any change in the amount of the present compensation received by elective officers, except for the Recorder and Municipal Judge, shall be submitted to the vote of the people; however, the salary of the elected Recorder shall be in the amount being paid in 1974 and be adjusted starting with the fiscal year 1974-75 in the same percentage as the average salary adjustments of the other supervisory employees and department heads of the City of Ashland; further, the salary of the Municipal Judge will initially be the same as for the year 1978-79 and thereafter to be adjusted in the same percentage as the average salary adjustment of the other supervisory employees and department heads of the City of Ashland. (Charter amendment 5-23-78).~~

Section 4. Vacancies. An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony; other offense pertaining to his/her office, or unlawful destruction of public records; resignation; recall from office or ceasing to possess the qualifications for the office; or, in the case of the Mayor or Council Member, upon his/her absence from the City for thirty (30) days without the consent of the Council or upon his/her absence from meetings of the Council for sixty (60) days without like consent, and subsequent declaration of the vacancy by a two-thirds affirmative vote of the Council.

A vacant elective office in the City shall be filled within sixty (60) days by the Council electing some qualified person to fill such vacancy. The appointee's term of office shall begin immediately upon appointment and shall continue until a successor, elected at the next biennial election, takes office for the unexpired term. The Council shall have the power, by a two-thirds affirmative vote, to expel any member of the Council for disorderly conduct in Council or inattention to duties. No Council member shall be expelled without notice and a hearing by the Council.

Section 5. Term. The term of all elective officers shall begin the first day of January following their election.

~~Section 6. Interest in City Contracts. During the term of office, no elective officer shall violate any provision of the State of Oregon Code of Ethics as contained in ORS Chapter 244. (Amended by vote 11-8-94.)~~

#### ARTICLE IV - Mayor

Section 1. Term. The Mayor in office at the time this Charter is adopted shall continue in office until the end of his/her term of office as fixed by the Charter of the City in effect at the time this Charter is adopted. At the biennial general election held in ~~1972~~, and every

**Section 2. Powers and Duties. The Mayor is the executive officer of the municipal corporation and shall exercise careful supervision over the general affairs of the City and over appointive officers. He/she shall sign all orders and warrants on the Treasury for claims authorized by the Council.**

Section 3. Vote. The Mayor shall not be entitled to vote on any ordinance or measure before the Council except in the case of a tie vote, in which case he/she shall have the power to vote, and must vote either in the affirmative or in the negative. The Mayor shall, within five days after the passage of any ordinance, either approve or veto the same, and no ordinance shall go into effect until approved by the Mayor or passed by the Council over his/her veto. The Mayor shall, in case he/she vetoes any ordinance or resolution, file such veto with the City Recorder, together with reasons for his/her disapproval, which veto and message of disapproval shall be read at the next meeting of the Council, and such ordinance or resolution be put upon its passage again; and, if two-thirds of the Council members shall vote in the affirmative, it shall become law without the Mayor's approval, but not otherwise. In passing all resolutions and ordinances, the ayes and nays shall be called and permanent record made of the vote thereon.

## ARTICLE V - Council Members

Section 1. Terms. The Council members in office at the time this Charter is adopted shall continue in office, each until the end of his/her term of office as fixed by the Charter of the City in effect at the time this Charter is adopted. At each biennial general election after this Charter takes effect, three Council members shall be elected, each for a term of

## ARTICLE VI - Recorder

Section 1. Term. The Recorder in office at the time this Charter takes effect shall continue in office until the end of his/her term of office as fixed by the Charter of the City in effect at the time this Charter is adopted. At each biennial general election held in ~~1970~~, and every fourth year thereafter, a Recorder shall be elected for a term of four (4) years.

~~Section 2. Powers and Duties. The Recorder shall act as Clerk of the Council and shall keep plain and correct records of all business and proceedings of the Council. He/she shall maintain a file of all papers presented to him/her officially, and safely keep all files, records and papers of the corporation pertaining to his/her office, and these shall be open to the public. At the expiration of his/her term of office, he/she shall turn over to his/her successor any and all records, books, and papers pertaining to said office.~~

~~The Recorder must draw all orders for the proper payment of monies against the proper funds that have been appropriated by the City Council, and, together with the Mayor, sign the same. He/she may make periodic audits of all City accounting records.~~

~~The Recorder, shall, as soon as the Council shall make a general levy of the taxes for the city, certify the same, together with any and all special benefits and assessments then due, to the Clerk of the County Court.~~

~~The Recorder shall record, in a book to be kept for that purpose, all ordinances and~~

~~resolutions passed by the City Council, and the same shall be signed by the Recorder, as~~

**Section 3. Vacancy.** A willful absence of the Recorder from the City for more than thirty (30) days without the consent of the Council, carelessness or inattention to the duties of the Recorder, shall be grounds for the Council to declare the office vacant; and it may fill such vacancy in the same manner as vacancies in the office of Council members are filled.

**Section 4. Absence.** In the Recorder's absence, the Mayor shall appoint a Clerk of the Council Pro Tem who, while acting in that capacity, shall have all the authority and duties of the Recorder.

## ARTICLE VI A. - Judge

Section 1. Term. At the biennial general election held in ~~1978~~, and every fourth year thereafter, a Judge shall be elected for a term of four (4) years. (Charter amendment 5-23-78)

## ARTICLE VII - Elections

~~Section 1. Regular Elections. Regular City elections shall be held at the same times and places as biennial general State elections, in accordance with applicable State election laws.~~

~~Section 2. Notice of Regular Elections. The Recorder, pursuant to directions from the Council, shall give at least ten (10) days notice of each regular City election by posting notice thereof at a conspicuous place in the City Hall, and by publication in a newspaper of wide and general circulation published in the City of Ashland. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election.~~

~~Section 3. Special Elections. The Council shall provide the time, manner and means for holding any special election which shall comply with applicable State laws. The Recorder shall give at least ten (10) days notice of each special election in the manner provided by the action of the Council ordering the election.~~

~~Section 4. Regulation of Elections. Except as this Charter provides otherwise and as the~~

**Section 5. Nominations.** A qualified elector may be nominated for an elective City office to be filled at the election. The nomination must be by a petition that specifies the office sought and must be in a form prescribed by the Council. The petition shall be signed by not fewer than twenty-five (25) electors, and with the candidate's written acceptance of such nomination. No elector may sign more than one petition for each office to be filled at the election. If he/she does so, his/her signature will be valid only on the first sufficient petition filed for the office. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature of the person appended thereto was made in his/her presence, and is the genuine signature of the person whose name it purports to be. Opposite each signature shall be stated the date of signing, the signer's place or residence, identified by its street and number or other sufficient designation. The Recorder shall make a record of

the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the Recorder shall notify the candidate and the person who filed the petition within twelve (12) days after the filing. If the petition is insufficient in any other particular, the Recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. The deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed, within the regular time for filing nomination petitions. All nomination papers comprising a petition shall be assembled and filed in final form as one instrument with the Recorder not less than twelve (12) days before the date that the Recorder must file the same with the County Clerk. (Charter Amendment 11-2-82)

~~Section 6. Canvass of Returns. In all elections held in conjunction with State and County elections, the State laws governing the filing of returns by the County Clerk shall apply. In each special City election, the returns therefrom shall be filed with the Recorder on or before noon the day following; and, not later than five (5) days after the election, the Council shall meet and canvass the returns. The results of all elections shall be entered in the record of the proceedings of the Council. The entry shall state the total number of votes cast at the election, the votes cast for each person, and for and against each proposition, the name of each person elected to office, the office to which he/she has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the Recorder shall make and sign a Certificate of Election of each person elected and deliver the Certificate to him/her within one (1) day after the canvass. A Certificate so made and delivered shall be "prima facie" evidence of the truth of the statements contained in it.~~

~~Section 7. Tie Votes. In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in the manner prescribed by the Council.~~

Section 8. Oath of Office. Before entering upon the duties of his/her office, each officer shall take an oath or shall affirm that he/she will support the constitutions and laws of the United States, the State of Oregon, and the Charter and laws of the City of Ashland, and that he/she will faithfully perform the duties of his/her office.

## ARTICLE VIII - Council

Section 1. Where Powers Vested. Except as this Charter provides otherwise, all powers of

### Section 2. Composition.

The Council shall be composed of six (6) Council members elected in the City at large and by position number. Each position shall bear a number running from one (No. 1) through six (No. 6), and any candidate for Council shall, starting with his/her nominating petition, designate the number of the Council seat to which he/she seeks election; further, one candidate may only run for one position at an election.

The Council members whose terms of office expire with the end of 1972 shall be assigned seat numbers 1, 3 and 5; 1974 shall be assigned seat numbers 2, 4 and 6. Within the scope of the preceding provision, the Council shall forthwith determine by lot the numbers to be assigned to the incumbent Council members.

Section 3. Council Meetings and Rules. The Council shall hold a regular meeting in the City at least once each month at a time and place which it designates. Other meetings may be called as the Council deems necessary, with notice given the Mayor and Council members and the public as provided by ordinance. Minutes of any such special meeting shall be presented at the next regular Council meeting. The Council shall adopt rules for

Section 4. Quorum. The Mayor and not less than three (3) of the Council members, or four (4) of the Council members, shall constitute a quorum for conducting Council business.

~~Section 5. Journal. The Council shall cause a record of its proceedings to be kept. Upon request of the Mayor or any of the Council members, the ayes and nays upon any question before it shall be taken and entered in the record.~~

~~Section 6. Proceedings to be Public. No action by the Council shall have legal effect unless the motion for the action and the vote thereon take place at proceedings open to the public.~~

Section 7. Mayor's Function at Council Meetings. The Mayor shall preside over the deliberations of the Council. He/she shall have authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council.

Section 8. Chair of the Council. At the first regular meeting of the Council in January of each year, the Council shall by ballot elect a Chair of the Council from its membership to serve for one (1) year. He/she shall, during all times when the Mayor is absent or unable to attend to his/her duties or act in any matter, have and exercise the powers and perform the duties of the Mayor, except that he/she shall retain his/her Council member's right

to vote. If, at any meeting of the Council, both Mayor and Chair are absent, the Council members present shall elect one of their number as Chair Pro Tem, who shall preside at that meeting.

Section 9. Vote Required. Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary

to decide any question before the Council.

## ARTICLE IX—Special Powers of the Council

~~Section 1. Violation of Charter, Ordinance and Laws.~~ The Council, at any regular or adjourned meeting, shall have the power within the limits of the City of Ashland to enact laws, ordinances and pass resolutions not in conflict or inconsistent with the laws of the United States, the State of Oregon, or the provisions of this Charter; and to provide for punishment of any person or persons found guilty by a competent tribunal of the violation of any such laws, ordinances, or any of the provisions of this Charter, by fine or imprisonment of such offender, until such fine and costs are paid; and to provide for the working of such persons so convicted on the streets of the City or at any other work, and to provide the compensation therefor to be applied on such fine and costs; but no fine shall exceed the sum of \$500 and the costs of prosecution, nor shall any imprisonment or term at hard labor exceed 60 days.

~~Section 2. Levy of Taxes.~~ The Council, by two thirds vote of the Council at any regular or adjourned meeting, shall have the power within the limits of the City of Ashland to annually ordain and levy taxes on the taxable property of the City made taxable by law for County and State purposes, not to exceed fifteen mills on the dollar on the assessed valuation in any year for the expenses of the City; and also in such further amount as may be necessary for the payment of interest or principal on any bonded indebtedness now existing or hereafter to exist against the City and for payment of any judgment or judgments obtained against the City.

