

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Review of the Beaverton Charter  
of 1981

**FOR AGENDA OF:** 09-10-19 **BILL NO:** 19232

**MAYOR'S APPROVAL:** Danny Dark

**DEPARTMENT OF ORIGIN:** City Attorney MRO

**DATE SUBMITTED:** 09-04-19

**CLEARANCES:** Mayor's Office [Signature]

**PROCEEDING:** Work Session

**EXHIBITS:** Draft Charter Boilerplate  
Provisions

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

**RECOMMENDED ACTION:**

Hold a work session to continue to review the Beaverton Charter of 1981.

**HISTORICAL PERSPECTIVE:**

A city charter is like a constitution. Both are foundational documents that set out the principles, structures, and process of government. Article XI, section 2, of the Oregon Constitution grants "the legal voters of every city and town ... [the] power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State of Oregon." Beaverton voters enacted the city's current charter in November 1980 and subsequently amended the charter once, in 2008, when voters amended section 44 the charter relating to urban renewal.

The Beaverton Charter provides for a mayor-council form of government. The system is characterized by having an executive mayor who is elected by the voters, and a separately elected legislative city council. The mayor has substantial administrative authority over the city and its departments. To assist in managing the city, the Beaverton Charter requires the mayor to appoint a chief administrative officer who "is the principle managerial aide to the mayor and shall perform such duties as may be assigned by the mayor."

**INFORMATION FOR CONSIDERATION:**

To assist in the Council's review, attached is a spreadsheet showing 23 noncontroversial changes that could be made to the Beaverton Charter affecting provisions that are common to all charters.

**DRAFT CHARTER BOILERPLATE**

	A	B	C	D	F	G
1		<b>Beaverton Charter 1981</b>	Section		<b>Proposed Revision</b>	Source
2	<b>PREAMBLE</b>			<b>PREAMBLE</b>		
3		To provide for the government of the City of Beaverton, Washington County, Oregon, and to repeal all charter provisions of the city enacted prior to the time that this charter takes effect.			We, the voters of Beaverton, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.	LOC
4	<b>Enactment Clause</b>					
5		Be it enacted by the people of the City of Beaverton, Washington County, Oregon:			<b>Omit - Included in Preamble</b>	
6	<b>Title of Enactment</b>		1	<b>Title</b>		
7		This enactment may be referred to as the Beaverton Charter of 1981.			This enactment may be referred to as the Beaverton Charter of 20__.	COB
8	<b>Name</b>		2	<b>Names</b>		
9		The City of Beaverton, Washington County, Oregon, shall continue to be a municipal corporation, with the name, "CITY OF BEAVERTON".			The City of Beaverton, Oregon, continues as a municipal corporation with the name City of Beaverton.	LOC
10	<b>Boundaries</b>		3	<b>Boundaries</b>		
11		The boundaries of the City of Beaverton shall remain the same as existed on the effective date of this act or as hereafter increased or decreased pursuant to law. There shall be maintained and available for public inspection at the repository of city records at least two copies of this charter containing an accurate, up-to-date description of the boundaries.			The city includes all territory within its boundaries as they now exist or are legally modified.	Hybrid
12	<b>Powers of the City</b>		4	<b>Powers</b>		
13		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.			The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.	LOC
14	<b>Construction of Charter</b>		5	<b>Construction</b>		
15		In this charter no mention of a particular power shall 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. This charter shall be liberally construed to the end that the city may 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 the municipal home rule provisions of the state constitution.			The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.	LOC
29	<b>Meetings</b>		12	<b>Rules &amp; Meetings</b>		
30		The council shall hold a regular meeting at least once each month in the city at a time and at a place which it designates. It shall adopt rules for the government of its proceedings. The mayor or two or more members of the council may call special meetings of the council in a manner prescribed by general ordinance adopted by the council.			The council must determine its own rules and order of business. The council shall meet at least once a month at a time and place designated by its rules, and it may meet at other times in accordance with its rules and Oregon law.	Hybrid
33	<b>Record of Proceeding</b>			<b>Record</b>		
34		The council shall keep a record of its proceedings and the ayes and nays upon a question before it shall be taken and entered in the record.	14		A record of council meetings must be kept in a manner prescribed by the council rules and Oregon law. After the adoption of an ordinance, the vote of each member must be entered into the council minutes.	LOC
41	<b>Voting [miscellaneous]</b>		18	<b>Voting</b>		
42		Except as otherwise provided in this charter, the concurrence of a majority of the members of the council present who vote is necessary to determine a question before the council.			Except as otherwise provided in this charter, the express approval of a majority of the councilors present and voting is necessary for any council decision.	Hybrid

