

2022-2023 CRC Charter Review Committee

MEMORANDUM

To: Gresham Charter Review Committee

From: Charter Review Subcommittee

Date: **February 27, 2023**

Subject: Revised Proposal – Gresham Charter Change Regarding “Filling of Vacancies”

Action Requested

Request that the Gresham Charter Review Committee approve a change to the current City Charter provisions on “Filling of Vacancies.”

Explanatory Statement

Defining the Issue:

- The existing language in the Gresham City Charter on filling vacancies has been used eight times in the last 18 year. From the residents perspective, the process to appoint replacement members to the City Council has varied from very good to very poor from the voters perspective. Four of those vacancies were filled without seeking input or candidate applications from the residents.
- There is clear need for revisions to the Charter language to assure the process used by the City Council to fill vacancies: 1) involves the residents; 2) allows candidates to apply; and 3) is transparent, predictable, and consistent over time.

How does this resolve the Issue.

- This proposed ballot measure resolves previous issues by clarifying language in the City Charter as follows:
 - Establishes a requirement that City Council formalize the process for filling vacancies by City Ordinance.
 - Establishes specific procedures for handling vacancies: when there is less than one year remaining in the term of office; and when there is more than one year remaining in the term of office.
- These changes would: 1) reduce the separation between the residents and the Council; 2) increase transparency in government; 3) give residents the

opportunity to have input and to apply as candidates; and 4) implement a consistent, repeatable process over time.

Chapter or Section to be Amended.

Gresham City Charter, Chapter VII, Vacancies in Office, Section 32. “Filling of Vacancies”, paragraph (a)¹ in the Gresham City Charter, reads as follows:

(a) “Vacant elective offices in the city shall be filled by appointment by a majority vote of the council within thirty days of the date the vacancy occurred. The appointee's term shall begin immediately upon his or her appointment until the beginning of the year following the next biennial November election or until his or her successor is elected and qualifies therefor. An elected successor for the unexpired term shall be chosen at the next biennial November election. The date the vacancy occurred must be more than thirty days before the filing deadline for that election date.”

Proposed Revised Charter Section

The proposed new language would replace the existing paragraph (a) above. The new text reads as follows:

Section 32. Filling of Vacancies

(a) A mayor or councilor vacancy will be filled by appointment with a majority vote of the remaining council members, no later than 45 days after the vacancy is declared. Additional criteria include:

- (1) If less than one year remains in the term of the person who held that vacant office, the council may fill the vacancy and the appointee will serve the unexpired term of the predecessor to the office.*
- (2) If one year or more remains in the term of the person who held the vacant office, or if for any reason the office is not filled and no person takes office, when the term of office otherwise would have commenced, council may fill the vacancy. The appointee will serve as an interim*

¹ “Charter of the City of Gresham Oregon”, Revised May 15, 2012, <https://greshamoregon.gov/WorkArea/DownloadAsset.aspx?id=1988>

mayor or city councilor, until a successor to the office is duly elected and is qualified to take office.

- (3) *The election to fill the vacancy for the unexpired term of office must be held at the election that is next available pursuant to state law, which occurs no sooner than the one hundred twentieth day after the date upon which the vacancy occurred. The term of office for a person elected to fill a vacancy for an unexpired term of office commences upon the certification of the election.*
- (4) *The City Council will adopt by Ordinance, a process to fill vacant council positions. This process will also include public notice for candidate applications, interview process, and public hearing for candidates, prior to a Council vote.*

Background

This is a very important change because of Gresham’s history with appointments to fill vacancies on City Council.

- 2005 – City Councilor.
 - Mr. David Widmark was appointed to City Council, to serve the remainder to the term of a Councilor who resigned.
- 2007 – City Councilor.
 - August 1, 2007 – City Councilor Karylinn Echols resigned from Council. The City Council sought qualified applicants to fill the vacancy (OregonLive, “Gresham accepting applications for City Council vacancy”²).
 - Mr. David Widmark was selected, from a panel of seven applicants to serve as a City Councilor (OregonLive, “Gresham appoints new council member - - again”³).

² OregonLive, Jul 31, 2007, https://www.oregonlive.com/breakingnews/2007/07/gresham_accepting_applications.html

³ OregonLive, Aug 22, 2007, https://www.oregonlive.com/breakingnews/2007/08/gresham_appoints_new_council_m.html

- 2011 – City Councilor.
 - January 19, 2011 – The City Council filled a vacancy created by the resignation of Ms. Shirley Cradock who was elected to Metro Council.
 - Karylenn Echols was appointed to fill the vacancy on the vote of five City Councilors (OregonLive, “After more than three years away, Karylenn Echols has returned to the city council in Gresham” ⁴).
- 2012 – City Councilor.
 - City Councilor John Kilian resigns from Council (OregonLive, “John Kilian leaves ‘preening, posturing and closed-door deal-making politics of Gresham” ⁵).
 - Gresham City Council appointed Mario Palmero to fill the Position 4. seat on council (OregonLive, “Gresham council appoints former council candidate to vacant seat, says the body is ‘ready for diversity” ⁶).
- 2013 – City Councilor.
 - The City Council seeks applications to fill a vacancy created by the resignation of Mr. Josh Fuhrer. (OregonLive, “Gresham City Council gets two more applications for open seat at deadline” ⁷).
 - The Council chose Mr. Kirk French to serve on City Council (OregonLive, Gresham City Council picks civic volunteer Kirk French for open seat” ⁸).