~~Section 2(b). Flood Damage Restoration Bonds.~~ In addition to the indebtedness otherwise authorized by law and by this Charter, the City Council of the City of Ashland shall have the power and authority to issue the general obligation bonds of the City in such amounts and with such maturity dates as the City Council shall, in its discretion, deem advisable in an aggregate amount not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00) for the purpose of financing the cost of repair and restoration in accord with current construction standards of the City's water, sewer, electrical and storm sewer systems; City streets and bridges and watershed roads and bridges; Lithia Park; the repair of riprap at the Ashland Airport; and the purchase of a dredge for the removal of present and continuous accumulations of silt in the City's water reservoir; and to further provide that all state or federal funds received to assist Ashland in repair of flood damage shall be used for that purpose or to pay principal and interest on these bonds and for no other purpose; and shall have the power and right to designate the manner and time of payment of said bonds and the interest thereon, provided that considering any discounts or premiums paid, the effective rate of interest on such bonds shall not exceed that allowable by the laws of the State of Oregon. The power herein granted shall be exercised by the Council without submitting the question to a further vote of the electors and the bonds issued in pursuance to this Article shall not be subject to the limitation on bond or other indebtedness elsewhere contained in the Charter of said City.

~~Section 2(c). Hospital Improvement Bonds.~~ In addition to the indebtedness otherwise

~~authorized by law and by this Charter, the City Council of the City of Ashland shall have the power and authority to issue the general obligation bonds of the City in such amounts and with such maturity dates as the City Council shall, in its discretion, deem advisable in an aggregate amount not to exceed Three Hundred Sixty Thousand Dollars (\$360,000.00) for the purpose of financing the design and construction of additions and improvements to the Ashland Community Hospital; and shall have the power and right to designate the manner and time of payment of said bonds and the interest thereon, provided that considering any discounts or premiums paid, the effective rate of interest on such bonds shall not exceed that allowable by the laws of the State of Oregon. The power herein granted shall be exercised by the Council without submitting the question to a further vote of the electors and the bonds issued in pursuance to this Article shall not be subject to the limitation on bond or other indebtedness elsewhere contained in the Charter of said City.~~

~~Section 3. Special Assessments. The Council shall have the power at regular or adjourned meeting to levy such special benefit assessments for road, sewer or other special improvements as they deem reasonable and to prescribe the time when such assessments shall be paid and to assess penalties thereon, not exceeding ten percent (10%) when delinquent, which assessments and penalties may be collected under the provisions of Article XII, Sections 1 and 2.~~

~~Section 4. Reassessment. The Council shall have the power to enact an ordinance to correct any administrative error in the levying of any special benefit assessment and to cause a reassessment to be made.~~

~~Section 5. Debt Limit. The Council, by a two thirds vote at any regular or adjourned meeting, shall have the power within the limits of the City of Ashland to borrow money upon the credit of the City and authorize the issue of orders or notes therefor to an amount not exceeding \$5,000.00 when required for municipal purposes, which orders and notes shall bear a reasonable rate of interest and shall not aggregate at any time to exceed \$5,000.00.~~

~~Section 6. Bonds. The Council, by a two thirds vote at any regular or adjourned meeting, shall issue bonds of the City for other purposes when duly voted and required by a majority of the electors of said City; or in rebonding any bonded indebtedness of the City when the same is due and payable and the City has not the funds on hand to pay the same, but in rebonding, bonds shall not be issued for a longer period or greater rate of interest than the bonds to be liquidated. All bonds issued hereafter shall be amended to this Article; that is, Article IX, Section 2, and at such time as they are retired shall be automatically repealed.~~

~~Section 7. Water System. The Council, by a two thirds vote of the Council at any regular or adjourned meeting, shall have the power within the limits of the City of Ashland to suppress, restrain, and prohibit any obstruction, pollution, diversion, waste, extravagant use of, waters of Mill or Ashland Creek, either within or above the City limits.~~

## ARTICLE X - Ordinances

Section 1. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be: The People of the City of Ashland do ordain as follows:".

### Section 2. Mode of Enactment.

- (a) Except as the second and third paragraphs of this Section provide to the contrary, every ordinance of the Council shall, before being put upon its final passage, be read first fully and distinctly in open Council meeting and then on a different date by title only, unless a Council member or the public requests that it be read in full for a second time, and it shall then be read fully and distinctly.
- (b) Provided all conditions set forth in Paragraph (C) have been met, an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members present upon being read first in full and then by title.
- (c) The first reading may be by title alone if no Council member present at the meeting, or the public, requests to have the ordinance read in full, and if a copy of the ordinance is provided for each Council member and three (3) copies are provided for public inspection in the office of the City Recorder not later than one (1) week before the first reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted at the City Hall and by advertisement in a newspaper of general circulation and published in the City. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such 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.
- (d) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered into the record of the proceedings.
- (e) Upon the enactment of an ordinance, the Recorder shall sign it with the date of its passage and his/her name and the title of his/her office, except as provided in Article IV, Section 3.

Section 3. When Ordinances Take Effect. An ordinance enacted by the Council shall take effect on the thirtieth (30th) day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect; and, in case of emergency, it may take effect immediately.

## ARTICLE XI - Public Improvements

~~Section 1. Condemnation. Any necessity of taking property for the City by condemnation shall be determined by the Council and declared by resolution of the Council describing the property and stating the uses to which it shall be devoted. The procedure for the condemnation shall be as ordained by the Council or provided by State law.~~

Section 2. Improvements. The procedure for making, altering, vacating or abandoning a public improvement shall be governed by general ordinance or to the extent not so governed, by applicable general laws of the State. Action on any proposed public

improvement, except a sidewalk or except an improvement unanimously declared by the Council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of two-thirds of the land to be specially assessed therefor. In this section, "owner" shall mean the record holder of legal title or, where the land is being purchased under a land sale contract recorded or verified to the Recorder in writing by the record holder of legal title to the land, the purchaser shall be deemed the "owner".

Section 3. Special Assessments. The procedure for the levying, collecting and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be as provided in Article XII, Sections 1 and 2 of this Charter.

~~Section 4. Bids. All jobs or contracts for constructing, repairing, ornamenting or improving any public place in this City or out of it, the expenses of which are to be paid out of the City Treasury, and the probable cost of which will exceed \$500, shall be advertised in a newspaper of wide and general circulation published in the City of Ashland for ten days before the closing of the bids, and shall be done in accordance with the plans and specifications approved by the Council. The Council shall have the right to reject any or all bids without incurring any liability for such rejection.~~

## ARTICLE XII—Taxation: Powers and Duties of the Council

~~Section 1. It shall be the duty of the Council immediately after the receipt of the certificate of the County Clerk of the County Court of Jackson County, Oregon, showing the aggregate valuation of the assessable property in said City of Ashland, to meet, and by ordinance annually levy such taxes and assessments as permitted in this Charter against the taxable property of the City of Ashland, and such special assessments and penalties as may be due and unpaid, and cause the same to be certified to the County Court, as provided in Section 2 of this Article.~~

~~Section 2. The Council shall, immediately after such levy, notify the Clerk of the County Court, under the certificate of the City Recorder, of the rate percent of the tax levy made by the Council and all delinquent special benefit assessments and the penalties thereon, and it shall be the duty of such Clerk to compute the taxes and extend the same by entering the aggregate tax in the appropriate columns on the tax roll, and such taxes, special assessments and penalties shall be collected by the same officer, in the same manner and at the same time as taxes for County purposes are collected, and the same shall be paid over by the County Treasurer to the City Recorder as provided by law for the paying over of city taxes.~~

~~Section 3. County Road Tax. The territory within the limits of the City of Ashland as now existing and as may be hereafter extended is hereby excepted out of the jurisdiction of the~~

~~County Court of Jackson County for licensing purposes and road purposes, and the City Council shall have full and exclusive jurisdiction over the same. The inhabitants of the City shall be exempt from the payment of road taxes and assessments of the property within the City for road work, except such taxes as may be levied and assessed by the City Council, and all such taxes shall be placed in a separate fund and used for street purposes within the limits of the City and not otherwise.~~

## ARTICLE XIII - Appointive Officers

~~Section 1A. Separate Police and Fire Departments. The City of Ashland shall maintain a fire department which is separate and distinct from the City police department. The employees of one department shall not be assigned to do the job functions of employees in the other department. (Charter amendment 1-4-86)~~

Section 2. Qualifications, Duties and Salaries. The Council shall, by ordinances, prescribe the duties of appointive officers, and determine their compensation and qualifications, except the Municipal Judge shall be a member of the Oregon State Bar. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of his/her judicial duties.

**Section 3. Removal.** The Mayor, with the consent of the Council, may suspend and remove any appointive officer at any time.

~~Section 4. Interest in City Contracts. Except as provided otherwise by law, no officer, agent or employee shall have any interest in any City contract made by him/her in his/her official capacity or by any public committee, board, commission or department of which he/she is a member, agent or employee, except that the employment of the officer, agent or employee shall not be considered a contract for the purposes of this section.~~

## ARTICLE XIV—Chief of Police: Powers and Duties

~~Section 1. The Chief of Police shall be the conservator of the peace within the limits of the City of Ashland and, in addition to the authority vested in him/her by the City Council, he/she shall have the authority and jurisdiction of a constable, and shall qualify and discharge the duties of constable, in the same manner and to the same effect as required of constables under the statutes of this State. He/she shall, within the County of Jackson, arrest any and all persons guilty of any breach of the peace committed in his/her presence, and take them before the judge of the City Court, or some Justice of the Peace for trial. He/she shall also have the power, under any warrant from the Judge, or any Justice of the Peace, to arrest any person in any part of the State of Oregon for any criminal offense or the violation of any City ordinance and, in case the Council shall~~

~~establish a police force for the City, he/she shall by virtue of his/her office be Chief of such force.~~

~~Section 2. The Chief of Police shall attend all meetings of the City Council, and perform the duties of the Sergeant at Arms of that body, watch over, care for and preserve all the City property and good morals of the City; and it shall be his/her duty, and the duty of any and all police officers, to see that all the laws and ordinances of the City, and the provisions of this Charter, are enforced, to file complaint with the City Judge against any persons violating any of the provisions of this Charter, or the laws or ordinances of the City; and a failure or neglect to faithfully perform any or all of such duties shall be cause for removal from office by the City Council.~~

## ARTICLE XV - Court

Section 1. Court. A court is hereby created in the City of Ashland, Oregon, to be known as the Municipal Court. The court shall be open for the transaction of judicial business at regular times specified by the Council. All area within the City shall be within the territorial jurisdiction of the court. When not governed by ordinances or this Charter, all proceedings in the Municipal Court for the violation of a City ordinance shall be governed by the applicable general laws of the State governing District Courts.

Section 2. Judge. The Municipal Judge shall be the judicial officer of the City. He/she shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by ordinances and Charter of the City and all other offenses made punishable by State law over which the City is given concurrent jurisdiction. He/she shall have authority to issue process for the arrest of any person accused of an offense against the ordinances and Charter of the City, to commit any such person to jail or admit him/her to bail pending trial, to issue subpoenas, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the Court, and to punish witnesses and others for contempt of the Court. ~~The Judge shall make a monthly report of the Court's proceedings in writing to the City Council.~~

Section 2A. Term. The term of the Municipal Judge shall be four (4) years. (Charter amendment 5-23-78).