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	A	B	C	D	F	G
1		<b>Beaverton Charter 1981</b>	Section		<b>Proposed Revision</b>	Source
64	<b>REGULAR CITY ELECTIONS.</b>		22	<b>City Elections</b>		
65		Regular city elections shall be held at the same time and places as biennial elections for electing state and county officers, in accordance with applicable state election laws. At each regular city election all elective officers to be nominated or elected and all matters submitted to the electors at that time shall be voted upon			City elections must conform to state law, unless this charter or city ordinances provide otherwise. All elections for city offices must be nonpartisan.	Hybrid
66	<b>Special Elections</b>		23			
67		The council, by resolution, may call and provide the time, manner and means for holding a special election. Notice of such special election shall be given at least ten (10) days prior to the election in the manner provided by the action of the council ordering the election.			<b>Omit - Provided for in ordinance and state law.</b>	LOC
68	<b>Qualificatons of Electors</b>		24			
69		Every person who is a resident of the city and who qualifies as a legal voter under state law may vote in city elections.			Every person who is a resident of the city and who qualifies as a legal voter under state law may vote in city elections.	COB
70	<b>CANVASS OF ELECTION RETURNS.</b>		25			
71		In all elections held in conjunction with state and county elections the state law governing the filing and canvassing of returns shall apply. The results of each election shall be entered in the record of the council. The record shall state the number of votes cast for and against each measure, the names of the officers elected, and the measures enacted or approved. In the event of a tie vote for candidates the election of a successful candidate shall be determined by a public drawing of lots.			<b>Omit - Provided for in ordinance and state law.</b>	LOC
72	<b>CERTIFICATE OF ELECTION.</b>		26			
73		Immediately after completion of the canvass the city elections officer shall issue a certificate of election to each person elected. The certificate shall be prima facie evidence of the facts which it states.			<b>Omit - Provided for in ordinance and state law.</b>	LOC
76	<b>Oath of Officer</b>		28	<b>Oath</b>		
77		Each officer, upon entering office, shall take an oath or affirm that he or she will support the constitutions and laws of the United States and of Oregon and the charter and ordinances of the City, and that he or she will perform the duties of the office to the best of his or her ability.			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.	LOC
88	<b>Write-Ins</b>		31			
89		The ability of the voters of the city to nominate or elect a candidate by write-in vote shall be provided on all ballots.			<b>Omit - Provided for in ordinance and state law.</b>	LOC
99	<b>ORDAINING CLAUSE</b>		34	<b>Ordinances</b>		
100		The adopting clause of all ordinances hereafter adopted shall be, "The City of Beaverton Ordains as Follows:".			The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Beaverton ordains as follows:".	LOC

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	A	B	C	D	F	G
1		<b>Beaverton Charter 1981</b>	Section		<b>Proposed Revision</b>	Source
124	<b>EXISTING ORDINANCES CONTINUED.</b>		41	<b>Ordinance Continuation</b>		
125		All ordinances and other enactments of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.			All ordinances and other enactments consistent with this charter and in force when it takes effect remain in effect until amended or repealed.	Hybrid
130	<b>URBAN RENEWAL.</b>		44			
131		The Governing Body of the City of Beaverton shall not approve any Urban Renewal Plan unless approved by a majority vote in the City of Beaverton at a November or May election. Further, any urban renewal agency shall not be comprised exclusively of members of the City Council.			The Governing Body of the City of Beaverton shall not approve any Urban Renewal Plan unless approved by a majority vote in the City of Beaverton at a November or May election. Further, any urban renewal agency shall not be comprised exclusively of members of the City Council.	COB
132				<b>Severability</b>		
133					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.	LOC
134	<b>REPEAL OF PREVIOUSLY ENACTED PROVISIONS.</b>		45	<b>Repeal</b>		
135		All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed.			All charter provisions adopted before this charter takes effect are repealed.	LOC
136	<b>TIME OF EFFECT OF CHARTER.</b>		46	<b>Time of Effect</b>		
137		This charter shall take effect January 2, 1981.			This charter takes effect _____, 20____.	LOC