

## RESOLUTION NO. 3106

### A RESOLUTION TO REFER A MEASURE TO THE BALLOT ON A CHARTER AMENDMENT REMOVING COUNCIL MEMBER COMPENSATION FROM THE BEND CHARTER

#### Findings

- A. On February 1, 2017, the City Council received a presentation from Bend 2030, the Bend Chamber of Commerce, and City Club of Central Oregon regarding ongoing community discussions related to Bend's governance structure, as well as whether it was time for Bend's mayor to be elected and whether councilor compensation should be removed from the Bend City Charter.
- B. Out of that discussion, at a Council meeting on June 21, 2017, the City Council adopted a resolution forming an independent charter review committee to consider several Charter changes, including a recommendation on Charter language related to whether the citizens of Bend should directly elect the mayor, and an initial recommendation on whether to place a ward system measure on the ballot. City Council solicited applications from the public and appointed eleven representatives from neighborhood associations and citizens at large to the Charter Review Committee on July 19 and August 16, 2017.
- C. The Charter Review Committee met regularly from August to December of 2017 in noticed public meetings. Members spoke with other jurisdictions in Oregon and elsewhere. They also reviewed extensive examples and materials provided by staff and various Committee members, which are posted on the City's website.
- D. The City Council met in work sessions on October 4 and December 6, 2017, and the regular meeting on December 20, 2017, to consider the recommendations of the Committee. The City Council also held a public listening session on December 20, 2017, to hear from interested citizens on the recommendations. The Committee recommended changing the Charter to establish a ward system for electing some of the city councilors, provide for a directly elected mayor, and to remove future council member compensation from the Charter to be set by Council ordinance, based on the recommendation of an independent advisory committee.
- E. From the City's research, mayor and councilor pay set by ordinance is the most common model in Oregon cities and in other jurisdictions.
- F. Conflict of interest rules dictate that a council member may not vote to set their own pay. ORS 244.120. Oregon law requires an intervening election so

that the voters decide who is elected to receive the new rate of pay or stipend.

- G. The City Council concurs with the recommendation of the Charter Review Committee on a directly elected mayor and removing council member compensation from the Charter, to be set by the City Council by ordinance based on the recommendation of an independent advisory committee. The City Council declines to move forward with a ward system at this time, but may reconsider revisiting the issue of wards at a later date after the 2020 census.
- H. After further review of the various options and proposed language, the City Council provided direction to staff at the January 17, 2018, regular meeting to develop this Resolution.
- I. The City Council agrees with the Charter Review Committee that to avoid any appearance of self-interest, any revisions to the compensation of either an elected mayor or council members should be based on a recommendation of an independent advisory committee, charged with reviewing the policy for the pros and cons of any pay increase, fairness, review of other jurisdiction's practices, and Bend's specific community interests.

Based on these findings,

THE CITY OF BEND RESOLVES AS FOLLOWS:

- Section 1. The following question is referred to the legal voters of the City of Bend:  
  
Shall the Bend Charter be amended to have council member and mayor compensation set by Council ordinance?  
  
The measure amends Sections 13 and 27 of the Bend Charter as set forth in the attached Exhibit B to this Resolution.
- Section 2. Tuesday, May 15, 2018, is designated as the date for voting on the measure.
- Section 3. The election will be conducted by the Deschutes County Elections Department.
- Section 4. The precincts for the election shall include all territory within the City of Bend and no other territory.
- Section 5. The ballot title to appear on the ballot shall be:

CAPTION

Amends Charter to remove council member pay from charter.

QUESTION

Shall the Bend Charter be amended to have council member and mayor compensation set by Council ordinance?

SUMMARY

This measure amends the City of Bend Charter of 1995. Currently, the Charter provides for councilor compensation of \$200 each month plus reimbursement for expenses incurred in serving the City, consistent with the plan for reimbursing City personnel. The amendment would take compensation for council members and the mayor out of the Charter, to be set by Council ordinance, based on a recommendation of an independent advisory committee. The amendment would continue the compensation for current councilors at \$200 per month until the end of their terms.