Section 3. ~~Jury. A defendant may have a jury of six (6) members by demanding the same. Any jury chosen shall be governed by the laws of the State of Oregon relating to juries in the District Court, and shall have the qualifications of such jurors resident within the corporate limits of said City.~~

Section 4. Fines, Fees, Costs and Cash Bail. The City Council shall provide for the collection of all Court fines, fees, costs and cash bail which shall be turned over to the City Recorder.

## ARTICLE XVI - Miscellaneous Provisions

~~Section 1. Public Utilities—Water Works. The City of Ashland, a municipal corporation, shall have the power to provide the residents of said City with such services as water, sewer, electric power, public transportation and such other public utilities as the people desire by majority vote; and to exact and collect compensation from the users of such public utility; provided, however, that any and all water and water works and water rights now owned or which may hereafter be acquired by said City, for the purpose of supplying the inhabitants thereof with water shall never be rented, sold or otherwise disposed of; nor shall the City ever grant any franchise to any person or corporation for the purpose of supplying the inhabitants of said City with water.~~

~~Section 2. Torts. The City's immunity or liability for torts shall be as determined by State law.~~

Section 3. Existing Ordinances, Acts, Proceedings. All existing ordinances in force when this act takes effect and not inconsistent herewith shall be and remain in full force after this act takes effect and thereafter until repealed by the Council. All actions and proceedings pending and all unfinished business whatsoever when this act takes effect shall thereafter be proceeded with according to the provisions of this act or any City ordinance applicable thereto and continued in force by this act. ~~No suit, action or proceeding now pending in any Court shall abate by virtue of this act, and all persons in office shall continue to receive such compensation for their services during the balance of their term as appertained to the office at the time they were respectively elected or appointed thereto; and all rights vested or liabilities incurred when this act takes effect shall not thereby be lost, impaired or destroyed; all bonds theretofore issued by said City are hereby declared to be valid and of full force and effect, and all acts of the Council heretofore done in good faith for the benefit of the City and on which proceedings shall not be instituted prior to July 1, 1970 are hereby legalized and made valid in every particular.~~

Section 4. Repeal of Previously-Enacted Provisions. All Charter provisions of the City enacted prior to the time that this Charter takes effect are ~~hereby~~ repealed, ~~except the provisions of the legislative Charter of 1898 relating to the Powers of the Chief of Police; that is, Article X, Section 1 compiled herein as Article XIV, Section 1; Powers and Duties of the Council—Taxation; that is, Article XII, Sections 1 and 2, compiled herein as Article XII, Sections 1 and 2; and Territory Excepted for Road Purposes and Licensing Purposes; that is, Article XVII, Section 1, compiled herein as Article XII, Section 3; and those provisions of the previous Charter Amendments included in the following:~~

~~Article VII, Section 1, amended 11-2-54, compiled herein as Article IX, Section 1  
Article VII, Section 2, amended 1-28-09, compiled partially herein as Article IX, Sections 2 and 3~~

~~Article VII, Section 3, of 1898 Charter, compiled herein as Article IX, Section 5  
Article XXVIII, Sections 1 and 2, amended 11-4-30 and 10-16-59, compiled herein as Article XVII, Sections 1 and 2~~

~~Article XIX, Sections 1, 2, and 4, amended 12-15-08, and Section 3, amended 4-23-51, compiled herein as Article XIX, Sections 1, 2, 3 and 4~~

~~Article XXVII, Sections 1, 2, 3, and 4 amended 11-11-28, compiled herein as Article XVIII, Sections 1, 2, 3, and 4~~  
~~Article XXIX, Section 1, amended 11-4-30, compiled herein as Article XX, Section 1~~  
~~Article XXXI, Section 1, amended 1938, compiled herein as Article XXI, Section 1~~  
~~Article X, Section 2, amended 7-17-19, compiled herein as Article XIV, Section 2~~  
~~Article XIX, Section 1-C, amended 3-12-57, compiled herein as Article XIX, Section 1-C~~

Section 5. Time of Effect of Charter Amendment. ~~This amended Charter took effect on July 1, 1970, except that Amendments to Article III, Section 2; Article VIII, Section 2; Article X, Section 2; Article XIII, Section 1 and Article XXII took effect on June 6, 1972.~~

## ARTICLE XVII - Hospital

Section 1. The City of Ashland is hereby authorized and empowered to own, operate and conduct a municipal hospital within the limits of said City of Ashland under the authority and direction of the Council.

Section 2. The Council is hereby authorized to issue and sell, in manner and form as in its judgment it may deem best, general obligation bonds of said City in a sum not to exceed \$350,000.00 for the purpose of providing funds with which to purchase real property for a hospital, construct a building or buildings to be used for hospital purposes, and equip and furnish said hospital in and for said City. Said bonds shall bear the date established by the Council, be serial in character, callable at any interest payment date in whole or in part on or after five (5) years from the date thereof after notice as provided by law, be retired by the said City in a period of not to exceed twenty-five (25) years, be in denomination of \$1,000.00 each, be signed by the Mayor and countersigned by the Recorder under the corporate seal of said City, have semi-annual interest coupons bearing the facsimile signatures of the Mayor and Recorder attached thereto, by and hold and promise to pay to the bearer of each of said bonds at maturity thereof, the sum therein named in legal tender of the United States of America, with interest thereon in like legal tender, at the office of the

City Recorder in said City or at such other office as the Council may, in its judgment, determine, which bonds shall be known as "Hospital Bonds". The particular form of said bonds, the maturities thereof, the rate of interest thereon, and such other details of their issuance and sale as are not herein mentioned shall be determined by the Council in the exercise of its best judgment in order to carry out the intention hereof. That it shall be the duty of the Council to attend to the proper application of the funds derived from the sale of said bonds and the purchaser or purchasers thereof shall in no event be responsible or charged with the proper application of the funds derived from the sale thereof. That the Council is hereby authorized and empowered each year at the time of making the annual tax levy for City purposes to include in such levy a sufficient amount to meet the payment of principal and interest on said Hospital Bonds as same shall be come due, and this authority shall be in addition to all Charter and Oregon Constitution debt limitation.

## ARTICLE XVIII - Cemeteries Trust Fund

Section 1. The Council is hereby authorized and empowered each year, at the time of making the annual levy for City purposes, to include in such levy a sum equal to but not to exceed one mill on each dollar of assessed valuation of property within the City, which sum shall be used for the purpose of maintenance and upkeep of cemeteries held by, or under control of the City of Ashland. Such levy shall not be within the limitation of taxation provided by law. Provided further that each year from the proceeds of such levy the Council shall set aside in a permanent trust fund the sum of \$500.00, the income from which shall be used to carry out the purposes mentioned herein. When such trust fund shall have accumulated to such an extent as to provide sufficient income for the purposes for which same was created, then no further tax levy shall be made thereafter.

Section 2. The Council is hereby given authority to receive control, for and on behalf of the City of Ashland, or any privately-operated or owned cemetery within the said City for the purpose of providing proper upkeep and maintenance of any such cemetery, said Council to receive such control only upon conditions as to it may seem for the best interests of the City.

Section 3. The Council is hereby authorized to create such funds as, in its discretion, may be necessary for the purpose of keeping and maintaining in proper condition the cemeteries within or adjacent to the City of Ashland, and under the jurisdiction of said Council, and is further authorized from any monies received from sale of cemetery lots, to specifically create a trust fund for the perpetual upkeep of the lots so sold, and is further authorized to contract with the purchasers of any lots so sold, on behalf of the City of Ashland, for the perpetual upkeep of said lots on such terms and conditions as said Council may deem best for the protection of said City.

Section 4. The Council is hereby authorized to accept any bequests or donations for the purposes mentioned herein on behalf of the said City, which donations or bequests shall become a part of said permanent trust fund, unless specified otherwise when any such bequests or donations are given.

## ARTICLE XIX - Park Commission

Section 1. Dedication. All those lands specified by the Charter Amendment of December 15, 1908 and May 13, 1912, are hereby reserved and forever dedicated to the people of the City for park purposes and shall never be sold, leased, encumbered or used for any purpose inconsistent therewith; provided, however, that such public buildings as may enhance the beauty of said park, or that shall not detract therefrom, may be constructed if so directed by a majority vote of the electors of said City; and provided further, that nothing contained in this act shall be construed so as to impair or interfere with proper construction or operation of the City's light, power or water system.

Section 1-C. That the Ashland Park Commission, with the consent of the Common Council, shall have the authority to lease to the Oregon Shakespearean Festival Association, a non-profit corporation of the State of Oregon, any portion of Lithia Park described as follows, to-wit:

That certain property commencing at the northeast corner of the Chamber of Commerce

Section 2. Park Commission. The certain board created by a vote of the qualified electors of the City of Ashland, Oregon, at a special election held on the 15th day of December, 1908, which became effective by the proclamation of the Mayor published on the 17th day of December, 1908, and known and designated as the "Ashland Park Commission", be and the same, as constituted and created by said Charter amendment, and as now existing, is hereby perpetuated and continued as five (5) members with all the powers conferred and duties imposed by said

Park Commission shall hold office for the term for which he/she was elected, and until his/her successor is elected and qualified.

Section 3. Funding. The said Park Commission shall have control and management of all the lands here dedicated for park purposes and of all other lands that may hereafter be acquired by the City for such purposes. They shall have control and management of all park funds, whether the same is obtained by taxation, donation or otherwise, and shall expend the same judiciously for beautifying and improving the City's parks.

It shall be the duty of said Commission and they shall, at the beginning of each month, file with the City Recorder for the information of the City Council and the public, a report of their doings for the preceding month. Such report shall specify all funds on hand and the source from whence obtained. It shall carry a clear statement of all monies expended and for what purpose. All purchases made and all labor performed, together with the cost thereof, shall be embodied in said report. At the time for making the tax levy for general City purposes in each year, the said Commission shall cause a careful estimate to be made of the money required for park purposes for the ensuing year and file the same with the City Recorder, whereupon there shall be included in said general levy not to exceed four and one half (4-1/2) mills on the dollar to meet such requirements, which, when collected, shall be deposited with the City Recorder subject to the order of said Commission. The levy herein authorized shall be outside the limitation on taxation set forth in Article XI, Section II of the Constitution of Oregon.

Section 4. Salary; Government. The said Commission shall serve without pay and shall have power to formulate and adopt rules and regulations for their government and for the purpose of carrying into effect the purposes of their creation as Park Commission. They shall enter upon the discharge of their duties immediately upon their organization and shall, as soon as may be expedient, cause a map or maps to be made of the lands herein dedicated, and shall make the same conform to the descriptions contained in the instruments by which said City obtained title thereto; which said instruments shall be considered as carrying a more specific description of said lands.

## ARTICLE XIX A - Open Space Park Program

Section 1. Creation, Powers and Duties. An Open Space Park Program is hereby created to be administered by the Ashland Park Commission. The Park Commission shall make recommendations to the City Council concerning priorities for land and easement acquisitions for the Open Space Park Program. After dedication of land to the Open Space Park Program, the Ashland Park Commission shall be responsible for the administration, development and operation of such lands.

