

CITY OF FAIRVIEW

Measure 26-149

BALLOT TITLE

CHARTER AMENDMENT REVISING PROCESS TO FILL VACANCIES IN ELECTED OFFICES

QUESTION: Shall Fairview amend the Charter to revise the process used to fill vacancies that occur in City elected offices?

SUMMARY: The Oregon Constitution gives City voters the right to adopt and amend home rule charters. Fairview voters adopted the current charter in 1992. Under the current charter, vacancies in elected offices are temporarily filled by council appointment. The Council's appointee serves until a person is elected for the remainder of the unexpired term at the "next election." The City has enacted an ordinance clarifying that the "next election" is the next general election. Under the current charter an election to fill an office with an unexpired term must occur even if only two months remain in the term. The amendment would clarify the Charter to reflect the current practice for filling vacancies by temporary Council appointment and election at the next general election, but would also establish that an election is not required if there are only two months left in the unexpired term. The City's Charter Review Commission recommended this amendment, which was referred to the voters by the Council. If approved, the amendment would take effect January 1, 2013.

The amendment would codify the City's interpretation of the charter by providing that the Council's temporary appointee will serve until a person is elected at the next general election for the remainder of the unexpired term. In addition, the amendment would establish that an election would not be required if the term of the vacant office is set to expire the January immediately following the November election, which would preclude the need to hold an election if only two months remain in the term of the vacant office.

If approved by the voters, the Charter amendment would take effect January 1, 2013.

Submitted by

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City Administrator
City of Fairview

EXPLANATORY STATEMENT

The Oregon Constitution gives City voters the right to adopt and amend home rule charters. Fairview voters adopted the current charter in 1992.

The Fairview City Council formed an impartial Charter Review Committee comprised of citizens of the City to evaluate the existing charter and to determine if the charter should be updated or changed. The Charter Review Committee determined that changes to the charter were warranted and prepared draft amendments to the charter for review by City Council. The City Council concurred with the recommendation of the Charter Review Committee and referred this measure to City voters for approval or rejection.

Under the current charter, vacancies in elected offices are temporarily filled by Council appointment. The Council's appointee serves until a person is elected for the remainder of the unexpired term at the "next election." The City has enacted an ordinance interpreting the phrase "next election" to mean the next general election. Under state law, general elections occur in November of even-numbered years. Under the City's current interpretation of the charter, an election to fill an unexpired term must occur at the next general election regardless of the amount of time left in the remainder of the term.

Under the current charter, a City councilor is elected in November to a four-year term. The term of a person elected to the Council in November begins the following January. If, for example, a councilor elected to a four-year term resigns in February of the fourth year of his or her term, the Council would temporarily appoint an individual to serve on the Council from February until November. Under the City's current interpretation of the Charter, an election would be held in November to select a person to serve the remainder of the unexpired term. Under this practice, the person elected in November to fill the remaining portion of the unexpired term that ends in January, would be elected for only two months (November and December).

No arguments FOR or AGAINST this measure were filed.