



**Charter Review Committee Meeting
Via Zoom
January 10, 2022 – 6:00 p.m.**

Committee Members Present: Joseph Andaya
John “Jack” Ardner
Jacob Cleverley
Tim Fier
Amanda Gayken
Jack Hollis
Cathy Keathley
Diana Marcela Wash
Nancy Seebert
Dana Stroud

Committee Members Not Present: Britt McConn
Michelle Reid

Staff Present: Kevin McConnell, City Attorney
Dara Halligan, Paralegal

A public meeting of the Charter Review Committee was called to order by Jacob Cleverley, Interim Chair, on the 10th of January, 2022, at 6:00 p.m., via Zoom. The meeting was digitally recorded and minutes were prepared by Dara Halligan.

1. WELCOME AND INTRODUCTION OF COMMITTEE MEMBERS AND STAFF.

Interim Chair Cleverley gave a brief overview of the roles and responsibility of the Charter Review Committee (“CRC”).

City Attorney, Kevin McConnell, introduced himself and City Attorney Office (“CAO”) staff, Dara Halligan.

Committee members introduced themselves.

2. ELECTION OF CHAIR AND VICE CHAIR.

Interim Chair Cleverley began the process for nominating and electing the Chair and Vice Chair of the CRC. He gave a brief overview of the duties and responsibilities of the Chair and Vice Chair.

Members Cathy Keathley and Joseph Andaya submitted information in advance for the

Chair elections. Advance submission of information was not required.

Interim Chair Cleverley reviewed the nomination and election process for the Chair and Vice Chair positions.

Nominations:

Interim Chair Cleverley called for nominations for Chair of the CRC.

Member Stroud nominated Member Andaya for Chair.

Member Keathley nominated herself for Chair.

Member Ardner nominated himself for Chair.

Decision:

Joseph Andaya was elected Chair of the Charter Review Committee by the majority of the members present.

Member	Joseph Andaya	Jack Ardner	Jacob Cleverley	Tim Fier	Amanda Gayken	Jack Hollis	Cathy Keathley	Diana Marcela Wash	Nancy Seebert	Dana Stroud
Joseph Andaya	x		x	x		x		x	x	
Jack Ardner		x								
Cathy Keathley					x		x			

Nominations:

Chair Andaya called for nominations for Vice Chair of the CRC.

Member Stroud nominated Member Ardner for Vice Chair.

Member Fier nominated Member Keathley for Vice Chair.

Member Gayken nominated herself for Vice Chair.

Decision:

Jack Ardner was elected Vice Chair of the Charter Review Committee by the majority of the members present.

Member	Joseph Andaya	Jack Ardner	Jacob Cleverley	Tim Fier	Amanda Gayken	Jack Hollis	Cathy Keathley	Diana Marcela Wash	Nancy Seebert	Dana Stroud
Jack Ardner	x	x	x					x	x	x
Cathy Keathley				x		x	x			
Amanda Gayken					x					

3. CITY ATTORNEY PRESENTATION: OVERVIEW OF THE GRESHAM CHARTER OF 1978.

City Attorney Kevin McConnell gave a PowerPoint presentation with an overview of the Gresham Charter of 1978 and the Charter review process, detailing Gresham’s history, form of government and general background concerning constitutional home rule authority.

The presentation also detailed developments since the 2019 CRC was disbanded, including: Resolution 3478, which tasks the CRC to consider and make a recommendation whether to place a ward/districting election system measure on the ballot; and the engagement of qualified, unbiased experts in the field of local government election systems- Dr. Todd Lochner and Dr. Ellen Seljan from Lewis & Clark College.

Member Wash asked for documents from the last CRC and how they created their priority list shown in the presentation. Mr. McConnell stated that CAO has copies of Minutes from past CRC meetings which could be distributed to the CRC.

4. GENERAL DISCUSSION REGARDING FUTURE CRC MEETINGS: AGENDA ITEMS, PUBLIC PARTICIPATION, ETC.

After the presentations, the CRC discussed the involvement of departments at the City, and whether they are aware of the CRC and the ability to come before the CRC and advance proposed Charter amendments. Mr. McConnell stated that if the CRC wishes to direct him to query City departments on whether they have any proposed Charter amendments, he would do so.

