

RESOLUTION NO. 3126

A RESOLUTION OF THE CITY OF WILSONVILLE REFERRING TO THE ELECTORS OF THE CITY OF WILSONVILLE THE QUESTION OF AMENDING THE CITY CHARTER TO CLARIFY THE CALCULATION OF YEARS OF SERVICE RELATING TO TERM LIMITS.

WHEREAS, under Article XI, Section 2 of the Oregon Constitution, the City of Wilsonville has “home rule” authority over the civil affairs of the City; and

WHEREAS, Article XI of the Oregon Constitution and ORS Chapters 250 and 251 authorize the City to refer a matter to voters to amend the City Charter; and

WHEREAS, pursuant to Chapter II, Section 4; Chapter III, Section 6; Chapter VI, Section 24 of the City Charter, and other relevant provisions of the City Charter, Wilsonville Code, and Oregon state law, the City Council has the power to refer a matter to voters; and

WHEREAS, in May 2020, the Wilsonville electors voted to amend the City Charter to add Section 29 that established term limits for Councilors and Mayor; and

WHEREAS, Section 29 of the City Charter was modeled after an amendment made to the Tualatin City Charter in 2016 that established term limits; and

WHEREAS, Section 29 includes a calculation that every 365.25 days equals a year of service relating to the term limits stated therein; and

WHEREAS, Section 29 does not explicitly state whether serving fewer than 365.25 days counts as a year of service; and

WHEREAS, the City Council is periodically required to appoint a community member to fill a vacancy on the City Council that has a remaining term of less than 365.25 days; and

WHEREAS, the explanatory statement that accompanied the ballot title to amend the Wilsonville Code indicated that any number of days of service, even when filling a vacancy, would equal a year of service; and

WHEREAS, the City Council finds that years of service discussed in Section 29 is in need of clarification due to its silence on calculating days of service that are fewer than 365.25 days; and

WHEREAS, the City Council further finds that such clarification is needed when a person is appointed to the City Council to fill a vacant position for a period of less than 365.25 days.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

Section 1. Measure. A measure election is hereby called for the purpose of submitting to the electors of the City of Wilsonville a measure amending the City Charter to clarify the calculation of years of service relating to term limits when a person is appointed to fill a vacant position, a copy of which is attached as **Exhibit A**, and incorporated by reference herein.

Section 2. Election Conducted by Mail. The measure election shall be held in the City of Wilsonville on May 21, 2024, at the next statewide primary election. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerks of Washington & Clackamas Counties, according to the procedures adopted by the Oregon Secretary of State.

Section 3. Delegation. The City Council authorizes the City Manager or designee to act on behalf of the City and to take such further action as necessary to carry out the intent and purposes set forth herein, in compliance with applicable provisions of law.

Section 4. Preparation of Ballot Title. The City Attorney has prepared the ballot title for the measure, which is attached as **Exhibit B**, and incorporated by reference herein. The City Council approves the ballot measure, and the City Attorney is hereby directed to deposit the ballot title with the City Recorder within the time established by law.

Section 5. Notice of Ballot Title and Right to Appeal. Upon receiving the ballot title for this measure, the City Recorder must publish in the next available edition of a newspaper of general circulation in the city a notice of receipt of ballot title, including notice that an elector may file a petition for review of the ballot title.

Section 6. Explanatory Statement. The explanatory statement for the measure attached as **Exhibit C**, and incorporated by reference herein, is hereby approved by the City Council.

Section 7. The City Recorder shall deliver Notice of Measure Election to the County Clerks for Washington & Clackamas County for inclusion on the ballot for the May 21, 2024 election.

Section 8. Effective Date. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 22nd day of February, 2024, and filed with the Wilsonville City Recorder this date.

