



Special Session **SPS**

Milwaukie City Council

COUNCIL SPECIAL SESSION

City Hall, 10722 SE Main Street (location changed)
& Zoom Video Conference (www.milwaukieoregon.gov)

REVISED AGENDA

MAY 10, 2022
(Revised May 7, 2022)

Council will hold this meeting in-person and through video conference. The public may attend the meeting at **City Hall** or by joining the Zoom webinar. The public may also watch the meeting live on the [city's YouTube channel](#) or Comcast Cable channel 30 in city limits.

To participate in this meeting by phone dial 1-253-215-8782 and enter Webinar ID 837 5111 0754 and Passcode: 107967. To raise hand by phone dial *9.

Written comments may be submitted by email to ocr@milwaukieoregon.gov. Council may take limited verbal comments. **For Zoom webinar login information** visit <https://www.milwaukieoregon.gov/citycouncil/city-council-special-session-32>.

Study Session. Before the special session Council will hold a study session. The start time of the special session is subject to the study session finishing and may be different than the times noted below. Council will hold the special session after the study session. For more information about the study session visit: <https://www.milwaukieoregon.gov/citycouncil/city-council-study-session-129>

Note: agenda item times are estimates and are subject to change.

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1. **Call to Order** (6:15 p.m.)
2. **Council Vacancy and Special Election – Resolution** (6:20 p.m.) **1**
Staff: Scott Stauffer, City Recorder
3. **Interim Council Member Recruitment – Discussion** (6:30 p.m.) **11**
Staff: Scott Stauffer, City Recorder
4. **Parks Update – Discussion** (6:40 p.m.)
Presenters: City Council
5. **Adjourn** (6:50 p.m.)

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502. To request Spanish language translation services email espanol@milwaukieoregon.gov at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the [city's YouTube channel](#) and Comcast Channel 30 in city limits.

Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a ocr@milwaukieoregon.gov o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a espanol@milwaukieoregon.gov al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el [canal de YouTube de la ciudad](#) y el Canal 30 de Comcast dentro de los límites de la ciudad.

Executive Sessions

The City Council may meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660(2); all discussions are confidential; news media representatives may attend but may not disclose any information discussed. Final decisions and actions may not be taken in executive sessions.

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Justin Gericke, City Attorney

From: Scott Stauffer, City Recorder

Subject: **Council Vacancy & Call for Special Election**

Date Written: May 4, 2022

ACTION REQUESTED

Council is asked to adopt a resolution officially acknowledging the resignation of Angel Falconer from Council position 1 and calling for a special election to fill the vacant position.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

At the [May 3, 2022](#) regular session, Councilor Falconer resigned from Council position 1 effective on Wednesday May 4. Councilor Falconer's resignation letter is Attachment 1.

Following Councilor Falconer's resignation, in accordance with the Milwaukie City Charter, staff prepared a resolution for Council to acknowledge the resignation and vacancy and call for a special election.

ANALYSIS

Chapter V, Section 18, of the Charter identifies a Councilor resignation as an act that creates a vacancy on Council. Section 19 directs that Council is to call for a special election to fill a vacant Council position. Accordingly, staff has prepared a resolution (Attachment 2) for Council to consider adopting. The resolution would acknowledge Councilor Falconer's resignation and call for a special election to fill position 1.

In general, it takes about four months for the city to call, administer, and hold a special election. Section 19 requires a special election to be at least two months ("not less than 60 days") after a Council member resigns, and Charter Chapter IV, Section 17, requires a timeframe of between 70 and 100 days (about 3 months before an election day) for Council candidates to file to run for city office. With appropriate time for public noticing of these time frames, it generally requires about four months to call and hold a special election.

In addition, Oregon election law provides only four days each year that an election can be held – a Tuesday in March, May, August, and November. Based on the timing of Councilor Falconer's resignation, the next available election date is November 8. Therefore, the special election to fill the vacant position will occur at the same time as the regularly scheduled general election which in 2022 will feature Council positions 2 and 4 and the mayor's position.

The Candidate Information Packet (Attachment 3) notes the important dates and candidate processes for the special – and general – election. The packet, which is customarily prepared for election years, has been updated to include the special election.

Section 19 of the Charter also gives Council the authority to fill the vacant Council position on an interim basis before a special election can be held. A proposed interim recruitment process is outlined in a separate staff report to Council in the May 10 special session packet.

BUDGET IMPACT

The Council and city recorder budgets will cover any additional costs related to the special election. In general, such unknown expenses are to a certain extent included in both Council and city recorder budgets. Luckily, based on the timing of this election, staff does not anticipate any greater cost for the special election than what the general election typically costs.