Section 2. Land and Easement Acquisition Procedures. Both the Ashland Park Commission and the City Council must agree upon land or easements to be acquired for open space park purposes. Before any land or easements that have been acquired for the Open Space Park Program are disposed of and released from the Program there shall be a public hearing. Disposal shall be by Ordinance, which shall not contain an emergency clause, thus giving to the people of the City of Ashland the opportunity to petition for a referendum. Land or easements acquired for open space park purposes shall be dedicated by the City Council for such purposes. Such dedicated lands or

easement shall be under the control and management of the Ashland Park Commission. The City Council shall not use the power of condemnation to acquire fee simple ownership of any land for Open Space purposes or for trails. (Amended 8-14-90)

**Section 3. Resources.** Monies dedicated to the Open Space Park Program shall be expended only for Open Space lands or easements, for costs of acquisition and for such other purposes pertinent to the Open Space Park Program as the Council and Park Commission may jointly determine. All monies dedicated for acquisition of Open Space Park Program lands shall remain under the financial management of the City of Ashland.

The tax measures for funding for land acquisition for the Open Space Park Program shall be approved by the voters, and the tax rates approved therein by the voters shall not be altered for Open Space purposes by the City Council without further approval by the electorate. Said tax measures for funding of the Open Space Park Program shall expire on December 31, 2010, unless extended by a vote of the electorate. (Amended 8-14-90)

**Section 4. Definition and Purpose of Open Space Park Lands.** The definition and purpose of open space park lands shall be as defined in State Law, ORS 308.740, or as modified by Ordinance of the City of Ashland. (Amended 5-15-90).

## ARTICLE XX - Municipal Airport

**Section 1. Power.** The City of Ashland is hereby given the power and authority to acquire, own, conduct and operate a municipal airport either within or outside the limits of the City of Ashland, under the authority and direction of the Council.

## ARTICLE XXI - City Band

**Section 1.** At the time of making the tax levy for general City purposes each year, the Council shall cause a careful estimate to be made of the money required for the purpose of a City Band for the ensuing year, such estimate shall be presented and considered with the other items in the annual budget and there shall be included in the general levy for the ensuing year not to exceed six-tenths (.6) mills on the dollar for such band requirements, which fund, when collected, shall be deposited with the City Recorder, subject to the order of the Council.

## ARTICLE XXII - Recreation Commission

**Section 1.** The Ashland Recreation Commission is hereby created to be composed of the five (5) Ashland Park Commissioners and their terms of office shall be the same.

**Section 2.** The powers and duties of the Recreation Commission shall be as set forth in this Charter, the Ordinances of the City of Ashland, and by any other applicable law.

**Section 3.** Any funds to be spent by the Recreation Commission for recreation purposes shall be from such funds as may be appropriated from time to time by the City Council, and in no event shall any funds be spent for recreation purposes that are received pursuant to Article XIX of this charter and which relates to the Park Commission and a levy for park purposes.

---

Paul Nolte, former City Attorney  
Ashland City Charter Markup

Memo to Charter Committee  
October 7, 2004

Matters lined through means unnecessary and without controversy.

Single box means unnecessary but merits explanation and analysis.	Double box means politically sensitive.
---	---

---

## ARTICLE I - Name and Boundaries

Section 1. Title of Enactment. This enactment shall be referred to as the Ashland Charter of 1970.

Section 2. Name. The municipality of Ashland, Jackson County, Oregon, shall continue to be a municipal corporation with the name "City of Ashland".

Section 3. Boundaries. The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by the voters, by the Council, or by any other agency with legal power to modify them. ~~The Recorder shall keep in her/his office at City Hall at least two (2) copies of this Charter, in each of which he/she shall maintain an accurate and up to date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the Recorder.~~

## ARTICLE II - Powers

Section 1. Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession. Section 2. Construction of the Charter. In this Charter, the mention of a particular power shall not be construed to be exclusive or to restrict the scope of the powers which the City would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the City shall have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to State laws and to the municipal Home Rule provisions of the State Constitution.

~~Section 3. Provisions for Amendment and Revision. The Council shall have the power to call a special election upon a resolution passed by the Council for the purpose of amending the Charter or enacting a new Charter, or whenever petitioned to do so by the electors of said City, under any initiative or referendum ordinance of the City of Ashland, or the laws of the State of Oregon.~~

## ARTICLE III - Elective Officers

Section 1. <u>Elective Officers</u> . The elective officers of the City shall be: a Mayor, Recorder, six (6) Council Members, five (5) Park Commissioners and a Municipal Judge. (Charter amendment 5-23-78)
--

Section 2. Qualifications. All elective officers except the Municipal Judge shall be residents and qualified voters in the City. (Charter amendment 5-23-78).

Section 3. <u>Salaries</u> . Any change in the amount of the present compensation received by elective officers, except for the Recorder and Municipal Judge, shall be submitted to the vote of the people; however, salary of the elected Recorder shall be in the amount being paid in 1974 and be adjusted starting with th
--

l year 1974-75 in the same percentage as the average salary adjustments of the other supervisory employees and department heads of the City of Ashland; further, the salary of the Municipal Judge will always be the same as for the year 1978-79 and thereafter to be adjusted in the same percentage as the average adjustment of the other supervisory employees and department heads of the City of Ashland. (Charter Amendment 5-23-78).

**Section 4. Vacancies.** An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony; other offense pertaining to his/her office, or unlawful destruction of public records; resignation; recall from office or ceasing to possess the qualifications for the office; or, in the case of the Mayor or Council Member, upon his/her absence from the City for thirty (30) days without the consent of the Council or upon his/her absence from meetings of the Council for sixty (60) days without like consent, and subsequent declaration of the vacancy by a two-thirds affirmative vote of the Council.

A vacant elective office in the City shall be filled within sixty (60) days by the Council electing some qualified person to fill such vacancy. The appointee's term of office shall begin immediately upon appointment and shall continue until a successor, elected at the next biennial election, takes office for the unexpired term. The Council shall have the power, by a two-thirds affirmative vote, to expel any member of the Council for disorderly conduct in Council or inattention to duties. No Council member shall be expelled without notice and a hearing by the Council.

**Section 5. Term.** The term of all elective officers shall begin the first day of January following their election.

**Section 6. Interest in City Contracts.** During the term of office, no elective officer shall violate any provision of the State of Oregon Code of Ethics as contained in ORS Chapter 244. (Amended by vote 11-8-

## **ARTICLE IV - Mayor**

**Section 1. Term.** The Mayor in office at the time this Charter is adopted shall continue in office until the end of his/her term of office as fixed by the Charter of the City in effect at the time this Charter is adopted. At the biennial general election held in 1972, and every fourth year thereafter, a Mayor shall be elected for a term of four (4) years.

**Section 2. Powers and Duties.** The Mayor is the executive officer of the municipal corporation and shall exercise careful supervision over the general affairs of the City and over appointive officers. He/she shall sign all orders and warrants on the Treasury for claims authorized by the Council.

**Section 3. Vote.** The Mayor shall not be entitled to vote on any ordinance or measure before the Council except in the case of a tie vote, in which case he/she shall have the power to vote, and must vote either in the affirmative or in the negative. The Mayor shall, within five days after the passage of any ordinance, either approve or veto the same, and no ordinance shall go into effect until approved by the Mayor or passed by the Council over his/her veto. The Mayor shall, in case he/she vetoes any ordinance or resolution, file such veto with the City Recorder, together with reasons for his/her disapproval, which veto and message of disapproval shall be read at the next meeting of the Council, and such ordinance or resolution be put upon its passage again; and, if two-thirds of the Council members shall vote in the affirmative, it shall become law without the Mayor's approval, but not otherwise. In passing all resolutions and ordinances, the ayes and nays shall be called and permanent record made of the vote thereon.

## **ARTICLE V - Council Members**

**Section 1. Terms.** The Council members in office at the time this Charter is adopted shall continue in office, each until the end of his/her term of office as fixed by the Charter of the City in effect at the time this Charter is

adopted. At each biennial general election after this Charter takes effect, three Council members shall be elected, each for a term of four (4) years.

#### **ARTICLE VI - Recorder**

Section 1. Term. The Recorder in office at the time this Charter takes effect shall continue in office until the end of his/her term of office as fixed by the Charter of the City in effect at the time this Charter is adopted. At each biennial general election held in 1970, and every fourth year thereafter, a Recorder shall be elected for a term of four (4) years.

Section 2. Powers and Duties. The Recorder shall act as Clerk of the Council and shall keep plain and correct records of all business and proceedings of the Council. He/she shall maintain a file of all papers presented to him/her officially, and safely keep all files, records and papers of the corporation pertaining to his/her office, and these shall be open to the public. At the expiration of his/her term of office, he/she shall turn over to his/her successor any and all records, books, and papers pertaining to said office.

The Recorder must draw all orders for the proper payment of monies against the proper funds that have been appropriated by the City Council, and, together with the Mayor, sign the same. He/she may make periodic audits of all City accounting records.

The Recorder, shall, as soon as the Council shall make a general levy of the taxes for the city, certify the same, together with any and all special benefits and assessments then due, to the Clerk of the County Court.

The Recorder shall record, in a book to be kept for that purpose, all ordinances and resolutions passed by the City Council, and the same shall be signed by the Recorder, as well as signed and approved by the Mayor therein.

Section 3. Vacancy. A willful absence of the Recorder from the City for more than thirty (30) days without the consent of the Council, carelessness or inattention to the duties of the Recorder, shall be grounds for the Council to declare the office vacant; and it may fill such vacancy in the same manner as vacancies in the office of Council members are filled.

Section 4. Absence. In the Recorder's absence, the Mayor shall appoint a Clerk of the Council Pro Tem who, while acting in that capacity, shall have all the authority and duties of the Recorder.

#### **ARTICLE VI A. - Judge**

Section 1. Term. At the biennial general election held in 1978, and every fourth year thereafter, a Judge shall be elected for a term of four (4) years. (Charter amendment 5-23-78)

#### **ARTICLE VII - Elections**

Section 1. Regular Elections. Regular City elections shall be held at the same times and places as biennial general State elections, in accordance with applicable State election laws.

Section 2. Notice of Regular Elections. The Recorder, pursuant to directions from the Council, shall give at least ten (10) days notice of each regular City election by posting notice thereof at a conspicuous place in the City Hall, and by publication in a newspaper of wide and general circulation published in the City of Ashland. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election.

Section 3. Special Elections. The Council shall provide the time, manner and means for holding any special election which shall comply with applicable State laws. The Recorder shall give at least ten (10) days notice of each special election in the manner provided by the action of the Council ordering the election.

Section 4. Regulation of Elections. Except as this Charter provides otherwise and as the Council provides otherwise by ordinances relating to elections, the general laws of the State shall apply to the conduct of all City Elections, recounts of the returns therefrom, and contests thereof.

