Agenda Item No. 3A2
Meeting of 6/12/2012

City *of* Tigard
Tigard City Council Meeting Minutes
May 8, 2012

Mayor Dirksen called the meeting to order at 6:32 p.m.

Name	Present	Absent
Mayor Dirksen	✓	
Council President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson	✓	
Councilor Woodard	✓	

Staff present: City Manager Wine, Assistant City Manager Newton, City Attorney Ramis, City Recorder Wheatley

- STUDY SESSION

A. Discuss Process for a Potential Vacancy in the Office of Mayor

City Manager Wine introduced this item, which is to begin council discussions on how the council would like to proceed if Mayor Dirksen resigns at the end of the year to serve on Metro Council if elected on May 15. There would be two years remaining on the mayor's term of office. She referred to information before the City Council prepared by the city attorney and city recorder regarding Charter provisions and process options available to the council to fill a vacancy.

Discussion highlights included:

- City Attorney Ramis said Charter provisions are such that the decision regarding the process in essentially up to the City Council and can be tailored to fit the facts of the situation.
- Mayor Dirksen is running unopposed for the Metro council position. If he receives more than 50 percent of the votes cast for the position, he would be considered duly elected to fill the position. If elected, he would tender his resignation after he receives the certified election results and his resignation would be effective December 31.
- Mayor Dirksen referred to a letter from Councilor Henderson, requesting endorsement by the council for his appointment as the interim mayor for the remaining mayoral term.

- Mayor Dirksen said he thinks, because of the time available to the City Council, it would be difficult to defend an appointment for such a long period of time – in excess of two years. There is time to conduct an election. Mayor Dirksen also referred to a letter from the Chamber of Commerce, which urged that an election be held.
- Councilor Wilson noted when Councilor Harding resigned, he was going to be appointed for the eighteen months remaining on her term. However, there were objections to this, so he was appointed for a few months until an election could be held – he was subsequently elected to complete the term of office.
- Discussion was held on the circumstances where an appointment could be made for a shorter period of time.
- Councilor Henderson spoke to considerations that could be factored in favor of an appointed mayor; i.e., a new city manager and possible turnover of more than half of the members of the council. He spoke in support of an appointment of either Councilor Wilson or himself.
- Mayor Dirksen reflected about who might want to run for the office of mayor. Councilor Henderson and Councilor Wilson would be good choices because of their experiences as council members and the support of the citizenry of the accomplishments of this council.
- Councilor Henderson and Councilor Wilson both indicated they intend to run for the office of mayor.
- Council members discussed that Tigard resident John Cook has expressed an interest in running for the office of mayor.
- Councilor Henderson noted he would not want to have projects slowed down because of the transition period. Mayor Dirksen agreed he would not want the council to lose its momentum.
- Councilor Henderson referred to the proposal he shared with the City Council in a letter. He said he does not plan to be a career mayor. He would be interested in serving as a "stand in" mayor to complete Mayor Dirksen's term. He said he thinks this would be the right thing to do for the community. He said he would be glad to return to the City Council if he was elected. Mayor Dirksen commented he thought people would urge Councilor Henderson to run for the office of mayor if he served as interim mayor for two years and did a good job.
- Councilor Henderson commented on the way the Charter is written and the confusion about term limitations, especially when appointments are made for individuals to fill unexpired terms.
- There was discussion on Councilor Henderson's position that Mayor Dirksen will have served as mayor for nine years, which is beyond the term limits established by the Charter. City Attorney Ramis commented the interpretive issue is whether the time period during which Mayor Dirksen was filling the unexpired term of Mayor Griffith is counted toward the term limited time period. City Attorney Ramis said to the extent the council feels there is ambiguity in the Charter, the first arbitrator of the meaning of Charter is the council itself. Absent a court decision regarding the meaning of the Charter, it is the council's obligation to interpret the Charter. Councilor Henderson said it was not his intention to raise an issue with the mayor's service; he simply was noting

the problems with perception by members in the community as a result of the Charter language in this area.

- City Attorney Ramis read the sentence in the Charter regarding term limitations: "These limitations do not apply to the filling of an unexpired term." The Charter does not specify a differentiation if an unexpired term is filled by an appointment or by an election. This is a point of debate ultimately up to the Council to interpret. Councilor Henderson reiterated his only concern is with clarifying the intent.
- Council President Buehner said it might be time to have a Charter review overall.
- Councilor Woodard commented on the time commitment required for the individual serving as mayor. He spoke to keeping continuity and to look for an individual to serve as mayor who could contribute the time required. He said he thought Councilor Henderson could make such a contribution and said he also thought Councilor Wilson would do a fine job as mayor if he could meet the time-commitment requirements.
- Mayor Dirksen concluded saying the purpose of the discussion tonight was to hear what everyone's thoughts were regarding the probable two-year vacancy in the office of mayor. This matter will be taken up by the council for consideration at a future council meeting.