In previous election cycles, special election cost estimates for cities the size of Milwaukie have been around \$10,000. Special elections held in March, May, or August, where there are fewer elections being held and fewer governments to share the costs, cost individual cities more.

WORKLOAD IMPACT

The city recorder’s office can handle the extra workload related to this special election.

CLIMATE IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

The city recorder, city attorney, and city manager worked on this report and the staff work to prepare for a special election.

STAFF RECOMMENDATION

Staff recommends that Council adopt the proposed resolution.

ALTERNATIVES

None.

ATTACHMENTS

1. Resignation letter
2. Resolution
3. Candidate Information Packet



May 3, 2022

Dear Mayor Gamba, Council President Hyzy, Councilor Batey and Councilor Nicodemus,

Effective May 4, 2022, I must step down from my seat on City Council. I do not make this decision lightly. Since I was sworn into office in January 2017, it has been my great honor to serve the residents of Milwaukie.

Like you, and many others who came before us, I have balanced family and work obligations while also dedicating countless hours each month as a public servant, working alongside our neighbors and city staff to leave Milwaukie a little better off than we found it. This work is profoundly rewarding and important, and it often takes personal and professional sacrifice to do it right. With the support of family and friends, including past and present councilors, I have been able to manage the busy schedule that comes with serving on council. Unfortunately, that is no longer possible.

My recent bout with COVID-19 uncovered underlying health conditions, and I must prioritize my health in a way that I have not been able to do since beginning my service on City Council. This is one of the most difficult decisions I have ever made, and I fight back tears as I write this letter to you.

We have accomplished so much together, and I am proud of what our little city has been able to do in the face of big challenges: building 'SAFE' routes to schools and ADA accessibility throughout our city, adopting a Climate Action Plan, addressing housing affordability, responding to the events of the past couple years, centering racial equity and justice in our work, and so much more. The work is not done, of course; nor will it ever be. I will miss working with you, and as sad as I am to step back, I take solace in knowing that there are many talented people in our community, and I trust that you will appoint someone who will represent our city well.

Thank you for all you do. It has been a pleasure serving with you.

Your friend and colleague,

A handwritten signature in blue ink that reads "Angel Falconer".

Angel Falconer



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACKNOWLEDGING THE RESIGNATION OF COUNCILOR ANGEL FALCONER, NOTING A VACANCY ON COUNCIL, AND CALLING FOR A SPECIAL ELECTION.

WHEREAS Councilor Angel Falconer resigned from City Council position 1 effective May 4, 2022, and

WHEREAS Councilor Falconer was elected to serve a term of office that would otherwise expire on December 31, 2024, and

WHEREAS under Section 18 of the Milwaukie City Charter, the resignation of a member of the City Council creates a vacancy in office upon a declaration by the City Council of the vacated position, and

WHEREAS Section 19 of the Milwaukie City Charter directs that a City Council vacancy shall be filled for the remainder of the unexpired term at the next election following not less than 60 days upon the occurrence of a vacancy.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the resignation of Councilor Falconer has created a vacancy on the City Council under Section 18 of the Milwaukie City Charter and the city recorder is directed to take the necessary actions to call an election to fill the vacancy consistent with state election laws and Sections 17 and 19 of the Milwaukie City Charter.

Introduced and adopted by the City Council on **May 10, 2022.**

This resolution is effective immediately.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



Summer 2022

To: Prospective City Council Candidates

Thank you for your interest in running for Milwaukie City Council! The November 8, 2022, election ballot will feature Council positions 1, 2, and 4 and the mayor’s position. Currently, Lisa Batey holds position 2, Kathy Hyzy holds position 4, and Mark Gamba is the mayor. On May 4, 2022, Councilor Angel Falconer resigned from position 1 and on **May 10** the City Council called for a special election to be held. In accordance with city and state laws, the special election to fill position 1 will be held on November 8 along with the general election.

The individuals elected to positions 2 and 4 and the mayor’s position in November 2022 will serve four-year terms that begin on January 1, 2023, and end on December 31, 2026. The individual elected to position 1 will complete the current term that started on January 1, 2021 and will end on December 31, 2024.

To run for city office in Milwaukie, an individual must be a registered voter that has lived in the city for at least six months before the November election day. For the general and special elections in 2022 the deadline to live in the city is May 8. Interested and eligible residents must first submit forms to both the state and city – see page 4 of this packet for more details.