Member Seebert asked whether Minutes from the meeting would be prepared. Mr. McConnell stated that the meetings will be recorded and therefore minutes were not legally required pursuant to the Oregon Public Meetings Law; however, CAO staff can prepare Minutes for approval by the CRC if requested.

Member Keathley asked for documentation of changes recommended by previous CRCs which were then forwarded by City Council to voters, but did not pass. Mr.

McConnell stated that CAO will try to obtain that information to distribute to the CRC.

The CRC discussed the importance of community engagement, ways to obtain input from the public, including outreach to neighborhood coalitions and interest groups, and possible presentations at future CRC meetings. The CRC also discussed how to reach individuals and groups who may not have been involved in past CRCs.

The CRC discussed how the body would decide the issues it would tackle and how those issues would be prioritized. Member Seebert suggested that the CRC could start by everyone reading the Charter on their own. The CRC agreed that the members would review the Charter on their own, and then go through the Charter together at future CRC meetings.

Member Hollis expressed an interest in reviewing the use of pronouns in the Charter. Member Ardner suggested that the CRC decide upon a maximum number of issues to focus on. He also asked whether each language change would need a separate ballot measure, or if it could be proposed in one ballot measure. Mr. McConnell responded that CAO would research that issue and respond accordingly.

Member Cleverley suggested that the CRC establish a regular time during meetings for public comment. The CRC also discussed the importance of getting public input as they make their list of issues of focus and priority.

The CRC also discussed possibly setting up an online portal or a CRC email account to send to groups who may want to submit information on the CRC. Mr. McConnell responded that CAO is working with the City's Communication Department on the CRC's website.

Without objection, the CRC directed CAO to include time for public comment as the first Agenda item for each future meeting.

5. SCHEDULE FOR FUTURE MEETINGS.

The next Charter Review Committee meeting will open with public comment on February 7, 2022, at 6:00 p.m., via Zoom.

After the next meeting was scheduled, Mr. McConnell addressed some questions that Vice Chair Ardner had sent to him regarding sub-committees and explained that sub-committees would need to work closely with CAO to ensure they are complying with public meetings laws.

Chair Andaya asked about the process for sharing information with the CRC. Mr. McConnell stated that any information can be submitted to Ms. Halligan, who can then distribute the information to the rest of the CRC. The information will also be made available on the CRC website.

There was discussion on whether the CRC should ask the Lewis & Clark College professors to make their presentation on local elections at the next meeting. At this time, the CRC decided they would work with the professors to schedule the

presentation for a future meeting. Mr. McConnell stated he can reach out to the professors to see if there is any introductory information or materials that could be made available to the committee prior to their presentation.

The CRC agreed that the members would review the Charter on their own, noting sections they are interested in amending, removing, or adding, and then the CRC will go through the Charter together and discuss these issues at the February 7, 2022, meeting.

There being no further business, the meeting was adjourned at 8:26 p.m.

00:36:14 Joseph Andaya: I go by he/him. my mistake
00:49:12 Amanda Gayken: Thank you Jacob
00:56:10 Amanda Gayken: My copy has this as 45b
00:56:29 Amanda Gayken: Will we get a copy of this
01:16:03 Dara Halligan: I can send this via email as well, but here is the link to the CRC website:
<https://greshamoregon.gov/City-Charter/>
01:16:10 Diana Marcela Wash: I usually go by my middle name: Marcela. If you ask "Diana" a question and I don't answer, please don't think I am ignoring you. Just ask me again ;)
01:16:23 Joseph Andaya: understood. ty for that heads up
01:16:27 Amanda Gayken: Thank you!
01:21:11 Diana Marcela Wash: I think that a transcription of the meetings would be very helpful
01:21:43 Cathy Keathley: I agree with requesting and approving minutes.
01:21:54 Nancy Seebert: I agreed iana if we indivisuLL
01:24:05 Nancy Seebert: sorry for above. i agree with Diana if we individually have to go in and read or print there would be some inconsistencies. if we all can get them sent at the same time it might be simpler
01:27:47 Dana Stroud (she/ they): Can we co-create a list of non profits that we want to invite to participate?
01:28:22 Amanda Gayken: I think we should decide what we are going to focus on first then go from there
01:28:46 Dana Stroud (she/ they): But then their voices donâ€™t help to shape what we are focusing on
01:29:57 Diana Marcela Wash: we can do this concurrently: engage and plan
01:30:12 Amanda Gayken: MARcella I 100% agree!

