



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No. 13-2014

A RESOLUTION OF THE MILWAUKIE CITY COUNCIL SUBMITTING TO THE VOTERS A PROPOSED CHARTER AMENDMENT TO BE CONSIDERED AT THE MAY 20, 2014, PRIMARY ELECTION, THAT WOULD AMEND SECTION 27(A) OF THE MILWAUKIE CHARTER RELATING TO RESIDENCY REQUIREMENTS FOR THE CITY MANAGER

WHEREAS, the Milwaukie City Council has undertaken a review of the Milwaukie Charter to consider whether to recommend any Charter amendments to the voters; and

WHEREAS, the Council has determined that Charter Section 27(a) can be amended to clarify the Charter's City Manager residency requirement; and

WHEREAS, after due consideration, the Milwaukie City Council has decided to forward a proposed Charter Amendment to the voters.

NOW, THEREFORE, BE IT RESOLVED by the Milwaukie City Council that:

SECTION 1: An election is hereby called in and for the City of Milwaukie, Clackamas County, Oregon, for the purpose of submitting to the legal voters the question:

Should the Charter be amended to clarify that the City Manager need not reside in Milwaukie?

SECTION 2: The measure election hereby called shall be held in the City of Milwaukie on the 20th day of May 2014. The election shall be conducted by mail pursuant to ORS 254.465 and 254.470.

SECTION 3: The Milwaukie City Council authorizes the mayor, the city manager (each an "authorized representative") or a designee of the authorized representative to act on behalf of the City of Milwaukie and to take such further action as is necessary to carry out the intent and purposes herein in compliance with the applicable provisions of law.

SECTION 4: Pursuant to ORS 250.275(5), the Milwaukie City Council directs the city elections officer to file with the Clackamas County Elections Office a Notice of City Measure Election in substantially the form of the attached and incorporated Exhibit A on a date no earlier than the eighth business day after the date on which Exhibit A is filed with the city elections officer but in any event, no later than March 20, 2014. The Clackamas County Elections Office is required to produce and disseminate a facsimile of the ballot in accordance with ORS 254.205.

SECTION 5: Pursuant to ORS 251.345, the Milwaukie City Council directs the city manager to prepare a Measure Explanatory Statement for publication in the county voters' pamphlet; said statement shall be filed with the Clackamas County Elections Office at the same time the Notice of City Measure Election is filed by the city elections officer.

SECTION 6: The Act, containing the full Charter amendment, is attached hereto as Exhibit B and incorporated in this resolution by reference.

SECTION 7: This resolution is effective immediately upon passage.

Introduced and adopted by the City Council on February 18th, 2014.



Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC



Pat DuVal, City Recorder



City Attorney

STATE OF OREGON)
COUNTY OF CLACKAMAS) ss.
CITY OF MILWAUKIE)

I, Pat DuVal, Recorder (Deputy Recorder) for the City of Milwaukie, Oregon, do hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by the Council of the City of Milwaukie, Oregon, at the meeting held on the 18th day of Feb., 2014, and thereafter approved and signed by the Mayor and attested by the City Recorder.

Pat DuVal
City Recorder (Deputy Recorder)

Exhibit A Ballot Title

Notice of Measure Election

SEL 802

City

rev 1/14: ORS 250.035, 250.041,
250.273, 250.285, 254.025, 254.465

Notice		
Date of Notice	Name of City or Cities City of Milwaukee	Date of Election

The following is the final ballot title of the measure to be submitted to the city's voters.

Final Ballot Title Notice of receipt of ballot title has been published and the ballot title challenge process has been completed.

Caption 10 words which reasonably identifies the subject of the measure

Charter Amendment to clarify City Manager residency requirement.

Question 20 words which plainly phrases the chief purpose of the measure

Should the Charter be amended to clarify that the City Manager need not reside in Milwaukee?

Summary 175 words which concisely and impartially summarizes the measure and its major effect

If amended, Section 27(a) of the Milwaukee Charter would be amended to clarify that the City Manager does not need to reside in the City of Milwaukee. Under the current charter, the City Manager does not need to be a resident of the city at the time of appointment, but is required to take up legal residency in the City of Milwaukee either within six months of the date of hire or within such time as agreeable to the council.

Explanatory Statement 500 words that impartially explains the measure and its effect, if required attach to this form

If the county is producing a voters' pamphlet an explanatory statement must be submitted for any measure referred by the city governing body and if required by local ordinance, for any initiative or referendum.

Measure Type	County producing voters' pamphlet	Local ordinance requiring submission	Explanatory statement required
<input type="checkbox"/> Referral	<input type="checkbox"/> Yes <input type="checkbox"/> No	Not applicable	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Initiative	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Referendum	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Authorized City Official Not required to be notarized

→ By signing this document, I hereby state that I am authorized by the city to submit this Notice of Measure Election and I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Name	Title	Work Phone
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Signature

Date Signed

Exhibit B

The "Act":

A Charter amendment submitted to the voters by the Milwaukie City Council. The Milwaukie Charter is amended to read (new language underlined, deleted language stricken) as shown below and referenced in City of Milwaukie Resolution No. 14-__.

Section 27. MANAGER

(a) QUALIFICATIONS. The city manager shall be the administrative head of the government of the city. The city manager shall be chosen by the council without regard to political considerations and solely with reference to executive and administrative qualifications. The city manager need not be a resident of the city ~~or of the state at the time of appointment, but shall take up legal residency in the city of Milwaukie within six months of the date of hire, or within such time as is agreeable to the council.~~ Before taking office, the city manager shall be bondable in such amount with such surety as may be approved by the council. The premiums on such bond shall be paid by the city.

NOTICE OF MEASURE ELECTION

CITY OF MILWAUKIE
CLACKAMAS COUNTY, OREGON

NOTICE IS HEREBY GIVEN that on Tuesday, May 20, 2014, an election will be held within the boundaries of the City of Milwaukie, Oregon. The election shall be conducted by mail pursuant to ORS 254.465 and ORS 254.470. The following question will be submitted to the qualified voters thereof:

CAPTION:

CHARTER AMENDMENT TO CLARIFY CITY MANAGER RESIDENCY REQUIREMENT.

QUESTION:

Should the Charter be amended to clarify that the City Manager need not reside in Milwaukie?

SUMMARY:

If amended, Section 27(a) of the Milwaukie Charter would be amended to clarify that the City Manager does not need to reside in the City of Milwaukie. Under the current charter, the City Manager does not need to be a resident of the city at the time of appointment, but is required to take up legal residency in the City of Milwaukie either within six months of the date of hire or within such time as agreeable to the council.

Notice is hereby given that a ballot title for a measure referred by the City will be filed with the Clackamas County Elections Office on 3/20, 2014. The ballot title caption is CHARTER AMENDMENT TO CLARIFY CITY MANAGER RESIDENCY REQUIREMENT. Pursuant to ORS 250.296(1) an elector may file a petition for review of this ballot title in the Clackamas County Circuit Court no later than 5:00 p.m., 3/3, 2014 (seven days after filing of this notice with the Elections Officer).

The ballot title was filed in the office of the City Recorder on 2/18, 2014 and a copy of the ballot title and the City Council Resolution may be obtained by contacting the City Recorder at Milwaukie City Hall.

The following authorized City official hereby certifies the above ballot title is true and complete.

Patricia A. Duval
Signature of Authorized Representative

2/19/14
Date Signed

Patricia A. Duval
Printed Name of Authorized Representative

City Recorder
Title