Section 5. Nominations. A qualified elector may be nominated for an elective City office to be filled at the election. The nomination must be by a petition that specifies the office sought and must be in a form prescribed by the Council. The petition shall be signed by not fewer than twenty-five (25) electors, and with the candidate's written acceptance of such nomination. No elector may sign more than one petition for each office to be filled at the election. If he/she does so, his/her signature will be valid only on the first sufficient petition filed for the office. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature of the person appended thereto was made in his/her presence, and is the genuine signature of the person whose name it purports to be. Opposite each signature shall be stated the date of signing, the signer's place or residence, identified by its street and number or other sufficient designation. The Recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the Recorder shall notify the candidate and the person who filed the petition within twelve (12) days after the filing. If the petition is insufficient in any other particular, the Recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. The deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed, within the regular time for filing nomination petitions. All nomination papers comprising a petition shall be assembled and filed in final form as one instrument with the Recorder not less than twelve (12) days before the date that the Recorder must file the same with the County Clerk. (Charter Amendment 11-2-82)

Section 6. Canvass of Returns. In all elections held in conjunction with State and County elections, the State laws governing the filing of returns by the County Clerk shall apply. In each special City election, the returns therefrom shall be filed with the Recorder on or before noon the day following; and, not later than five (5) days after the election, the Council shall meet and canvass the returns. The results of all elections shall be entered in the record of the proceedings of the Council. The entry shall state the total number of votes cast at the election, the votes cast for each person, and for and against each proposition, the name of each person elected to office, the office to which he/she has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the Recorder shall make and sign a Certificate of Election of each person elected and deliver the Certificate to him/her within one (1) day after the canvass. A Certificate so made and delivered shall be "prima facie" evidence of the truth of the statements contained in it.

Section 7. Tie Votes. In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in the manner prescribed by the Council.

Section 8. Oath of Office. Before entering upon the duties of his/her office, each officer shall take an oath or shall affirm that he/she will support the constitutions and laws of the United States, the State of Oregon, and the Charter and laws of the City of Ashland, and that he/she will faithfully perform the duties of his/her office.

## ARTICLE VIII - Council

Section 1. Where Powers Vested. Except as this Charter provides otherwise, all powers of the City shall be vested in the Council and the Mayor.

Section 2. Composition. The Council shall be composed of six (6) Council members elected in the City at large and by position number. Each position shall bear a number running from one (No. 1) through six (No. 6), and any candidate for Council shall, starting with his/her nominating petition, designate the number of the Council seat to which he/she seeks election; further, one candidate may only run for one position at an election.

The Council members whose terms of office expire with the end of 1972 shall be assigned seat numbers 1, 3 and 5; 1974 shall be assigned seat numbers 2, 4 and 6. Within the scope of the preceding provision, the Council shall forthwith determine by lot the numbers to be assigned to the incumbent Council members.

Section 3. Council Meetings and Rules. The Council shall hold a regular meeting in the City at least once each month at a time and place which it designates. Other meetings may be called as the Council deems necessary, with notice given the Mayor and Council members and the public as provided by ordinance. Minutes of any such

special meeting shall be presented at the next regular Council meeting. The Council shall adopt rules for its proceedings.

Section 4. Quorum. The Mayor and not less than three (3) of the Council members, or four (4) of the Council members, shall constitute a quorum for conducting Council business.

~~Section 5. Journal. The Council shall cause a record of its proceedings to be kept. Upon request of the Mayor or any of the Council members, the ayes and nays upon any question before it shall be taken and entered in the record.~~

~~Section 6. Proceedings to be Public. No action by the Council shall have legal effect unless the motion for the action and the vote thereon take place at proceedings open to the public.~~

Section 7. Mayor's Function at Council Meetings. The Mayor shall preside over the deliberations of the Council. He/she shall have authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council.

Section 8. Chair of the Council. At the first regular meeting of the Council in January of each year, the Council shall by ballot elect a Chair of the Council from its membership to serve for one (1) year. He/she shall, during all times when the Mayor is absent or unable to attend to his/her duties or act in any matter, have and exercise the powers and perform the duties of the Mayor, except that he/she shall retain his/her Council member's right to vote. If, at any meeting of the Council, both Mayor and Chair are absent, the Council members present shall elect one of their number as Chair Pro Tem, who shall preside at that meeting.

Section 9. Vote Required. Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.

## **ARTICLE IX - Special Powers of the Council**

Section 1. Violation of Charter, Ordinance and Laws. The Council, at any regular or adjourned meeting, shall have the power within the limits of the City of Ashland to enact laws, ordinances and pass resolutions not in conflict or inconsistent with the laws of the United States, the State of Oregon, or the provisions of this Charter; and to provide for punishment of any person or persons found guilty by a competent tribunal of the violation of any such laws, ordinances, or any of the provisions of this Charter, by fine or imprisonment of such offender, until such fine and costs are paid; and to provide for the working of such persons so convicted on the streets of the City or at any other work, and to provide the compensation therefor to be applied on such fine and costs; but no fine shall exceed the sum of \$500 and the costs of prosecution, nor shall any imprisonment or term at hard labor exceed 60 days.

Section 2. Levy of Taxes. The Council, by two thirds vote of the Council at any regular or adjourned meeting, shall have the power within the limits of the City of Ashland to annually ordain and levy taxes on the taxable property of the City made taxable by law for County and State purposes, not to exceed fifteen mills on the dollar on the assessed valuation in any year for the expenses of the City; and also in such further amount as may be necessary for the payment of interest or principal on any bonded indebtedness now existing or hereafter to exist against the City and for payment of any judgment or judgments obtained against the City.

Section 2(b). Flood Damage Restoration Bonds. In addition to the indebtedness otherwise authorized by law and by this Charter, the City Council of the City of Ashland shall have the power and authority to issue the general obligation bonds of the City in such amounts and with such maturity dates as the City Council shall, in its discretion, deem advisable in an aggregate amount not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00) for the purpose of financing the cost of repair and restoration in accord with current construction standards of the City's water, sewer, electrical and storm sewer systems; City streets and bridges and watershed roads and bridges; Lithia Park; the repair of riprap at the Ashland Airport; and the purchase of a dredge for the removal of present and continuous accumulations of silt in the City's water reservoir; and to further provide that all state or federal funds received to assist Ashland in repair of flood damage shall be used for that purpose or to pay principal and interest on these bonds and for no other purpose; and shall have the power and right to designate the manner and time of payment of said bonds and the interest thereon, provided that considering any discounts or premiums paid, the effective rate of interest on such bonds shall not exceed that allowable by the laws of the State of Oregon. The power herein granted shall be exercised by the Council without submitting the question to a further vote of the electors and the bonds issued in pursuance to this Article shall not be subject to the limitation on bond or other indebtedness elsewhere contained in the Charter of said City.

Section 2(c). Hospital Improvement Bonds. In addition to the indebtedness otherwise authorized by law and by this Charter, the City Council of the City of Ashland shall have the power and authority to issue the general obligation bonds of the City in such amounts and with such maturity dates as the City Council shall, in its discretion, deem advisable in an aggregate amount not to exceed Three Hundred Sixty Thousand Dollars (\$360,000.00) for the purpose of financing the design and construction of additions and improvements to the Ashland Community Hospital; and shall have the power and right to designate the manner and time of payment of said bonds and the interest thereon, provided that considering any discounts or premiums paid, the effective rate of interest on such bonds shall not exceed that allowable by the laws of the State of Oregon. The power herein granted shall be exercised by the Council without submitting the question to a further vote of the electors and the bonds issued in pursuance to this Article shall not be subject to the limitation on bond or other indebtedness elsewhere contained in the Charter of said City.

Section 3. Special Assessments. The Council shall have the power at regular or adjourned meeting to levy such special benefit assessments for road, sewer or other special improvements as they deem reasonable and to prescribe the time when such assessments shall be paid and to assess penalties thereon, not exceeding ten percent (10%) when delinquent, which assessments and penalties may be collected under the provisions of Article XII, Sections 1 and 2.

Section 4. Reassessment. The Council shall have the power to enact an ordinance to correct any administrative error in the levying of any special benefit assessment and to cause a reassessment to be made.

Section 5. Debt Limit. The Council, by a two-thirds vote at any regular or adjourned meeting, shall have the power within the limits of the City of Ashland to borrow money upon the credit of the City and authorize the issue of orders or notes therefor to an amount not exceeding \$5,000.00 when required for municipal purposes, which orders and notes shall bear a reasonable rate of interest and shall not aggregate at any time to exceed \$5,000.00.

~~Section 6. Bonds.~~ The Council, by a two thirds vote at any regular or adjourned meeting, shall issue bonds of the City for other purposes when duly voted and required by a majority of the electors of said City; or in rebonding any bonded indebtedness of the City when the same is due and payable and the City has not the funds on hand to pay the same, but in rebonding, bonds shall not be issued for a longer period or greater rate of interest than the bonds to be liquidated. All bonds issued hereafter shall be amended to this Article; that is, Article IX, Section 2, and at such time as they are retired shall be automatically repealed.

~~Section 7. Water System.~~ The Council, by a two thirds vote of the Council at any regular or adjourned meeting, shall have the power within the limits of the City of Ashland to suppress, restrain, and prohibit any obstruction, pollution, diversion, waste, extravagant use of, waters of Mill or Ashland Creek, either within or above the City limits.

## ARTICLE X - Ordinances

Section 1. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be: "The People of the City of Ashland do ordain as follows:".

Section 2. Mode of Enactment.

(a) Except as the second and third paragraphs of this Section provide to the contrary, every ordinance of the Council shall, before being put upon its final passage, be read first fully and distinctly in open Council meeting and then on a different date by title only, unless a Council member or the public requests that it be read in full for a second time, and it shall then be read fully and distinctly.

(b) Provided all conditions set forth in Paragraph (C) have been met, an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members present upon being read first in full and then by title.

(c) The first reading may be by title alone if no Council member present at the meeting, or the public, requests to have the ordinance read in full, and if a copy of the ordinance is provided for each Council member and three (3) copies are provided for public inspection in the office of the City Recorder not later than one (1) week before the first reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted at the City Hall and by advertisement in a newspaper of general circulation and published in the City. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such 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.

(d) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered into the record of the proceedings.

(e) Upon the enactment of an ordinance, the Recorder shall sign it with the date of its passage and his/her name and the title of his/her office, except as provided in Article IV, Section 3.

Section 3. When Ordinances Take Effect. An ordinance enacted by the Council shall take effect on the thirtieth (30th) day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect; and, in case of emergency, it may take effect immediately.