⁴ Oregon Live, Jan 19, 2011,

https://www.oregonlive.com/gresham/2011/01/after_three_years_away_karylin.html

⁵ OregonLive, Dec 11, 2012,

https://www.oregonlive.com/gresham/2012/12/john_kilian_leaves_preening_po.html

⁶ OregonLive, Dec 19, 2012,

https://www.oregonlive.com/gresham/2012/12/gresham_council_appoints_forme.html

⁷ OregonLive, Oct 14, 2013,

https://www.oregonlive.com/gresham/2013/10/gresham_city_council_gets_two.html

⁸ OregonLive, Oct 21, 2013,

https://www.oregonlive.com/gresham/2013/10/gresham_city_council_picks_civ.html

- 2015 – City Councilor.
 - Mr. David Widmark was appointed as a City Councilor to fill out the remainder of the term. However, this time there was no public process for seeking applicants (OregonLive, “Hallway discussions lead to new Gresham City Council appointment,” ⁹).
 - “Nothing in the Gresham Charter, Gresham Revised Code, nor the Gresham Council Rules establishes a process for appointment to fill a vacant councilor position,” said David Ris, [former] city attorney. “Therefore, Council is free to use whatever process deemed appropriate.”
 - Former Mayor Bemis:
 - “Councilors could have voted in any of the three remaining scheduled meetings before the Sept. 9 deadline, officials said Wednesday. Bemis said for this circumstance, the city should have a councilor "who can step in right away and articulate the city's vision, and who helped create that vision.”
 - “For anyone who feels like the decision to appoint Widmark was quick or that they didn't get the chance to apply for the position, the mayor said interested people should file the paperwork and run for City Council next year”.
- 2020 – Mayor.
 - Mayor Bemis resigned on June 17, 2020. Council President, Janine Gladfelter, was appointed Acting Mayor (OregonLive, “After wave of resignations, who is in charge in Gresham” ¹⁰).
 - On June 29, 2020, Councilor Karylenn Echols was appointed as Interim Mayor to serve 7 months until a new Mayor was elected (KOIN News, “City Councilor Karylenn Echols appointed as new Gresham mayor” ¹¹).

⁹ OregonLive, Aug 20, 2015, https://www.oregonlive.com/gresham/2015/08/hallway_discussions_lead_to_ne.html

¹⁰ OregonLive, June 24, 2020, <https://www.oregonlive.com/news/2020/06/after-wave-of-resignations-who-is-in-charge-in-gresham.html>

¹¹ KOIN News, <https://www.koin.com/news/civic-affairs/karylenn-echols-appointed-new-gresham-mayor/>

- 2020 – City Councilor.
 - City solicits applications to fill the seat vacated by then Interim Mayor Echols (TheOutlookOnline, July 8, 2020, “Application process open for city Council seat,”¹²).
 - On July 23, 2020, the City Council appointed Vincent Jones-Dixon from among a list of 15 applicants and an extensive interview process, to fill former Councilor Echols seat (KOIN News, “Gresham names Vincent Jones-Dixon to Council Vacancy”¹³).

Further Considerations:

The language of Section 32, of the Gresham City Charter has not changed since 1999.¹⁴ However, this language has been implemented with dramatically different results, in terms of transparency for the residents and their ability to have input in the process or to apply as a candidate.

It varied from very good, as in the advertised vacancy to fill a position on City Council in 2007, 2013 and 2020. The latter received praise from the President of the Coalition of Gresham Neighborhood Associations.¹⁵

Alternately, during the 2011, 2012, 2015 appointment of City Councilors and the 2020 appointment of the Interim Mayor, there was no opportunity for the public to

¹² The Outlook, Jul 8, 2020, https://www.theoutlookonline.com/news/application-process-open-for-city-council-seat/article_c6c27cb8-4201-5e72-96e3-1871cbe0aab5.html

¹³ KOIN News, Jul 23, 2020, <https://www.koin.com/am-extra/gresham-names-vincent-jones-dixon-to-council-vacancy/>

¹⁴ “History of Changes of Charter of the City of Gresham Oregon,” pp.12-14.

¹⁵ Excerpt from e-mail message from Ms. Carol Rulla, President, Coalition of Gresham Neighborhood Associations to Interim Mayor Echols, July 22, 2020. *“I also commend you on the process, interviews and discussion in appointing a new city councilor. I, too, was thrilled with all of the outstanding and diverse applicants who interviewed. I know it's very difficult for you to discuss and vote on someone in a public meeting, but it was wonderful to see as a member of the viewing public. I think you made an outstanding choice in selecting Vincent Jones.”* Quote used with permission.

participate or to submit applications for consideration. When those instances occurred, they served to separate the City Council from the governed.

In short, this history of filling vacancies on City Council, highlights the need for a revision of the Charter language to assure transparency in government and to provide residents with the opportunity to have input in the decision and the ability for potential candidates to apply.

I request that this proposed Ballot Measure be approved and included in our submission of changes to the election processes when it is presented to City Council.