The city elections officer (city recorder) will accept “nomination papers comprising a petition” for all positions that will be on the general and special election ballots beginning at 8 a.m. on August 1, 2022, through 5 p.m. on August 30, 2022. Once the city elections officer certifies that a candidate is eligible to run, the candidate must then collect 20 valid signatures from registered Milwaukie voters during the 30-day filing period. **Please note that signature sheets must be approved by the city elections officer before they can be circulated.**

This guide provides an overview of the local election process. For more information, candidates should review the Milwaukie City Charter and Municipal Code online at www.qcode.us/codes/milwaukie/. Candidates for local office also need to be aware of state requirements, including campaign finance rules, and should review the state elections website: <http://sos.oregon.gov/elections/Pages/laws-rules-publications.aspx>. In addition, the Clackamas County elections website is a valuable source of information: <https://www.clackamas.us/elections>.

As your elections officer, I am a resource for you. Please contact me with any questions at 503-786-7502 or ocr@milwaukieoregon.gov. When you are ready to file candidate papers, please contact me to ensure I am available.

Sincerely,

Scott Stauffer
City Recorder

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Important Dates

If you are interested in running for City Council, note these critical 2022 dates:

May 8	Candidates must be an official city resident.
August 1	First day to file nomination papers with the city elections officer. Note: signature sheets must be approved <u>before</u> being circulated.
August 23	Suggested deadline to submit signatures for verification to the city elections officer.
August 30	Last day to file nomination papers with the city elections officer. Note: signatures must be verified by the county elections office by 5 p.m. on this day.
September 2	Last day to withdraw candidacy.
September 12	Last day for city candidates to file voters' pamphlet statements with the county elections office.
October 10-21	County elections office mails out ballots.
November 8	Election Day.
December 20	Oath of Office administered to individual elected to position 1.
January 3, 2023	Oath of Office administered to individuals elected to positions 2 and 4 and the mayor's position.

Qualifications for Candidacy

- Must be a resident of the City of Milwaukie during the six months immediately preceding the election.
- Must be a qualified elector (voter) in the State of Oregon.

About Milwaukie City Council

- City Council is composed of a mayor and four councilors.
 - Each council position is numbered 1 through 4.
 - All council members are elected at-large.
 - Terms are four years, unless filling an unexpired term.
 - No person shall serve more than two full consecutive terms.
- Candidates must declare the position number for which they are running.
 - Candidates may only run for one position per election.
- Councilors must take an oath of office before commencing duties.
 - Council meetings are held on the first three Tuesdays of each month.
 - Councilors attend multiple city and regional meetings each month.
 - Councilors must file an annual statement of economic interest with the Oregon Government Ethics Commission (OGEC).

How to File for Candidacy by Petition

Find candidate forms here: <http://sos.oregon.gov/elections/Pages/electionforms.aspx>.

#1: Establish a candidate committee by submitting the following forms to the state. These forms may be submitted electronically via the ORESTAR system, visit: <http://sos.oregon.gov/elections/Documents/candidatequickguide.pdf>.

1. Form SEL220: [Statement of Organization for Candidate Committee](#)

SEL220 must be filed within three business days of receiving a campaign contribution or making an expenditure. See the *Campaign Finance Manual* <https://sos.oregon.gov/elections/Documents/campaign-finance.pdf>

#2: Candidate nomination papers are filed with the city:

1. Form SEL101: [Candidate Filing](#)

2. Form SEL121: [Candidate Signature Sheet – Nonpartisan](#)

All nomination papers are filed with the city elections officer between 100 and 70 days before the election. For the November 8, 2022, general and special election the filing window is August 1 through August 30.

All signature sheets must be approved in writing by the city elections officer before circulating. Failure to do so will result in the rejection of signature sheets. Each candidate must determine in advance which position they plan to run for.

#3: The city elections officer reviews signature sheets and provides written approval prior to candidates circulating signature sheets.

#4: The candidate (or circulator) circulates approved signature sheets (SEL121) to collect signatures following the guidelines in the [state's candidate manual](#).

The [Milwaukie City Charter](#) requires candidates to acquire a minimum of 20 valid signatures to qualify for the ballot. It is recommended that more than 20 signatures be collected to ensure that enough valid signatures are gathered.

#5: Signature sheets are submitted to the city elections officer when enough signatures have been collected. Candidates must include a SEL338: [Candidate Petition Submission form](#) when submitting signature sheets.

The city elections officer submits signature sheets to the county elections office for verification. Candidates are encouraged to submit signatures by **August 23, 2022**, to ensure there is enough time for verification.

If a candidate does not submit enough valid signatures, the candidate may continue to collect additional signatures until the filing deadline.