## ARTICLE XI - Public Improvements

~~Section 1. Condemnation. Any necessity of taking property for the City by condemnation shall be determined by the Council and declared by resolution of the Council describing the property and stating the uses to which it shall be devoted. The procedure for the condemnation shall be as ordained by the Council or provided by State law.~~

~~Section 2. Improvements. The procedure for making, altering, vacating or abandoning a public improvement shall be governed by general ordinance or to the extent not so governed, by applicable general laws of the State. Action on any proposed public improvement, except a sidewalk or except an improvement unanimously declared by the Council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of two thirds of the land to be specially assessed therefor. In this section, "owner" shall mean the record holder of legal title or, where the land is being purchased under a land sale contract recorded or verified to the Recorder in writing by the record holder of legal title to the land, the purchaser shall be deemed the "owner".~~

~~Section 3. Special Assessments. The procedure for the levying, collecting and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be as provided in Article XII, Sections 1 and 2 of this Charter.~~

~~Section 4. Bids. All jobs or contracts for constructing, repairing, ornamenting or improving any public place in this City or out of it, the expenses of which are to be paid out of the City Treasury, and the probable cost of which will exceed \$500, shall be advertised in a newspaper of wide and general circulation published in the City of Ashland for ten days before the closing of the bids, and shall be done in accordance with the plans and specifications approved by the Council. The Council shall have the right to reject any or all bids without incurring any liability for such rejection.~~

## **ARTICLE XII – Taxation: Powers and Duties of the Council**

~~Section 1. It shall be the duty of the Council immediately after the receipt of the certificate of the County Clerk of the County Court of Jackson County, Oregon, showing the aggregate valuation of the assessable property in said City of Ashland, to meet, and by ordinance annually levy such taxes and assessments as permitted in this Charter against the taxable property of the City of Ashland, and such special assessments and penalties as may be due and unpaid, and cause the same to be certified to the County Court, as provided in Section 2 of this Article.~~

~~Section 2. The Council shall, immediately after such levy, notify the Clerk of the County Court, under the certificate of the City Recorder, of the rate percent of the tax levy made by the Council and all delinquent special benefit assessments and the penalties thereon, and it shall be the duty of such Clerk to compute the taxes and extend the same by entering the aggregate tax in the appropriate columns on the tax roll, and such taxes, special assessments and penalties shall be collected by the same officer, in the same manner and at the same time as taxes for County purposes are collected, and the same shall be paid over by the County Treasurer to the City Recorder as provided by law for the paying over of city taxes.~~

~~Section 3. County Road Tax. The territory within the limits of the City of Ashland as now existing and as may be hereafter extended is hereby excepted out of the jurisdiction of the County Court of Jackson County for licensing purposes and road purposes, and the City Council shall have full and exclusive jurisdiction over the same. The inhabitants of the City shall be exempt from the payment of road taxes and assessments of the property within the City for road work, except such taxes as may be levied and assessed by the City Council, and all such taxes shall be placed in a separate fund and used for street purposes within the limits of the City and not otherwise.~~

## **ARTICLE XIII - Appointive Officers**

**Section 1. Appointive Officers.** The Mayor, with the confirmation by the Council, shall appoint a City Administrator, City Attorney and such other officers as the Council deems necessary. The Council may combine any two or more appointive offices. (Charter amendment 5-23-78)

**Section 1A. Separate Police and Fire Departments.** The City of Ashland shall maintain a fire department which is separate and distinct from the City police department. The employees of one department shall not be assigned to do the job functions of employees in the other department. (Charter amendment 1-4-86)

**Section 2. Qualifications, Duties and Salaries.** The Council shall, by ordinances, prescribe the duties of appointive officers, and determine their compensation and qualifications, except the Municipal Judge shall be a member of the Oregon State Bar. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of his/her judicial duties.

**Section 3. Removal.** The Mayor, with the consent of the Council, may suspend and remove any appointive officer at any time.

**Section 4. Interest in City Contracts.** Except as provided otherwise by law, no officer, agent or employee shall have any interest in any City contract made by him/her in his/her official

capacity or by any public committee, board, commission or department of which he/she is a member, agent or employee, except that the employment of the officer, agent or employee shall not be considered a contract for the purposes of this section.

#### **ARTICLE XIV - Chief of Police: Powers and Duties**

Section 1. The Chief of Police shall be the conservator of the peace within the limits of the City of Ashland and, in addition to the authority vested in him/her by the City Council, he/she shall have the authority and jurisdiction of a constable, and shall qualify and discharge the duties of constable, in the same manner and to the same effect as required of constables under the statutes of this State. He/she shall, within the County of Jackson, arrest any and all persons guilty of any breach of the peace committed in his/her presence, and take them before the judge of the City Court, or some Justice of the Peace for trial. He/she shall also have the power, under any warrant from the Judge, or any Justice of the Peace, to arrest any person in any part of the State of Oregon for any criminal offense or the violation of any City ordinance and, in case the Council shall establish a police force for the City, he/she shall by virtue of his/her office be Chief of such force.

Section 2. The Chief of Police shall attend all meetings of the City Council, and perform the duties of the Sergeant at Arms of that body, watch over, care for and preserve all the City property and good morals of the City, and it shall be his/her duty, and the duty of any and all police officers, to see that all the laws and ordinances of the City, and the provisions of this Charter, are enforced, to file complaint with the City Judge against any persons violating any of the provisions of this Charter, or the laws or ordinances of the City; and a failure or neglect to faithfully perform any or all of such duties shall be cause for removal from office by the City Council.

#### **ARTICLE XV - Court**

Section 1. Court. A court is hereby created in the City of Ashland, Oregon, to be known as the Municipal Court. The court shall be open for the transaction of judicial business at regular times specified by the Council. All area within the City shall be within the territorial jurisdiction of the court. When not governed by ordinances or this Charter, all proceedings in the Municipal Court for the violation of a City ordinance shall be governed by the applicable general laws of the State governing District Courts.

Section 2. Judge. The Municipal Judge shall be the judicial officer of the City. He/she shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by ordinances and Charter of the City and all other offenses made punishable by State law over which the City is given concurrent jurisdiction. He/she shall have authority to issue process for the arrest of any person accused of an offense against the ordinances and Charter of the City, to commit any such person to jail or admit him/her to bail pending trial, to issue subpoenas, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the Court, and to punish witnesses and others for contempt of the Court. The Judge shall make a monthly report of the Court's proceedings in writing to the City Council.

Section 2A. Term. The term of the Municipal Judge shall be four (4) years. (Charter amendment 5-23-78).

Section 3. Jury. A defendant may have a jury of six (6) members by demanding the same. Any jury chosen shall be governed by the laws of the State of Oregon relating to juries in the District Court, and shall have the qualifications of such jurors resident within the corporate limits of said City.

Section 4. Fines, Fees, Costs and Cash Bail. The City Council shall provide for the collection of all Court fines, fees, costs and cash bail which shall be turned over to the City Recorder.

#### **ARTICLE XVI - Miscellaneous Provisions**

Section 1. Public Utilities - Water Works. The City of Ashland, a municipal corporation, shall have the power to provide the residents of said City with such services as water, sewer, electric power, public transportation and such other public utilities as the people desire by majority vote; and to exact and collect compensation from the users of such public utility; provided, however, that any and all water and water works and water rights now owned or which may hereafter be acquired by said City, for the purpose of supplying the inhabitants thereof with water shall never be rented, sold or otherwise disposed of; nor shall the City ever grant any franchise to any person or

corporation for the purpose of supplying the inhabitants of said City with water.

**Section 2. Torts. The City's immunity or liability for torts shall be as determined by State law.**

Section 3. Existing Ordinances, Acts, Proceedings. All existing ordinances in force when this act takes effect and not inconsistent herewith shall be and remain in full force after this act takes effect and thereafter until repealed by the Council. All actions and proceedings pending and all unfinished business whatsoever when this act takes effect shall thereafter be proceeded with according to the provisions of this act or any City ordinance applicable thereto and continued in force by this act. No suit, action or proceeding now pending in any Court shall abate by virtue of this act, and all persons in office shall continue to receive such compensation for their services during the balance of their term as appertained to the office at the time they were respectively elected or appointed thereto; and all rights vested or liabilities incurred when this act takes effect shall not thereby be lost, impaired or destroyed; all bonds theretofore issued by said City are hereby declared to be valid and of full force and effect, and all acts of the Council heretofore done in good faith for the benefit of the City and on which proceedings shall not be instituted prior to July 1, 1970 are hereby legalized and made valid in every particular.

Section 4. Repeal of Previously-Enacted Provisions. All Charter provisions of the City enacted prior to the time that this Charter takes effect are hereby repealed, except the provisions of the legislative Charter of 1898 relating to the Powers of the Chief of Police; that is, Article X, Section 1 compiled herein as Article XIV, Section 1; Powers and Duties of the Council - Taxation; that is, Article XII, Sections 1 and 2, compiled herein as Article XII, Sections 1 and 2; and Territory Excepted for Road Purposes and Licensing Purposes; that is, Article XVII, Section 1, compiled herein as Article XII, Section 3; and those provisions of the previous Charter Amendments included in the following:

Article VII, Section 1, amended 11-2-54, compiled herein as Article IX, Section 1

Article VII, Section 2, amended 1-28-09, compiled partially herein as Article IX, Sections 2 and 3

Article VII, Section 3, of 1898 Charter, compiled herein as Article IX, Section 5

Article XXVIII, Sections 1 and 2, amended 11-4-30 and 10-16-59, compiled herein as Article XVII, Sections 1 and 2

Article XIX, Sections 1, 2, and 4, amended 12-15-08, and Section 3, amended 4-23-51, compiled herein as Article XIX, Sections 1, 2, 3 and 4

Article XXVII, Sections 1, 2, 3, and 4 amended 11-11-28, compiled herein as Article XVIII, Sections 1, 2, 3, and 4

Article XXIX, Section 1, amended 11-4-30, compiled herein as Article XX, Section 1

Article XXXI, Section 1, amended 1938, compiled herein as Article XXI, Section 1

Article X, Section 2, amended 7-17-19, compiled herein as Article XIV, Section 2

Article XIX, Section 1-C, amended 3-12-57, compiled herein as Article XIX, Section 1-C

Section 5. Time of Effect of Charter Amendment. This amended Charter took effect on July 1, 1970, except that Amendments to Article III, Section 2; Article VIII, Section 2; Article X, Section 2; Article XIII, Section 1 and Article XXII took effect on June 6, 1972.

---

**ARTICLE XVII—Hospital**

**Section 1. The City of Ashland is hereby authorized and empowered to own, operate and conduct a municipal hospital within the limits of said City of Ashland under the authority and direction of the Council.**

Section 2. The Council is hereby authorized to issue and sell, in manner and form as in its judgment it may deem best, general obligation bonds of said City in a sum not to exceed \$350,000.00 for the purpose of providing funds with which to purchase real property for a hospital, construct a building or buildings to be used for hospital purposes, and equip and furnish said hospital in and for said City. Said bonds shall bear the date established by the Council, be serial in character, callable at any interest payment date in whole or in part on or after five (5) years from the date thereof after notice as provided by law, be retired by the said City in a period of not to exceed twenty five (25) years, be in denomination of \$1,000.00 each, be signed by the Mayor and countersigned by the Recorder under the corporate seal of said City, have semi annual interest coupons bearing the facsimile signatures of the Mayor and Recorder attached thereto, by the terms thereof pledge the full faith and credit of the said City for their repayment, and hold and promise to pay to the bearer of each of said bonds at maturity thereof, the sum therein named in legal tender of the United States of America, with interest thereon in like legal tender, at the office of the City Recorder in said City or at such other office as the Council may, in its judgment, determine, which bonds shall be known as "Hospital Bonds". The particular form of said bonds, the maturities thereof, the rate of interest thereon, and such other details of their issuance and sale as are not herein mentioned shall be determined by the Council in the exercise of its best judgment in order to carry out the intention hereof. That it shall be the duty of the Council to attend to the proper application of the funds derived from the sale of said bonds and the purchaser or purchasers thereof shall in no event be responsible or charged with the proper application of the funds derived from the sale thereof. That the Council is hereby authorized and empowered each year at the time of making the annual tax levy for City purposes to include in such levy a sufficient amount to meet the payment of principal and interest on said Hospital Bonds as same shall be come due, and this authority shall be in addition to all Charter and Oregon Constitution debt limitation.

#### **ARTICLE XVIII - Cemeteries Trust Fund**

Section 1. The Council is hereby authorized and empowered each year, at the time of making the annual levy for City purposes, to include in such levy a sum equal to but not to exceed one mill on each dollar of assessed valuation of property within the City, which sum shall be used for the purpose of maintenance and upkeep of cemeteries held by, or under control of the City of Ashland. Such levy shall not be within the limitation of taxation provided by law. Provided further that each year from the proceeds of such levy the Council shall set aside in a permanent trust fund the sum of \$500.00, the income from which shall be used to carry out the purposes mentioned herein. When such trust fund shall have accumulated to such an extent as to provide sufficient income for the purposes for which same was created, then no further tax levy shall be made thereafter.

