First run of Non-controversial Charter Amendment possibilities

2-105 (51) – Vagrancy

51. To define what constitutes vagrancy, and to provide for the support, restraint, punishment and employment of vagrants and paupers.

Delete. We do not have legal authority to outlaw vagrancy or require employment of vagrants or paupers.

2-105(54) – Exhibition of cripples; begging

54. To prohibit the exhibition of deformed or crippled persons, and to prohibit all persons from begging upon the streets or in public places.

Delete. Clearly out-dated.

2-105(49) – Lotteries and bawdy houses

Section 49**.** To prevent and suppress ~~gaming and gambling houses, lotteries or places where any game in which chance predominates is played for anything of value, and to punish any person who engages in such game, or keeps or frequents such houses or sets up or promotes lotteries or sells lottery tickets; to prevent and suppress bawdy houses or places where fornication is practiced, and to punish any inmate, keeper or frequenter thereof; to prevent and suppress~~ use of narcotics and dangerous drugs and houses and places kept therefor~~, and to punish any keeper of such house or place, or person who frequents the same~~.

Amend as noted. Some parts of this may be preempted by state law – such as prohibiting sales of lottery tickets. The state constitution may also limit some regulation.

2-105(50) – Obscene matter

50. To prevent the sale, circulation, display and disposition of obscene matter, including books, papers, prints, pictures, films and other material, and of obscene advertisements of any kind, and to punish any person who sells or offers for sale, displays or who circulates or disposes of such literature, books, papers, prints, pictures, films, advertising matter and other material, and to define and declare from time to time what literature, books, papers, prints, pictures, films, advertising matter and other material are obscene within the purposes and province of this provision.

Consider deleting. Our ability to regulate in this area is very limited. However, attempting to change this might be controversial.

1-106 – Delivery of tort claim notices to City Attorney

Section 1-106 Damage Claims, Insurance.
Notice of and claims for damages arising out of the alleged torts of the City and those of its officers, employees and agents acting within the scope of their employment or duties, *must be presented* ~~*to the City Attorney*~~ within the time prescribed by law. The Council shall establish a Loss Reserve Fund and shall annually budget an amount sufficient to maintain such Fund on an actuarially sound basis. The monies in such Fund may be invested and reinvested in the like manner with other City funds and the earnings from such investment and reinvestment shall be credited to the Fund. Payments may be made from the Loss Reserve Fund to pay claims against the City, its officers, employees and agents, procure insurance against such liability, and pay costs related to the payment of claims including but not limited to payment of investigative, legal and administrative expenses. In the event the Council shall deem it advantageous to procure insurance against claims, the existence of insurance shall be considered in determining the funding necessary to maintain the Loss Reserve Fund on an actuarially sound basis. The Commissioner In Charge may negotiate, compromise and settle any claims and may authorize the payment of any claim in an amount not to exceed five thousand dollars ($5,000). Payment exceeding five thousand dollars ($5,000) for any claim must be authorized by an ordinance. [Ch. 1903, sec. 9; rev. 1914, sec. 282; 1928 pub., sec. 282; 1942 recod., sec. 1-111; rev. May 18, 1962; rev. Nov. 2, 1976; am. May 20, 1986.]

Amend as indicated. The Oregon Tort Claims Act identifies who may receive tort claim notices and it is not limited to the City Attorney.

2-206(b) - Vacancy in office

(a) A vacancy in office shall exist when the Mayor, a Commissioner or the Auditor fails to qualify by taking the oath following his or her election, or when any officer or employee dies, resigns, is removed from office, is convicted of a felony, is judicially declared to be mentally incompetent, is convicted of an offense which constitutes corruption, malfeasance or delinquency in office, forfeits his or her office under specific provisions of this Charter, or is elected or appointed to a different office, and qualifies, takes and assumes the duties of such different office.