Required Campaign Financing

As required by state law, candidates must follow campaign finance reporting requirements. Visit <http://sos.oregon.gov/elections/Pages/manuals-tutorials.aspx> to review the campaign finance reporting manuals. Be sure to review the contribution and expenditure reporting requirements and observe the filing deadlines. For detailed information regarding who must file and when, refer to the candidate manual or check with the local elections officer in the state elections division at 503-986-1518, or Clackamas County elections at 503-655-8510.

Withdrawal of Candidacy

To withdraw from the election, a candidate must file the **SEL150** Candidate Filing Withdrawal form with the city elections officer no later than **September 2, 2022**, for the November 8, 2022, general and special election. Form **SEL150** may be downloaded here: <http://sos.oregon.gov/elections/Documents/SEL150.pdf>

County Voters' Pamphlet

Each candidate is responsible for their own voters' pamphlet submission with the Clackamas County elections office. This generally includes a photo, brief biography, and an issues statement. Milwaukie City Council positions are considered paid positions, so the county charges a fee for candidate submissions. This fee is considered an expense and must be included on state campaign expenditure reports.

Political Signs and Printed Material

What kinds of signs are allowed?

Political signs are allowed in all zones of the City of Milwaukie. No permits are necessary if the signs meet these criteria:

Temporary signs which are nonilluminated, have an overall face area not exceeding 16 square feet, are not permanently installed, and are intended to be located on property for short durations of time. Such signs may include, but are not limited to, real estate lease and sales, political signs, building permits, public hearing notices, construction signs, garage sale, open house, special event, holiday, and similar signs. Temporary signs shall be removed within six months. (Milwaukie Municipal Code (MMC) Section 14.12.010(B))

Where can political signs be displayed?

Signs must be placed on private property with the owner's permission. They must not be placed on public property or in the public right-of-way (ROW) (i.e., streets, sidewalks, utility poles, parks, school grounds, etc.). Generally, the public ROW is all the property on the street-side of utility poles, sidewalks, and fence lines. All signs found posted in the public ROW or affixed to power, utility, or traffic control poles must be removed or they will be confiscated.

Be aware that the Oregon Department of Transportation (ODOT) has some stringent regulations. If you are considering posting political signs along Hwy. 224 or 99E (McLoughlin Boulevard), contact ODOT before doing so.

How long can the political signs be displayed?

The city requests the signs be removed within ten days after the election.

Identification on Political Material

The state does not enforce identification requirements. The state elections division does, however, strongly recommend that identification be voluntarily included so the public knows who is authorizing the publication.

Miscellaneous

All election forms that are filed with the city are a matter of public record and will be released if requested.

The city elections officer (city recorder) is available as a resource during your candidacy. Please contact City Recorder Scott Stauffer at 503-786-7502 or ocr@milwaukieoregon.gov if you have any questions about the election process.

Internet Resources

- Milwaukie City Council Elections: www.milwaukieoregon.gov/elections
- Milwaukie City Charter and Municipal Code: www.qcode.us/codes/milwaukie/
- Clackamas County Elections Office: <https://www.clackamas.us/elections>
- State of Oregon Elections Division: <https://sos.oregon.gov/voting-elections/>
- League of Oregon Cities (LOC) Elections Overview: <https://www.orcities.org/resources/reference/topics-z/details/elections>
- Subscribe to City Council meeting email notices: www.milwaukieoregon.gov/newsletter/subscriptions

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Justin Gericke, City Attorney

From: Scott Stauffer, City Recorder

Subject: **Interim Councilor Recruitment**

Date Written: May 4, 2022

ACTION REQUESTED

Council is asked to review and provide feedback on the proposed recruitment and appointment process to fill the vacant Council position 1 for an interim period until a special election is held.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

On May 3, 2022, Councilor Angel Falconer resigned from Council position 1, effective on May 4.

Following Councilor Falconer's resignation, staff prepared a resolution for Council to acknowledge the resignation and vacancy and call for a special election. At the same time, staff prepared a process for Council to recruit, interview, and appoint an individual to fill the vacant position on an interim basis.

ANALYSIS

Milwaukie City Charter Chapter V, Section 19 directs Council to fill vacant Council positions on an interim basis before a special election can be held. Based on the 2022 election calendar, the individual appointed to fill the interim position will serve from the time of appointment – possibly May 31 – until the results of the special election are certified – approximately December 20.

Based on previous Council interim appointment processes, staff proposes the following interim recruitment schedule.