From: [Cathy Keathley](#)
To: [Dara Halligan](#)
Subject: RE: January 10, 2022 CRC Meeting Chair Bio
Date: Tuesday, January 4, 2022 11:37:57 AM

CAUTION: External Email

I am interested and willing to serve as the Chair or Vice Chair of the Committee. My experience includes currently serving on the Gresham Barlow School Board and Vice President of a supporting organization to Pacific University. I also have experience as a former elected Gresham City Councilor. These roles have provided me with a familiarity with Roberts Rules of Order and how a chair of a committee can best keep the agenda on track. My personal skills include an approach that encourages input and also respectfully keeps the discussion relevant. In order for the committee to be successful, we need to be open to every idea presented, encourage respectful discussions, and support the consensus of the group.

I look forward to working with each of you, regardless of the role.

Cathy Keathley

From: [joseph_andaya](#)
To: [Dara Halligan](#)
Subject: Chair Bio for the CRC Committee
Date: Wednesday, January 5, 2022 4:38:34 PM

CAUTION: External Email

I would like to put forth my candidacy for the Chair position of the Charter Review Committee of Gresham.

This committee will be my first official role in politics, but I have been involved with politics for several years now. I have canvassed, written letters to get out the vote, and phone banked.

My core values are empathy, facts, equity, and logic. One of my biggest strengths is being able to graciously admit when I am wrong and the other person is right.

Presently, I work as an educator at an alternative high school for disenfranchised youth. Overall, I have 4 years of experience as an educator. I know how to solicit input from members, keep a group on track and discussions relevant and respectful.

I stringently follow and enforce rules in my professional and private life whether it be reminding a student of the school rules or a friend during a board game. I don't imagine any issues utilizing Robert's Rules of Order.

I believe that having a new perspective as Chair would be beneficial for this Committee and for Gresham.

Thank you for reading and for your consideration.

Best,

Joseph A

CITY OF GRESHAM

COLLABORATIVE

PRACTICAL

INVENTIVE

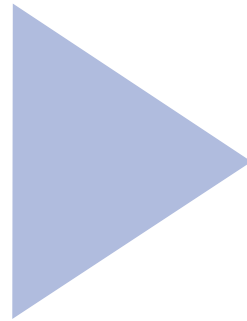
NIMBLE

EQUITABLE



2021 Charter Review Committee

The City's "Constitution"



Establishes the framework for how our City government operates- including its structure, form of government and powers

CITY OF GRESHAM

The Gresham Charter of 1978

- Establishes the name of the City and its boundaries;
- Vests power of the City in its City Council;
- Establishes our form of government (Council-Manager);
- Establishes qualifications for Council and powers and duties of City officers;
- Establishes when an elective office is deemed vacant and procedure to fill a vacancy;
- Establishes a procedure for the enactment of ordinances.

Gresham Charter of 1978

City of Gresham Charter Provision

Chapter III, Section 7:

The Council shall consist of a mayor and six councilors elected from the city at large. All elections for city officers must be nonpartisan.

City of Gresham Ordinance

GRC 7.15.120 Vehicle Repair

No person shall perform vehicle repair on property with a single family dwelling or duplex on more than two days within a seven-day period

Requires the Council to appoint a Charter Review Committee to review the Charter every 8 years.

Charters ensure that a municipality can:

- Generally govern its own affairs; and

- Address the specific needs of its citizens without having to ask permission from the state legislature.



19th/Early 20th Century- Legal View of City Power (Dillon's Rule)

Courts deemed cities to be mere creatures of the state.