(b) If a vacancy occurs in an office elective under this Charter more than one hundred (100) days preceding the regular primary election to be held in the fourth year of the term of that office, ~~*but*~~ <u>or</u> less than seventy-one (71) days preceding the regular general election to be held in that year, the Council, by a single resolution, shall call for two (2) special elections not more than forty-five (45) days apart. The first special election will be for the purpose of nomination. It shall be held not more than ninety (90) days after the vacancy occurs, unless the

Council finds reasonable cause for delay beyond ninety (90) days. If one candidate receives a majority of the votes cast for the office, that candidate will be deemed elected to fill the unexpired term of the office and the second special election will not be held. If no candidate receives a majority, one of the two candidates receiving the highest number of votes cast in the first special election will be elected to fill the unexpired term in the second special election.

(c) If a vacancy occurs in an office elective under this Charter less than one hundred and one (101) days and more than seventy (70) days preceding the regular primary election to be held in the fourth year of the term of that office, the Council shall call for a special election to be held not more than forty-five (45) days following the regular primary election. The regular primary election will be for the purpose of nomination to fill the unexpired term and nomination of candidates for the next four-year term of the office to be voted upon in the regular general election. If one candidate receives a majority of the votes cast for the office, that candidate will be deemed elected to fill the unexpired term of the office and the special election will not be held. If no candidate receives a majority, one of the two candidates receiving the highest number of votes cast in the regular primary election will be elected to fill the unexpired term in the special election.

Amend as indicated. Application of subsection (b) requires a very strained reading. A simple fix is to change the italicized “but” to “or,” which is the only way it can reasonably be interpreted.

2-301 – The Departments.

The executive and administrative powers, authority and duties, not otherwise provided for herein, shall be distributed among at least five (5) departments as follows:

(a) Department of Public Affairs
(b) Department of Finance and Administration
(c) Department of Public Safety
(d) Department of Public Utilities
(e) Department of Public Works

Bureaus and their functions shall be fixed by Council by ordinance. The distribution of the bureaus and work among department shall be made and may be changed from time to time by the Mayor by order which shall be filed and preserved as an ordinance. The names of the departments may be changed in like manner. The Mayor may in like manner assign matters relating to any commission to a particular department.

Amend. Although this section gives the Mayor the ability to change the names of the departments, that has never happened. The names are somewhat confusing, as they don’t relate to the actual assignments of the Council

members. Need recommendation from the Commission on what to do about this – perhaps change the names of the lettered "Departments" to

A) Position number 1
B) Position number 2
C) Position number 3
D) Position number 4
E) Position number 5

2-607 - Filing appointments with Secretary of Civil Service Board

All appointments of officers, deputies and clerks, to be made under any provision of this Charter, must be made in writing and authenticated by the person or persons, board or officer, making the same. Any such writing must be filed with the Secretary of the Civil Service Board. [Ch. 1903, sec. 138; rev. 1914, sec. 93; 1928 pub., sec. 93; 1942 recod., sec. 2-507; rev. Nov. 6, 1962; am. May 20, 1986.]

Delete. This became out-dated when the Civil Service provisions of the Charter were amended.

2-105 – Mayor's secret service fund

14. To appropriate annually to the Mayor two thousand dollars ($2,000) as and for a secret service Fund, ~~for which *the Mayor need furnish no vouchers*~~, and such appropriation shall be made.

and

2-108 – Emergency fund

There shall be annually appropriated and set apart the sum of five thousand dollars ($5,000) to be known as the Emergency Fund of the Council and the Council may use and expend such Fund, or any part thereof, in its discretion for any purpose it may deem proper or advantageous to the public welfare~~, and shall not be required to furnish vouchers showing the purposes for which such expenditures were made~~. No part of such Fund shall be used as compensation or additional salary or for the personal benefit of the Mayor or any Commissioner. [May 3, 1913, new sec. 33; rev. 1914, sec. 31; 1928 pub., sec. 31; 1942 recod., sec. 2-117; rev. Nov. 6, 1962.]

Amend as indicated. The expenditure of public funds without records is inadvisable.

Chapter 14 – Exposition-Recreation Commission

Delete. This chapter is out-of-date. The City now contracts with MERC for these services.