

ORDINANCE NO. 692

AN ORDINANCE CODIFYING THE ESTABLISHMENT BY THE CITY COUNCIL OF THE CITY OF WILSONVILLE OF THE BUDGET COMMITTEE AND PROVIDING FOR A LIMITATION ON THE NUMBER OF TERMS A NON-COUNCIL MEMBER SHALL SERVE

WHEREAS, at the first Wilsonville City Council meeting of January 10, 1969, the City Council established a Budget Committee consisting of the five council members and five non-council electors of the City to have initial staggered terms of two for three-year terms, two for two-year terms, and one for a one-year term, in conformance with state law governing the establishment of budget committees;

WHEREAS, the establishment of the Budget Committee has not been codified into the Wilsonville Code;

WHEREAS, currently ORS 294.336 Budget Committee provides as follows:

"(1) Except as provided in ORS 294.341 [pertains to municipal governments exceeding a population of 200,000], the governing body of each municipal corporation shall establish a budget committee in accordance with the provisions of this section.

(2) The budget committee shall consist of the members of the governing body and a number, equal to the number of members of the governing body, of electors of the municipal corporation appointed by the governing body; if there are electors fewer than the number required, the governing body and the electors who are willing to serve shall be the budget committee; and if there are no electors willing to serve, the governing body shall be the budget committee.

(3) The members of the budget committee shall receive no compensation for their services as members of such committee.

(4) Appointive members of the budget committee may not be officers, agents or employees of the municipal corporation.

(5) Appointive members of a budget committee that prepares an annual budget shall be appointed for terms of three years. The terms shall be staggered so that, as near as practicable, one-third of the terms of the appointive members end each year.

(6) Appointive members of a budget committee that prepares a biennial budget shall be appointed for terms of four years. The terms shall be staggered so that, as near as practicable, one-fourth of the terms of the appointive members end each year.

(7) If any appointive member is unable to serve the term for which the member was appointed, or an appointive member resigns prior to completion of the term for which the member was appointed, the governing body of the municipal corporation shall fill the vacancy by appointment for the unexpired term.

(8) If the number of members of the governing body is reduced or increased by law or charter amendment, the governing body of the municipal corporation shall reduce or increase the number of appointive members of the budget committee so that the number thereof shall be equal to but not greater than the number of members of the governing body. To effect a reduction, the governing body of the municipal corporation may remove such number of appointive members as may be necessary. The removals shall be made so that the number remaining will be divided into three, if the terms of the appointive members are governed by subsection (5) of this section, or four, if the terms of the appointive members are governed by subsection (6) of this section, equal or approximately equal groups as to terms. In case of an increase, additional appointive members shall be appointed for such terms so that they, together with the members previously appointed, will be divided into three or four, as appropriate under this section, equal or approximately equal groups as to terms.

(9) The budget committee shall at its first meeting after its appointment elect a presiding officer from among its members."

WHEREAS, the City of Wilsonville, at approximately 18,000 in population, is under 200,000 in population and adopts an annual budget, not a biennial budget; therefore, neither the ORS 294.336 (1) reference to ORS 294.341 nor the ORS 294.336 (6) provision regarding the four-year appointment term for a biennial budget is applicable to appointment to Wilsonville's Budget Committee;

WHEREAS, neither ORS 294.336 nor any other statute expressly address any limitations on the number of terms to which a non-council appointed budget committee member may be

appointed, nor does it or any other statute expressly provide for consecutive terms; and a review of other municipalities in Oregon finds that a variety of approaches have been adopted from not limiting consecutive terms to limiting them for non-council members; therefore, it appears the state has not preempted the ability of municipalities to provide for consecutive terms with limitations for non-council member appointees;

WHEREAS, the Council finds that the majority of the City's boards and commissions are limited to two full terms of service subject to the provisions that any person may be appointed again after an interval of one (1) year absence and the appointment to a maximum of two consecutive terms may occur after completing the unexpired term of the predecessor in office.

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

1. Based on the above recited findings, which are incorporated by reference herein, Wilsonville Code (WC), Chapter 2 shall be amended to codify the City Council's establishment of the Wilsonville Budget Committee by adding, in conformance with the applicable provisions of ORS 294.341 (2), (3), (4), (5), (7), (8) and (9), a new WC Section 2.370 and, to provide for consecutive terms with limitations for non-council members, a new Section 2.372, as follows:

1.1. "2.370 Budget Committee.

(1) The budget committee shall consist of the members of the governing body and a number, equal to the number of members of the governing body, of electors of the municipal corporation appointed by the governing body; if there are electors fewer than the number required, the governing body and the electors who are willing to serve shall be the budget committee; and if there are no electors willing to serve, the governing body shall be the budget committee.

(2) The members of the budget committee shall receive no compensation for their services as members of such committee.

(3) Appointive members of the budget committee may not be officers, agents or employees of the municipal corporation.

(4) Appointive members of a budget committee that prepares an annual budget shall be appointed for terms of three years. The terms shall be staggered so that, as near as practicable, one-third of the terms of the appointive members end each year.

(5) If any appointive member is unable to serve the term for which the member was appointed, or an appointive member resigns prior to completion of the term for which the member was appointed, the governing body of the municipal corporation shall fill the vacancy by appointment for the unexpired term.

(6) If the number of members of the governing body is reduced or increased by law or charter amendment, the governing body of the municipal corporation shall reduce or increase the number of appointive members of the budget committee so that the number thereof shall be equal to but not greater than the number of members of the governing body. To effect a reduction, the governing body of the municipal corporation may remove such number of appointive members as may be necessary. The removals shall be made so that the number remaining will be divided into three, if the terms of the appointive members are governed by subsection (5) of this section, or four, if the terms of the appointive members are governed by subsection (6) of this section, equal or approximately equal groups as to terms. In case of an increase, additional appointive members shall be appointed for such terms so that they, together with the members previously appointed, will be divided into three or four, as appropriate under this section, equal or approximately equal groups as to terms.

(7) The budget committee shall at its first meeting after its appointment elect a presiding officer from among its members."

1.2. "2.372 Budget Committee Terms of Office for Non-Council Members.

(1) Each non-council member of the Budget Committee shall serve a staggered, three-year term as provided for in WC 2.370 (1) or until a successor is appointed. Any vacancy shall be filled for the unexpired term of the predecessor in office. A non-council member shall not hold appointment for more than two (2) full consecutive terms, but such non-elected member may be appointed again to the Committee after an interval of one (1) year. However, a non-council member is not barred from and may subsequently be appointed to a maximum of two consecutive, three-year terms after completing the unexpired term of a predecessor in office.

2. The City Recorder is directed to amend the Wilsonville Code, Chapter 2, as set forth above and to make such stylistic changes as may be necessary to conform to the style found therein.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 7th day of February, 2011, and scheduled for second reading at a special meeting of the City Council on the 24th day of February, 2011, commencing at the hour of 7 p.m. at the Wilsonville City Hall.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of _____, 2011, by the following votes: Yes: ____ No: ____

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this ____ day of _____, 2011.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

- Mayor Knapp
- Councilor Nunez
- Councilor Hurst
- Councilor Goddard
- Councilor Starr