Section 2. The Council is hereby given authority to receive control, for and on behalf of the City of Ashland, or any privately operated or owned cemetery within the said City for the purpose of providing proper upkeep and maintenance of any such cemetery, said Council to receive such control only upon conditions as to it may seem for the best interests of the City.

Section 3. The Council is hereby authorized to create such funds as, in its discretion, may be necessary for the purpose of keeping and maintaining in proper condition the cemeteries within or adjacent to the City of Ashland, and under the jurisdiction of said Council, and is further authorized from any monies received from sale of cemetery lots, to specifically create a trust fund for the perpetual upkeep of the lots so sold, and is further authorized to contract with the purchasers of any lots so sold, on behalf of the City of Ashland, for the perpetual upkeep of said lots on such terms and conditions as said Council may deem best for the protection of said City.

Section 4. The Council is hereby authorized to accept any bequests or donations for the purposes mentioned herein on behalf of the said City, which donations or bequests shall become a part of said permanent trust fund, unless specified otherwise when any such bequests or donations are given.

#### **ARTICLE XIX - Park Commission**

Section 1. Dedication. All those lands specified by the Charter Amendment of December 15, 1908 and May 13, 1912, are hereby reserved and forever dedicated to the people of the City for park purposes

and shall never be sold, leased, encumbered or used for any purpose inconsistent therewith; provided, however, that such public buildings as may enhance the beauty of said park, or that shall not detract therefrom, may be constructed if so directed by a majority vote of the electors of said City; and provided further, that nothing contained in this act shall be construed so as to impair or interfere with proper construction or operation of the City's light, power or water system.

Section 1-C. That the Ashland Park Commission, with the consent of the Common Council, shall have the authority to lease to the Oregon Shakespearean Festival Association, a non-profit corporation of the State of Oregon, any portion of Lithia Park described as follows, to-wit:

That certain property commencing at the northeast corner of the Chamber of Commerce building; thence, southerly along the base of the hill to southern side of pond in lower park; thence, east to ditch carrying water to waterfall; thence, southerly along ditch 150 feet; thence, east 110 feet to west side of Hargadine Street; thence, northerly on west line of Hargadine Street to northeast corner of park property; thence, following the meandering north line of park property to place of beginning, containing approximately two acres

for the purpose of remodeling and expanding the present Festival theatre and the construction of additional buildings which are hereby designated as public buildings for use by the Oregon Shakespearean Festival Association for any of the purposes authorized by the corporate charter of said association, said use to be on such terms and conditions as the Ashland Park Commission, with the consent of the Common Council, deems in the best interests of the City; provided, however, that any lease shall not exceed a period of ninety-nine (99) years.

Section 2. Park Commission. The certain board created by a vote of the qualified electors of the City of Ashland, Oregon, at a special election held on the 15th day of December, 1908, which became effective by the proclamation of the Mayor published on the 17th day of December, 1908, and known and designated as the "Ashland Park Commission", be and the same, as constituted and created by said Charter amendment, and as now existing, is hereby perpetuated and continued as five (5) members with all the powers conferred and duties imposed by said Charter amendment and ordinances of the City of Ashland.

Provided, that at the general biennial election to be held on the first Tuesday after the first Monday in November, 1920, two commissioners shall be elected to serve for the term of four (4) years from the first day of January, 1921, and that at the general biennial election to be held in November, 1922, three commissioners shall be elected to serve for the term of four (4) years from the first day of January, 1923, and that the term of office for each succeeding commissioner shall be four (4) years unless elected to fill a vacancy, in which event he/she shall be elected to serve until the first day of January following the next succeeding biennial election after any such vacancy. Provided, further, that each of the commissioners now constituting the present Ashland Park Commission shall hold office for the term for which he/she was elected, and until his/her successor is elected and qualified.

Section 3. Funding. The said Park Commission shall have control and management of all the lands here dedicated for park purposes and of all other lands that may hereafter be acquired by the City for such purposes. They shall have control and management of all park funds, whether the same is obtained by taxation, donation or otherwise, and shall expend the same judiciously for beautifying and improving the City's parks.

It shall be the duty of said Commission and they shall, at the beginning of each month, file with the City Recorder for the information of the City Council and the public, a report of their doings for the preceding month. Such report shall specify all funds on hand and the source from

whence obtained. It shall carry a clear statement of all monies expended and for what purpose. All purchases made and all labor performed, together with the cost thereof, shall be embodied in said report. At the time for making the tax levy for general City purposes in each year, the said Commission shall cause a careful estimate to be made of the money required for park purposes for the ensuing year and file the same with the City Recorder, whereupon there shall be included in said general levy not to exceed four and one half (4-1/2) mills on the dollar to meet such requirements, which, when collected, shall be deposited with the City Recorder subject to the order of said Commission. The levy herein authorized shall be outside the limitation on taxation set forth in Article XI, Section II of the Constitution of Oregon.

**Section 4. Salary; Government.** The said Commission shall serve without pay and shall have power to formulate and adopt rules and regulations for their government and for the purpose of carrying into effect the purposes of their creation as Park Commission. They shall enter upon the discharge of their duties immediately upon their organization and shall, as soon as may be expedient, cause a map or maps to be made of the lands herein dedicated, and shall make the same conform to the descriptions contained in the instruments by which said City obtained title thereto; which said instruments shall be considered as carrying a more specific description of said lands.

#### **ARTICLE XIX A - Open Space Park Program**

**Section 1. Creation, Powers and Duties.** An Open Space Park Program is hereby created to be administered by the Ashland Park Commission. The Park Commission shall make recommendations to the City Council concerning priorities for land and easement acquisitions for the Open Space Park Program. After dedication of land to the Open Space Park Program, the Ashland Park Commission shall be responsible for the administration, development and operation of such lands.

**Section 2. Land and Easement Acquisition Procedures.** Both the Ashland Park Commission and the City Council must agree upon land or easements to be acquired for open space park purposes. Before any land or easements that have been acquired for the Open Space Park Program are disposed of and released from the Program there shall be a public hearing. Disposal shall be by Ordinance, which shall not contain an emergency clause, thus giving to the people of the City of Ashland the opportunity to petition for a referendum. Land or easements acquired for open space park purposes shall be dedicated by the City Council for such purposes. Such dedicated lands or easement shall be under the control and management of the Ashland Park Commission. The City Council shall not use the power of condemnation to acquire fee simple ownership of any land for Open Space purposes or for trails. (Amended 8-14-90)

**Section 3. Resources.** Monies dedicated to the Open Space Park Program shall be expended only for Open Space lands or easements, for costs of acquisition and for such other purposes pertinent to the Open Space Park Program as the Council and Park Commission may jointly determine. All monies dedicated for acquisition of Open Space Park Program lands shall remain under the financial management of the City of Ashland.

The tax measures for funding for land acquisition for the Open Space Park Program shall be approved by the voters, and the tax rates approved therein by the voters shall not be altered for Open Space purposes by the City Council without further approval by the electorate. Said tax measures for funding of the Open Space Park Program shall expire on December 31, 2010, unless extended by a vote of the electorate. (Amended 8-14-90)

**Section 4. Definition and Purpose of Open Space Park Lands.** The definition and purpose of open space park lands shall be as defined in State Law, ORS 308.740, or as modified by Ordinance of the City of Ashland. (Amended 5-15-90).

---

#### **ARTICLE XX - Municipal Airport**

~~Section 1. Power. The City of Ashland is hereby given the power and authority to acquire, own, conduct and operate a municipal airport either within or outside the limits of the City of Ashland, under the authority and direction of the Council.~~

#### **ARTICLE XXI – City Band**

~~Section 1. At the time of making the tax levy for general City purposes each year, the Council shall cause a careful estimate to be made of the money required for the purpose of a City Band for the ensuing year, such estimate shall be presented and considered with the other items in the annual budget and there shall be included in the general levy for the ensuing year not to exceed six tenths (.6) mills on the dollar for such band requirements, which fund, when collected, shall be deposited with the City Recorder, subject to the order of the Council.~~

#### **ARTICLE XXII - Recreation Commission**

Section 1. The Ashland Recreation Commission is hereby created to be composed of the five (5) Ashland Park Commissioners and their terms of office shall be the same.

Section 2. The powers and duties of the Recreation Commission shall be as set forth in this Charter, the Ordinances of the City of Ashland, and by any other applicable law.

Section 3. Any funds to be spent by the Recreation Commission for recreation purposes shall be from such funds as may be appropriated from time to time by the City Council, and in no event shall any funds be spent for recreation purposes that are received pursuant to Article XIX of this Charter and which relates to the Park Commission and a levy for park purposes.

# MODEL CHARTER FOR OREGON CITIES

## PREAMBLE\*

We, the voters of \_\_\_\_\_, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.<sup>1</sup>

## Chapter I

### NAMES AND BOUNDARIES

Section 1. Title. This charter may be referred to as the 20 Charter.<sup>2</sup>

Section 2. Name. The City of \_\_\_\_\_, Oregon, continues<sup>3</sup> as a municipal corporation with the name City of \_\_\_\_\_.<sup>4</sup>

Section 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.

## Chapter 11 POWERS

Section 4. Powers. The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant<sup>5</sup> or allow<sup>6</sup> the city, as fully as though this charter specifically enumerated each of those powers.<sup>7</sup>

Section 5. Construction. The charter will be liberally construed<sup>8</sup> so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.

Section 6. Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters.<sup>9</sup> This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative,<sup>10</sup> 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.<sup>11</sup>

## **Chapter III COUNCIL**

Section 7. Council. The council consists of a mayor<sup>12</sup> and six councilors<sup>13</sup> nominated and elected from the city at large.<sup>14</sup>

Section 8. 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.<sup>15</sup> With the consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution. The mayor must sign all records of council decisions.<sup>16</sup> The mayor serves as the political head of the city government.<sup>17</sup>

Section 9. 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.

Section 10. Rules. The council must by resolution adopt rules to govern its meetings.<sup>18</sup>

Section 11. 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.

Section 12. Quorum. A majority of the council members is a quorum to conduct business,<sup>19</sup> but a smaller number may meet and compel attendance of absent members as prescribed by council rules.<sup>20</sup>

Section 13. Vote Required. The express<sup>21</sup> approval of a majority of a quorum of the council is necessary for any council decision,<sup>22</sup> except when this charter requires approval by a majority of the council.<sup>23</sup>

Section 14. Record. A record of council meetings must be kept in a manner prescribed by the council rules.<sup>24</sup>

## **Chapter IV**

### **LEGISLATIVE AUTHORITY<sup>25</sup>**

Section 15. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of \_\_\_\_\_ ordains as follows.".

### Section 16. Ordinance Adoption.

- (a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings.<sup>26</sup>
- (b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council,<sup>27</sup> provided the proposed ordinance is available in writing to the public at least one week before the meeting.
- (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.
- (d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.
- (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.

Section 17. Effective Date of Ordinances. Ordinances normally take effect on the 30<sup>th</sup> 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.<sup>28</sup>

## **Chapter V**

### **ADMINISTRATIVE AUTHORITY<sup>29</sup>**

Section 18. Resolutions. The council will normally exercise its administrative authority by approving resolutions.<sup>30</sup> The approving clause for resolutions may state "The City of \_\_\_\_\_ resolves as follows:".