May 10: Council holds a special session to adopt a resolution acknowledging the resignation and Council vacancy and calling for a special election. Council is also asked to direct staff to conduct an interim Council member recruitment and appointment process.

(Week of) May 11: Once the application form is approved by Council staff will post it online and will advertise on the city website and social media accounts. The application will be posted at <https://www.milwaukieoregon.gov/citycouncil/councilor-vacant-position-no-1>. The form will be available to download, complete, and submit by email, or the form can be printed and submitted in-person to City Hall (10722 SE Main Street). The public may also request printed copies of the form at City Hall.

May 23: Deadline for interim Council position 1 applications to be submitted. Staff will review applications as they are submitted to ensure that the applicant is qualified to serve on Council as required in Charter Chapter III Section 9.

May 24: Council receives and reviews applications.

May 31: Council holds a special session to interview and appoint an interim Council member. The appointed individual will be sworn in at the end of this meeting.

June 7: First Council meetings with the appointed interim Council member.

November 8: Special election held (same day as 2022 general election).

December 20: Council meeting where November election results are likely to be certified, the individual elected to complete the rest of the Council position 1 term (until December 31, 2024) will be sworn-in, and the term of the interim Council member will end.

Questions for Council:

1. Does Council have any changes to the proposed recruitment and appointment process?
2. Does Council have any changes to the proposed interim Council member application form (Attachment 1)?

BUDGET & WORKLOAD IMPACT

The city recorder's office can handle the extra costs and workload related to this process.

CLIMATE IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

The city recorder, city attorney, and city manager worked on this report and the staff work to prepare for an interim Council member recruitment and appointment process.

STAFF RECOMMENDATION

Staff recommends that Council provide feedback on the outlined process and direct staff to proceed accordingly.

ALTERNATIVES

None.

ATTACHMENTS

1. Interim Councilor Application Form
2. Interim Councilor Timeline Graphic



Interim City Councilor Application

Office of the City Recorder
10722 SE Main St.
p: 503.786.7515 f: 503.786.7540
ocr@milwaukieoregon.gov

To apply for the vacant City Council position, complete this form and return it to the Office of the City Recorder (OCR). Please note:

- You may attach a resume, but it is not required.
- Once submitted to the city this form becomes a public record.
- If you need assistance completing this form, contact us.

Applications for the interim City Council position are due by **Monday, May 23 at 5 p.m.**

Applications may be submitted by email to ocr@milwaukieoregon.gov

or delivered to City Hall at 10722 SE Main St.

Name:

Phone:

Date:

Address:

Email:

Are you registered to vote in Oregon? Yes No

Have you lived in the City of Milwaukie since May 8, 2022? Yes No

Tell us about yourself, how have your life experiences led you to serving on City Council?

Tell us about your community and civic affiliations and activities.

How would you, as a City Council member, support the city's commitment to equity, inclusion, and justice?

Please explain why you are interested in the appointment and what you, as an interim City Council member, would offer to City Council itself, as well as the Milwaukie community.

Please describe what you believe are the major concerns of city residents and businesses. How do you think these concerns should be met by the city?

Explain what you think the city should do or accomplish to improve the city and city government.

Please provide any additional information or comments which you believe will assist City Council members in considering your applications.

If appointed, would you run to hold the seat? Yes No

For the following questions, *are you...*

Serving on a **city board or committee**? If so, which one? _____

Living with someone who is currently serving on a **city board or committee**?

If so, which one? _____

How did you hear about the city's boards and committees?

Facebook/Twitter/Instagram

City Website

Friend/Neighbor

Newspaper/Pilot

Employer

Other (please list): _____

Demographic Questionnaire: These questions are optional. The city is interested in ensuring that historically underserved communities are represented on City Council. Sharing your demographic information can help us achieve this goal. For the following questions, *are you...*

A **resident** of Milwaukie? If so, for how long? _____

A **homeowner**? A **renter**?

A **business owner** in Milwaukie? If so, which one and for how long? _____

Employed by a business in Milwaukie? If so, where and for how long? _____

A **student**? If so, which school do you attend? _____

Fluent in a language other than English? If so, which one? _____

What is your race and ethnicity? _____

What is your gender identity? _____

What is your age? _____

INTERIM CITY COUNCIL MEMBER APPLICATION PROCESS



MAY 10

City Council adopts resolution acknowledging vacancy, city staff begin interim City Councilor recruitment process



MAY 11

Application process opens



MAY 23

Deadline for applications



MAY 31

City Council hosts a special session to interview candidates and appoint an interim City Councilor. Selected applicant sworn-in at the end of the meeting



JUNE 7

Appointed City Councilor attends first official meeting