DocuSigned by:
Julie Fitzgerald
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JULIE FITZGERALD, MAYOR

ATTEST:

DocuSigned by:
Kimberly Veliz
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Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

| | |
|----------------------------|-----|
| Mayor Fitzgerald | Yes |
| Council President Akervall | Yes |
| Councilor Linville | Yes |
| Councilor Berry | Yes |
| Councilor Dunwell | Yes |

EXHIBITS:

- A. Measure Language
- B. Ballot Title
- C. Explanatory Statement

Exhibit A
Resolution No. 3126

MEASURE LANGUAGE

Section 29 of the City of Wilsonville Charter is amended as follows:

No person shall be eligible to serve on the City Council more than twelve (12) years in any twenty (20) year period, whether serving as Councilor, Mayor, a pro tem member, or a combination thereof. No person may be elected or appointed to an office on the City Council if completing that term of office would cause a violation of these term limits. The calculation of "years" shall include those preceding the enactment of this Section, but shall not prevent any member of the City Council from completing a term of office. To be eligible for election or appointment to an office on the City Council, prior years of service on the City Council shall be calculated by first determining the aggregate number of days a person has previously served as a member of the City Council within the period of twenty calendar years prior to the commencement of the proposed term, and then attributing a year of service for every 365.25 days of service within that period. Notwithstanding the foregoing, if a person is appointed to fill a vacancy of another person's term for a period of less than 365.25 days, the days attributable to filling the vacancy are not counted toward years of service.

**EXHIBIT B
RESOLUTION NO. 3126**

CITY OF WILSONVILLE BALLOT MEASURE _____

CAPTION (10-word maximum)

Amends Charter to Clarify Calculating Years of Service.
(8 words)

QUESTION (20-word maximum)

Should the Charter be amended to not count days of an appointment to Council when less than 365.25 days?
(19 words)

SUMMARY (175-word maximum)

The Measure would amend the Wilsonville City Charter to clarify the calculation of years of service relating to term limits. If passed, the Measure would not count the number of days served during an appointment to Council to fill a vacancy when the number of days served during the appointment are less than 365.25 days.

The existing City Charter calculates how many years a person served in a 20-year period by determining the aggregate number of days served on Council within the 20 years prior to commencement of the proposed term and then attributing a year of service for every 365.25 days of service within that period. The Charter does not state whether service on Council for less than 365.25 days equals a year of service when determining the number of years of service. The measure would clarify that if a person is appointed to fill a vacant position on the City Council for less than 365.25 days, the days attributable to filling the vacancy are not counted toward the calculation of years of service.
(175 words)

**EXHIBIT C
RESOLUTION NO. 3126**

CITY OF WILSONVILLE BALLOT MEASURE _____

EXPLANATORY STATEMENT (500-word maximum)

This Measure, if approved, would amend Section 29 of the Charter of the City of Wilsonville (“Charter”) to clarify the calculation of years of service relating to term limits. If passed, the Measure would not count the number of days served during an appointment to City Council to fill a vacant position when the number of days served during the appointment is less than 365.25 days.

The City Council consists of the Mayor and four City Councilors. The existing Charter language imposes term limits to prohibit a person from serving on City Council, whether serving as Mayor, City Councilor, or a combination thereof, to no more than 12 years in a 20-year period. The Charter states that if completing a term of office on the City Council would violate the term limits, then the person is ineligible to be elected or appointed. To determine whether a person is eligible to serve a proposed term, prior years of service are calculated by first determining the aggregate number of days a person has previously served as a member of the City Council within the period of twenty calendar years prior to the commencement of the proposed term, and then attributing a year of service for every 365.25 days of service within that period. The Charter does not expressly state whether a prior appointment to a position on the Council to fill a vacancy that is less than 365.25 days equals a year of service.

This Measure would amend the Charter to clarify the calculation of years of service when a person was previously appointed to fill a vacant position on the City Council for less than 365.25 days. The existing Charter language does not state whether such an appointment of less than 365.25 days counts as a year of service relating to the 12-year term limit. If approved, this Measure would allow a person who previously served an appointment to fill a vacant position on City Council for less than 365.25 days to serve three terms (up to 12 years) on City Council.

The effect of the Measure would allow a person to possibly serve a total of up to 12 years on City Council in a 20-year period even if they were previously appointed to fill a vacant position on the City Council for a period of less than 365.25 days. In all other circumstances, the general term limit of up to 12 years in any 20-year period would apply.

This Measure would become effective immediately upon passage.
(416 words)