

RESOLUTION 2019-13

A RESOLUTION OF THE WEST LINN CITY COUNCIL CALLING FOR AN ELECTION AMENDING THE CITY CHARTER TO CLARIFY CITY COUNCIL AUTHORITY OVER THE OFFICE OF CITY ATTORNEY.

WHEREAS, only the voters of the city of West Linn can approve amendments to the Charter of the City of West Linn; and

WHEREAS, it is desirable to restore clarity regarding City Council authority over the Office of City Attorney.

WHEREAS, certainty regarding the authority of the City Council, City Attorney and the City Manager will enhance the conduct of City business; and

WHEREAS, the authority of the City Council, the City Attorney and the City Manager is determined by the terms of the Charter of the City of West Linn.

NOW, THEREFORE, THE CITY OF WEST LINN RESOLVES AS FOLLOWS:

SECTION 1. Referral. The ballot title attached in Exhibit A shall be referred to the legal voters of the City of West Linn, Clackamas County, Oregon at the election on November 5, 2019.

SECTION 2. November 5, 2019, is designated as the date for holding the election for the purpose of voting on the measure. The precinct for the election shall be all of the territory within the corporate limits of the City of West Linn, and the election will be conducted by the Clackamas County Elections Department by mail.

SECTION 3. The City Elections Officer is directed to publish notice of receipt of the ballot title in the West Linn Tidings or The Oregonian in compliance with ORS 250.275(5).

SECTION 4. The City Elections Officer shall file the ballot title with the county clerk as required by ORS 254.095 and include the proposed measure in the statement of city measures to be voted on.

SECTION 5. The City Attorney is directed to prepare an Explanatory Statement for the measure and submit it for inclusion in the voters' pamphlet as provided in ORS 251.345.

SECTION 6. If a majority of eligible voters vote "yes" on the measure, West Linn City Charter will be amended as follows:

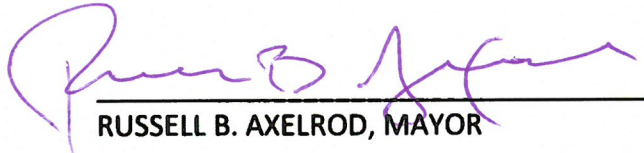
Section 8 Councilors

8 (d) The Council may retain legal advisors as it deems prudent. The legal advisors shall report to and serve at the discretion of the Council.

Section 23 City Manager [Proposed new language underlined below.]

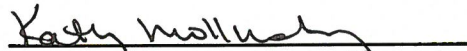
(c) (3) The City Manager shall designate a custodian of records and such other officers and employees as required, and shall appoint and may remove appointive City officers and employees except as this Charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The City Manager shall supervise the departments to the end of obtaining the utmost efficiency in each of them. The City Manager shall have no control, however, over the office of City Attorney or the strictly judicial activities of the Municipal Judge.

This resolution was PASSED and ADOPTED this 22nd day of July, 2019, and takes effect upon passage.




RUSSELL B. AXELROD, MAYOR

ATTEST:



KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:



CITY ATTORNEY

EXHIBIT A

City of West Linn Ballot Title

CAPTION (10 words)

Charter Amendment: Providing City Council authority over legal advisors. (9 words)

QUESTION (20 words)

Shall West Linn's City Charter be amended to provide City Council authority to appoint all legal advisors to the City? (20 words)

SUMMARY (175 words)

The measure would change City Charter Sections 8 and 23(c)(3) to provide City Council authority to appoint all legal advisors to the City. The Measure would add language removed from the Charter in 2013. Since removal of the language, authority to appoint some legal advisors has been undefined in the Charter. A yes vote: 1) would add to the Charter the following: "The Council may retain legal advisors as it deems prudent. The legal advisors shall report to and serve at the discretion of the Council;" and 2) would clarify management of the City Attorney.

The effect of the measure is to

- place appointment of all City legal advisors within City Council authority
- place management of all City legal advisors under the Office of City Attorney
- retain Charter Section 23A establishing the Office of City Attorney and modify Section 23 regarding the limitations for the Office of City Manager over the positions of City Attorney and Municipal Judge
- clarify that the City Manager shall coordinate with Council and City Attorney on all legal matters. (174 words)

Explanatory Statement (500 Words)

Measure amends the Charter of the City of West Linn. The City Charter establishes the structure of City government and defines powers and responsibilities of the City Council and City Officers. The provisions of the Charter can be amended, but only with the approval of a valid measure by the City's voters at an election.

The proposed Measure for voter consideration amends the Charter to provide City Council authority to appoint all legal advisors to the City. Specifically, if passed, the Measure would change Charter Sections 8 and 23 to reestablish this Council authority.

The Measure would restore language removed from the Charter in 2013. That language provided that legal advisors report to the City Council. A yes vote would amend Charter Section 8, which defines City Council powers, by adding the following language:

"The Council may retain legal advisors as it deems prudent. The legal advisors shall report to and serve at the discretion of the Council."

The above language was removed from the City Charter at the September 17, 2013 election. Since that time, authority to appoint some legal advisors has been undefined in the Charter.

If passed, the Measure would restore the previously repealed language to Charter Section 8.

If passed, this 2019 Measure also amends Charter Section 23 which establishes and limits the authority of the Office of City Manager. That section currently limits the City Manager's control regarding activities of the Municipal Judge. If passed, the Measure would add limitations on the City Manager related to the Office of the City Attorney. If passed, the Measure would revise the language on the limitation on City Manager authority as follows:

"The City Manager shall have no control, however, over the office of City Attorney or the strictly judicial activities of the Municipal Judge."

The specific effects of a yes vote are to:

- place appointment of all City legal advisors within City Council authority
- place management of all City legal advisors under the Office of the City Attorney
- retain Charter Section 23A establishing the Office of City Attorney and modify Section 23 regarding the limitations for the Office of City Manager over the positions of City Attorney and Municipal Judge
- clarify that the City Manager shall coordinate with the City Council and the City Attorney on all legal matters. **(382 Words)**