The Oregon Constitution gives voters the right to adopt, amend and revise a charter. The Bend Charter grants legal home rule authority to the City and sets the duties of the council, mayor and city manager. The Charter was submitted to and approved by the voters of the City of Bend in May of 1995.

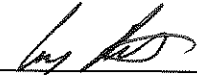
Section 6. The Council adopts the Explanatory Statement for the Voters' Pamphlet attached as Exhibit A.

Section 7. The City Recorder and staff shall take all necessary steps to effectuate this resolution, including providing public notice and submitting required materials to the County Elections Officer. If the measure is approved, the City will act consistently with the ballot title and explanatory statement.

Section 8. This resolution takes effect immediately upon passage.

Adopted by the Bend City Council on February 7, 2018.

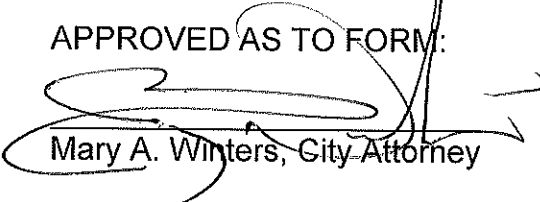
YES:	Casey Roats, Mayor	NO: Nathan Boddie
	Sally Russell	Barb Campbell
	Bill Moseley	
	Bruce Abernethy	
	Justin Livingston	

  
\_\_\_\_\_  
Casey Roats, Mayor

ATTEST:

  
\_\_\_\_\_  
Robyn Christie, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mary A. Winters, City Attorney

## EXHIBIT A

### EXPLANATORY STATEMENT

The Oregon Constitution gives voters the right to adopt, amend and revise a charter. The City of Bend Charter grants legal home rule authority to the City and sets the duties of the council, mayor and city manager. The Charter was submitted to and approved by the voters of the City of Bend in May of 1995.

This measure amends the City of Bend Charter of 1995. Currently, the Charter provides for council member compensation of \$200 each month plus reimbursement for expenses incurred in serving the City, consistent with the plan for reimbursing City personnel. The measure would amend Sections 13 and 27 of the Charter to take compensation out of the Charter, to be set by Council ordinance, based on the recommendation of an independent advisory committee. The amendment would continue the compensation for current council members at \$200 per month until the end of their terms.

The City formed a Charter Review Committee in 2017 of Bend residents to make a recommendation to the City Council on Charter language on a directly elected mayor, a ward system, and removing council member compensation from the Charter. The Committee met regularly from August to December 2017 in noticed public meetings, and met with Council at two work sessions to review their recommendation. Council held a public listening session on the recommendations in December 2017 to receive citizen input. The Committee recommended that the Charter be amended to remove council member compensation from the Charter, and to have council member compensation be set by the City Council by ordinance, based on the recommendation of an independent advisory committee. The proposed amendment is intended to implement the recommendation of the Charter Review Committee.

If approved by the voters, the revisions will take effect upon the City Council adoption of the May 15, 2018, election results.



EXHIBIT B  
Resolution 3016

This exhibit shows the proposed amendments to the City of Bend Charter. The deletions are shown in ~~striketrough~~ and additions are in **bold**.

Section 13 Compensation.

Councilers **members (councilors and mayor) in office at the time of the November 2018 election** shall be paid compensation of \$200 each month plus reimbursement for expenses that they incur in serving the city **for the remainder of their terms. Compensation for each council member elected at or after the November 2018 election shall be set by ordinance, based on the recommendation of an independent advisory committee appointed by the mayor with the consent of the city council.** Reimbursement of counciler **member** expenses shall be consistent with the plan for reimbursing city personnel expenses.

Section 27 Compensation.

The council shall prescribe the compensation of city officers, ~~other than councilors~~. The council may prescribe a plan for reimbursing city personnel for expenses that they incur in serving the city.

