



FACT SHEET FOR PROPOSED COOS BAY CITY CHARTER

AMENDMENTS: these proposed amendments will be on the May 15, 2018 ballot. A majority "YES" vote will adopt the amendments into the Coos Bay City Charter.

Ballot Measure 6-167

Background: The City of Coos Bay, like most cities in Oregon, is a chartered city which allows its citizens to create and later amend the City's Charter. The City Charter is a document that defines the organization, its powers, functions, and the essential procedures of city government. Since Coos Bay's first City Charter was enacted back in the early 1900's, the voters have amended the Charter numerous times to meet the evolving needs of the City and voter wishes. Coos Bay's current City Charter can be found online at <http://www.codepublishing.com/OR/CoosBay/>.

On February 20, 2018, the Coos Bay City Council unanimously approved a resolution to ask the voters to consider adjusting the frequency of Council meetings; removing unnecessary and unconstitutional provisions of the current City Charter; to clarify the term roadways in the utilities definitions; and to modify the process for issuing revenue bonds.

Frequency of Council Meetings

Proposed Amended Language: Section 4.1 Meetings: The Council shall hold regular meetings as the business of the City requires, at a time and at a place in the City which it designates and may adopt rules for the government of its members and proceedings. The mayor, manager, or three members of the Council may, by giving notice to all members of the Council then in the city, call a special meeting of the Council.

Explanation of Proposed Charter Amendment: Currently, the City Charter requires the Coos Bay City Council to hold a regular meeting at least twice each month. There have been times in the past when this regular meeting schedule has not been necessary and Council business could have been completed during one meeting a month rather than in two meetings. Examples of such instances would include meetings scheduled during the Thanksgiving and Christmas holidays.

Unconstitutional Provision of the Current City Charter

Proposed Deletion: Section 9.11 Funds for Police Officers and Firefighters: From the general fund budget, the city council shall appropriate to the Public Safety Department in each fiscal year the funds necessary to provide at least 1.85 sworn police officers per 1,000 population, and 1.2 firefighters per 1,000 population in the City of Coos Bay.

Explanation of Proposed Charter Amendment: On May 17, 1988, the Charter was amended by the voters with language requiring a mandatory minimum staffing for public safety personnel, which was tied to the population of the City. Under Oregon's current taxing structure, the City has been unable to fund all the required positions for more than a decade. This section of the City Charter was found to be unconstitutional in 2003 by the Oregon Circuit Court for Coos County.

Unnecessary Language in the Current City Charter

Proposed Deletions: Section 9.8 Water Works (1) This section shall become effective only if the City of North Bend continues to exist and the cities of Coos Bay and Eastside are consolidated. And Section 9.8 (A) Water Works

(1) This section shall become effective if the cities of Coos Bay and North Bend are consolidated into one city.

(2) The operation, maintenance, improvement and extension of the system of water works previously owned jointly by the cities of Coos Bay and North Bend shall be under the control of a board known as the COOS BAY WATER BOARD. Said water board shall have entire control of all water funds and the disbursement thereof, and it shall prepare and file with the city budget officer a proposed annual budget on or before February 1st for the fiscal year beginning the following July 1st. Said board shall have authority to make all contracts for repairs, improvements and extensions to such water system but only to the extent of the water funds available for said purpose. Said board shall have authority to employ all help necessary in its judgment in the operation of such water system and to fix the salary and wages of all employees.

(3) The water board shall consist of five members who shall serve without pay, shall be residents of the city, and shall be appointed by the Mayor and confirmed by a majority of the Council each for a term of four years commencing January 1st. Of the initial board, two members shall be appointed for terms ending December 31, 1984 and three members shall be appointed for terms ending December 31, 1986.

(4) The income derived from the operation of the water system shall be disposed of in the following manner:

(a) The payment of costs and expenses of operation, maintenance and repair to said water system.

(b) The payment of principal and interest on any bonds, notes or contracts authorized and issued by the city council for the repair, improvement or extension of the water system.

(c) The payment for improvements and extensions to said system of water works.

Section 9.9 Tax Base. The initial tax base for the consolidated city shall be the sum of the tax bases of the consolidating cities on the effective date of incorporation.

Section 9.10 Effective Date of Incorporation . The effective date of the incorporation of the consolidated City of Coos Bay shall be the one-hundredth day following the first election of officers.

Explanation of Proposed Charter Amendment: In the early 1980s there was an effort to consolidate the cities of Coos Bay, North Bend, and Eastside. In 1983, the Coos Bay City Charter was amended by the voters with language in the event the consolidation efforts were approved by the voters. The cities of Coos Bay and Eastside were consolidated based on the approval of the voters of those cities. The majority of voters from North Bend did not vote in favor of the consolidation. The consolidation effort which amended the City Charter happened 35 years ago and as such language referencing it is unneeded in the Charter today.

Modify the Process for Issuing Revenue Bonds

Proposed Amended Language: Section 9.3. Sales of Bonds and Warrants. Subject to the provisions of Section 2.4 (“Utilities”) concerning and sale of self-liquidating revenue bonds and self-liquidating notes and/or contracts, all other bonds or warrants which would increase real property taxes or be payable from general fund revenues shall be submitted to the people for approval by a majority of votes cast.

Explanation of Proposed Charter Amendment: The Charter was amended in 1996 by adding Section 9.12 of the Charter precludes the City from the selling of all bonds or warrant without an approval of the voters. The intent of the Charter amendment was to stop the Coos Bay Urban Renewal Agency from issuing bonds to undertake for a library expansion project. While the voters approved the ballot measure which precluded the City from issuing bonds and warrants, it was not, and is not, legally binding on the Coos Bay Urban Renewal Agency, which under Oregon law is a separate corporate political entity.

The 1996 Charter amendment is in direct conflict with Section 2.4 (Utilities) of the Charter which allows the Council to authorize issuance of self-liquidating revenue bonds as long as the repayment of the bond is from utility and or enterprise funds and not from property taxes or general fund revenues. Any bond requiring repayment from property taxes would still require the approval of the voters. Amending the language would provide the city greater flexibility for financing the business of the city, without the ability to impose additional taxes

Clarify the Utilities Section

Proposed Amended Language: Section 2.4. Utilities. The City, acting by and through its Council, is authorized and empowered to acquire, construct, purchase, own, lease, operate and maintain, within, without, or partly within and without the corporate limits of the City, public utilities and other public enterprises and properties which may be deemed by the Council to be in the public interest, including, but not limited to, airport, roadway, dock, wharf, sewer, and water system facilities; and the Council may, by ordinance, authorize the issuance and sale of self-liquidating revenue bonds and self-liquidating notes or contracts payable only from the pledged revenues of public utilities, enterprises and properties for the acquisition, purchase, construction, reconstruction, improvement, extension or repair of any such utility, enterprise or property or any part thereof; shall not be payable from taxes or general fund revenues and shall not be deemed general obligations of the City unless specifically authorized at election of the legal voters of the City, nor shall such self-liquidating obligations be debts of the City within the meaning of any constitutional, statutory or charter limitations.

Explanation of Proposed Charter Amendment: The amendment adds the text “roadway” to the infrastructure list of those areas in which financing can be obtained. While the language of the current Section 2.4 arguably would include roadways, by adding this term to the definition it is made clear that roadways are part of the City’s “utilities,” and provides the City and its citizens additional options to rehabilitate and repair the City’s streets.