Possessed only the powers delegated to them under state law.


19th/Early 20th- Century: Legal View of City Power

In practice, this meant that the city's
could not...

Enact laws to address matters of local
concern without the express approval
from the state.

This lack of local control led to Oregon's Home Rule Amendments.


In 1906, the people adopted two constitutional amendments:

1. Article XI, section 2 of the Oregon Constitution grants the electorate the power to enact and amend a municipal charter.
 2. Article IV, section 1(5) of the Oregon Constitution reserves the initiative and referendum powers to the voters in each municipality as to local legislation.
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These provisions constitute the basis for Home Rule Authority:

- Chapter II, section 6 of the Charter specifically recognizes this Home Rule Authority by affording the City of Gresham all powers that cities may assume pursuant to state laws and to municipal home rule provisions of the state constitution.
- This power frees the City from seeking state approval before enacting laws and policies needed to address local issues.

The Town of Gresham was created by the Legislature in 1905.



Chapter 271 of the Oregon Special Laws (1905) constituted the initial Charter for Gresham.



1921- Voters amended the Charter to change the name to “The City of Gresham.”



Voters have adopted new Charters twice, and amended it 10 times.

For a Charter amendment to be effective, it must be approved by at least **60 percent** of the City voters casting votes for or against the measure.

Past CRC’s have generally addressed:

- “Cleanup” issues (*i.e.*, typographical errors/outdated language);
- Policy issues (*i.e.*, making substantive changes to the Charter).

- Term of office for councilors
- Filling vacancies in office
- Qualifications for Council
- Annual report of citizen involvement
- Nonpartisan elections
- Qualifications of appointed councilor
- Timing of elections
- Council compensation
- At large or ward/district election of councilors
- Requirement for Council to adopt and be governed by code of ethics

2019 CRC Priority Worksheet

Low Priority	Medium Priority	High Priority
9A. Citizen Involvement	9. Mayor	7. City Council
12. Meetings	10. Compensation	8. Councilors
13. Quorum	11. Qualifications for Council	Auditor (Add 21B)
16. Mayor's Functions at City Council Meetings	17. President of the Council	Term Limits
19. Mayor	21. Judges, Powers, Procedures.	Campaign Finance (Add to Chapter VI – Elections)
20. City Manager	42B. Budget Committee	Primary Elections
31. Office Vacancies	45A. Charter Amendments	
32. Filling of Vacancies		

If the CRC recommends that the Charter be amended, it will forward the proposed amendments to the Council for review- in the form of a final report.

The Council may decide to place one or more of the CRC's recommended changes on the ballot.

Developments Since the 2019 CRC was Disbanded

- Council passed Resolution 3478:
 - The Report shall be completed and delivered to the Manager on or before January 31, 2023 (the CRC may be extended if necessary);
 - The CRC must consider and make a recommendation whether to place a ward/districting system measure on the ballot (preferred type of ward/districting system; potential drawbacks and benefits of each ward/districting system considered and the City's current at-large system; information deemed necessary to successfully transition to a ward/district election system);
 - The CRC is free to recommend any other proposed Charter changes it deems necessary.

Developments Since the 2019 CRC was Disbanded

- City Attorney engaged qualified, unbiased experts in the field of local government election systems:
 - Dr. Todd Lochner- Dr. Robert B. Pamplin Jr. Associate Professor of Government at Lewis & Clark College;
 - Dr. Ellen Seljan- Associate Professor of Political Science and Department Chair at Lewis & Clark College.

Developments Since the 2019 CRC was Disbanded

DELIVERABLES:

1. Advise the CRC on municipal election systems and the drawbacks/benefits of each;
2. Submit a substantive report to the CRC detailing a recommended City election system; and
3. Provide advice and guidance to the CRC as needed per the statement of work.

Goals for this Meeting and Moving Forward

- Identify next steps- where do you go from here? (Review each charter provision similar to how the 2019 CRC did; issues to tackle first, etc.).
- City Staff may want to make presentations for potential charter changes.
- Extent of public outreach- how to obtain public input?
- Questions?