The following items were reviewed:

B. Administrative Items

- Council Calendar
  - May 14, 2012 - Budget Committee Meeting - Public Works Auditorium, 6:30 p.m.
  - May 15 2012 - City Council - Town Hall - Workshop Meeting - 6:30 p.m.
  - May 22, 2012 - Joint Meeting with Lake Oswego at Lake Oswego, 380 A Avenue; 5:30 p.m. dinner, 6:30 p.m. Joint Meeting
  - May 24, 2012 - Clean Water Services Tour of Durham Plant - 6-8 p.m.
  - June 12, 2012 - City Council - Town Hall - Study Session/Business Meeting - 6:30/7:30 p.m.
  - June 19, 2012 - City Council - Town Hall - Workshop Meeting - 6:30 p.m.
  - June 24, 2012 - City Council - Town Hall - Study Session/Business Meeting - 6:30/7:30 p.m.

- EXECUTIVE SESSION: Not held.

1. BUSINESS MEETING - MAY 8, 2012

A. Call to Order: Mayor Dirksen called the meeting to order at 7:32 p.m.

B. Roll Call

Name	Present	Absent
Mayor Dirksen	✓	
Council President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson	✓	
Councilor Woodard	✓	

C. Pledge of Allegiance

D. Council Communications & Liaison Reports None.

E. Call to Council and Staff for Non-Agenda Items

2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication: None.

B. Tigard High School Student Envoy Courtney Bither presented a report on recent activities at the high school.

Mayor Dirksen thanked Ms. Bither for her service as the student envoy. This was Ms. Bither's last report as she will be graduating next month.

The City Council considered Resolution No. 12-16.

Motion by Councilor Wilson, seconded by Council President Buehner, to approve Resolution No. 12-16.

RESOLUTION NO. 12-16 - A RESOLUTION ACKNOWLEDGING AND COMMENDING COURTNEY BITHER FOR HER SERVICE AS THE TIGARD HIGH SCHOOL ENVOY TO THE CITY OF TIGARD

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Buehner	Yes
Councilor Henderson	Yes
Councilor Wilson	Yes
Councilor Woodard	Yes

C. Tigard Area Chamber of Commerce - Chief Executive Officer Debi Mollahan presented a report on recent Chamber activities. A copy of her report is on file with the meeting packet materials.

D. Citizen Communication -- None

3. AWARD 2012 "IF I WERE MAYOR" CONTEST WINNER

Mayor Dirksen announced that Matisse Perry, a student at Nancy Ryles Elementary School, was the winner of the poster contest category. She received a $50 VISA gift card and her poster will be entered in the statewide competition for a laptop computer.

Council members viewed Ms. Perry's winning poster and suggested this artwork be incorporated into the work being done downtown – perhaps as a mosaic, mural, or sidewalk tiles.

4. PROCLAMATIONS

Mayor Dirksen issued the following proclamations.

A. PROCLAIM MAY 6-12, 2012, AS NATIONAL DRINKING WATER WEEK

B. PROCLAIM MAY 6-12, 2012, AS BE KIND TO ANIMALS WEEK

C. PROCLAIM MAY 20-26, 2012, AS EMERGENCY MEDICAL SERVICES (EMS) WEEK

Mayor Dirksen reviewed the Consent Agenda:

5. CONSENT AGENDA: (Tigard City Council and Local Contract Review Board)

A. Approve City Council Meeting Minutes for:
- March 20, 2012
- March 27, 2012
- April 17, 2012

B. Receive and File:

1. Council Calendar
2. Tentative Agenda

C. Local Contract Review Board:

1. Authorize an Intergovernmental Agreement with Washington County Regarding the Relocation of Water Infrastructure Along Bull Mountain and Roshak Roads

Councilor Woodard commented that he would abstain from voting on the April 17 meeting minutes since he did not attend that meeting.

Motion by Council President Buehner, seconded by Councilor Wilson, to approve the Consent Agenda.

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Buehner	Yes
Councilor Henderson	Yes
Councilor Wilson	Yes
Councilor Woodard	Yes (Abstained from voting on the April 17 minutes.)

6. COUNCIL LIAISON REPORTS - None

7. NON AGENDA ITEMS - None

8. EXECUTIVE SESSION: Not held.

9. ADJOURNMENT

Motion by Councilor Henderson, seconded by Councilor Woodard, to adjourn the meeting.

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Buehner	Yes
Councilor Henderson	Yes
Councilor Wilson	Yes
Councilor Woodard	Yes

Catherine Wheatley

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard
Council President

Date: 6/12/12