### Section 19. Resolution Approval.

- (a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.<sup>31</sup>
- (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.
- (c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.
- (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.

Section 20. 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.<sup>32</sup>

## **Chapter VI**

### **QUASI-JUDICIAL AUTHORITY<sup>33</sup>**

Section 21. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of \_\_\_\_\_ orders as follows:".

#### Section 22. Order Approval.

- (a) Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.<sup>34</sup>
- (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.
- (c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.
- (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.

Section 23. 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.

## **Chapter VII**

### **ELECTIONS**

Section 24. Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected.<sup>35</sup> At each general election after the adoption, three councilors will be elected<sup>36</sup> for four-year terms.<sup>37</sup>

Section 25. 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.<sup>38</sup>

Section 26. 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.<sup>39</sup>

Section 27. Qualifications.

- (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.<sup>40</sup>
- (b) No person may be a candidate at a single election for more than one city office.
- (c) Neither the mayor nor a councilor may be employed by the city.<sup>41</sup>
- (d) The council is the final judge of the election and qualifications of its members.

Section 28. 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.<sup>42</sup>

Section 29. 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.<sup>43</sup>

Section 30. 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.

Section 31. Vacancies: The mayor or a council office becomes vacant:

- (a) Upon the incumbent's:
  - (1) Death,
  - (2) Adjudicated incompetence,<sup>44</sup> or
  - (3) Recall from the office.<sup>45</sup>
- (b) Upon declaration by the council after the incumbent's:
  - (1) Failure to qualify for the office within 10 days of the time the term of office is to begin.
  - (2) Absence from the city for 30 days without council consent, or from all council meetings within a 60-day period,
  - (3) Ceasing to reside in the city,<sup>46</sup>
  - (4) Ceasing to be a qualified elector under state law,
  - (5) Conviction of a public offense punishable by loss of liberty,<sup>47</sup>
  - (6) Resignation from the office,

(7) Removal under Section 33(i).

Section 32. Filling Vacancies. A mayor or councilor vacancy will be filled by appointment by a majority of the remaining council members.<sup>48</sup> 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.<sup>49</sup>

## **Chapter VIII**

### **APPOINTIVE OFFICERS**

Section 33. City Manager.

(a) The office of city manager is established as the administrative head of the city government.<sup>50</sup> 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.<sup>51</sup>

(b) 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 managcmcnt.<sup>52</sup>

(c) The manager need not reside in the city.<sup>53</sup>

(d) 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.

(e) The manager must:

- (1) Attend all council meetings unless excused by the mayor or council;
- (2) Make reports and recommendations to the mayor and council about the needs of the city;
- (3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
- (4) Appoint, supervise and remove city employees;<sup>54</sup>
- (5) Organize city departments and administrative structure;
- (6) Prepare and administer the annual city budget;
- (7) Administer city utilities and property;
- (8) Encourage and support regional and intergovernmental cooperation;
- (9) Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community<sup>55</sup>;

- (10) Perform other duties as directed by the council;
  - (11) Delegate duties, but remain responsible for acts of all subordinates.
- (f) The manager has no authority over the council or over the judicial functions of the municipal judge.<sup>56</sup>
- (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.
- (h) When the manager is temporarily disabled from acting as manager or when the office of 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.
- (i) 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.<sup>57</sup> 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.<sup>58</sup>
- Section 34. 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 must appoint and supervise, and may remove any office employees.<sup>59</sup>
- Section 35. Municipal Court and Judge.
- (a) 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.
  - (b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.
  - (c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.
  - (d) 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.<sup>60</sup>
  - (e) The municipal judge may:

- (1) Render judgments and impose sanctions on persons and property;
  - (2) Order the arrest of anyone accused of an offense against the city;
  - (3) Commit to jail or admit to bail anyone accused of a city offense;
  - (4) Issue and compel obedience to subpoenas;
  - (5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
  - (6) Penalize contempt of court;
  - (7) Issue processes necessary to enforce judgments and orders of the court;
  - (8) Issue search warrants; and
  - (9) Perform other judicial and quasi-judicial functions assigned by ordinance.
- (f) The council may appoint and may remove municipal judges pro tem.
- (g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.<sup>61</sup>

## **Chapter IX**

### **PERSONNEL**

Section 36. Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.<sup>62</sup>

Section 37. Merit Systems. The council<sup>63</sup> by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.<sup>64</sup>

## **Chapter X**

### **PUBLIC IMPROVEMENTS**

Section 38 Procedure. The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement.<sup>65</sup> 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.

Section 39. 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.

## **Chapter XI**

### **MISCELLANEOUS PROVISIONS**

Section 40. Debt. City indebtedness may not exceed debt limits imposed by state law.<sup>66</sup> A charter amendment is not required to authorize city indebtedness.

Section 41. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section 42. Repeal. All charter provisions adopted before this charter takes effect are repealed.<sup>67</sup>

Section 43. 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.

Section 44. Time of Effect. This charter takes effect \_\_\_\_\_, 20\_\_\_.

*Submitted by City Attorney Mike Franell at the request of the Charter Review Committee.  
June 29, 2005*

## Article XVI, Section 1

### **Existing Language**

**Section 1. Public Utilities - Water Works** The City of Ashland, a municipal corporation, shall have the power to provide the residents of said City with such services as water, sewer, electric power, public transportation and such other public utilities as the people desire by majority vote; and to exact and collect compensation from the users of such public utility; provided, however, that any and all water and water works and water rights now owned or which may hereafter be acquired by said City, for the purpose of supplying the inhabitants thereof with water shall never be rented, sold or otherwise disposed of; nor shall the City ever grant any franchise to any person or corporation for the purpose of supplying the inhabitants of said City with water.

### **Alternative #1**

**Section 1. Public Utilities - Water Works** The City of Ashland, a municipal corporation, shall have the power to provide the residents of said City with such services as water, sewer, electric power, public transportation and such other public utilities as the people desire by majority vote; and to exact and collect compensation from the users of such public utility; provided, however, that any and all water, water works and water rights now owned or which may hereafter be acquired by said City for the purpose of supplying with water, the inhabitants thereof, or any business or corporation located within the City for their business purposes which shall not include the resale of water as a principal commodity, shall be never rented, sold or otherwise disposed of; nor shall the City ever grant any franchise to any person or corporation for the purpose of selling water as a principal commodity or for the purpose of supplying the inhabitants or businesses of said City with water.

### **Alternative #2**

**Section 1. Public Utilities - Water Works** The City of Ashland, a municipal corporation, shall have the power to provide the residents of said City with such services as water, sewer, electric power, public transportation and such other public utilities as the people desire by majority vote; and to exact and collect compensation from the users of such public utility; provided, however, that any and all water works and water rights now owned or which may hereafter be acquired by said City for the purpose of supplying the inhabitants thereof with water shall be never rented, sold or otherwise disposed of; nor shall the City ever grant any franchise to any person or corporation for the purpose of supplying the inhabitants of said City with water.

## Appendix XI

### Summary of Expenses

Appendix XI

**City Of Ashland**  
**Charter Review Committee Accounts Payable**  
**Recap as Of 6/24/05**

<b>Invoice Date</b>	<b>Vendor Name</b>	<b>Description</b>	<b>Total Amount</b>	<b>Fiscal Year</b>
3/30/2004	ARP, SANDRA L.	Study Sessions 3/17/04 Charter Review	\$474.67	2004
9/2/2004	ASHLAND SPRINGS HOTEL	Tom Sponsler: Charter Review Consultant	134.96	2005
9/8/2004	BEERY,ELSNER,& HAMMOND LLP, ATTORNEYS AT LAW	CONSULTANT FOR CHARTER REVIEW COMMITTEE	1,220.00	2005
11/1/2004	BEERY,ELSNER,& HAMMOND LLP, ATTORNEYS AT LAW	CHARTER REVIEW CONSULTANT SERVICES	3,474.17	2005
12/31/2004	BEERY,ELSNER,& HAMMOND LLP, ATTORNEYS AT LAW	CHARTER REVIEW CONSULTANT SERVICES	36.00	2005
6/1/2005	BEERY,ELSNER,& HAMMOND LLP, ATTORNEYS AT LAW	CHARTER REVIEW CONSULTANT SERVICES	144.00	2005
5/13/2004	LEAGUE OF OREGON CITIES	Model Charter for Oregon Cities	240.00	2004
6/29/2004	MAIL TRIBUNE / DAILY TIDINGS	Ran 6/29 Ref#85482 Po#61587- Charter	23.04	2004
9/14/2004	MAIL TRIBUNE / DAILY TIDINGS	PO#61593- Ad ref#104079 ran 9/14 Charter	37.44	2005
11/16/2004	MAIL TRIBUNE / DAILY TIDINGS	LPO #61593 Charter Review Committee	37.44	2005
1/18/2005	MAIL TRIBUNE / DAILY TIDINGS	Ref# 134261 Charter Review ad, run date	41.70	2005
2/1/2005	MAIL TRIBUNE / DAILY TIDINGS	Po#66307- Ad ref#138275 Charter ad ran	41.70	2005
3/28/2005	MAIL TRIBUNE / DAILY TIDINGS	LPO 66307 Charter Review Committee	42.71	2005
3/29/2005	MAIL TRIBUNE / DAILY TIDINGS	LPO 66307 Charter Review Committee	42.71	2005
4/12/2005	MAIL TRIBUNE / DAILY TIDINGS	Ref#155475 Ad ran 4/12 Charter Po# 66307	42.71	2005
4/19/2005	MAIL TRIBUNE / DAILY TIDINGS	Ad ref#15691 ran 4/19 po# 66307 Charter	42.71	2005
5/3/2005	MAIL TRIBUNE / DAILY TIDINGS	LPO 66307 Charter Review meeting notice	41.70	2005
5/10/2005	MAIL TRIBUNE / DAILY TIDINGS	LPO 66307 Charter Review meeting notice	42.71	2005
5/17/2005	MAIL TRIBUNE / DAILY TIDINGS	LPO 66307 Charter Review meeting notice	42.71	2005
5/31/2005	MAIL TRIBUNE / DAILY TIDINGS	LPO 66307 Charter Review meeting notice	41.70	2005
7/2/2004	QUILL, INC	Dictating cassettes for Charter minutes	26.20	2005
7/1/2004	SAFEWAY, INC	Po#61589- Charter Review meeting water	29.05	2005
4/7/2005	SOUTHERN OREGON UNIVERSITY	Charter Review Meeting 7PM 4/7/05 Room	202.50	2005
5/19/2005	SOUTHERN OREGON UNIVERSITY	Charter Review Meeting dates 5/5, 5/12,	461.40	2005
1/20/2005	STEVENSON UNION	City Charter Review Jan 20, 2005 Room	234.90	2005
6/29/2004	SUPERIOR STAMP & SIGN	Po#61586- 12 name plates for Charter	172.80	2004
7/13/2004	SUPERIOR STAMP & SIGN	Po#61591- name plate for Nancy: Charter	17.60	2005
		<b>Sub Total</b>	<b>\$7,389.23</b>	
7/04 - 6/05	Lucas/Slocum employees minute takers		<b>\$1,530.36</b>	2005

**Total      \$8,919.59**

Appendix XI