



City of Florence
A City in Motion

City of Florence Council Work Session

Videoconference &
 Florence City Hall
 250 Hwy 101
 Florence, OR 97439
 541-997-3437
www.ci.florence.or.us

- Meeting materials including information on each agenda item are published at least 24 hours prior to the meeting, and can be found of the City of Florence website at www.ci.florence.or.us/council.
- Items distributed during the meeting, meeting minutes, and a link to the meeting video are posted to the City's website at www.ci.florence.or.us/council as soon as practicable after the meeting.
- To be notified of City Council meetings via email, please visit online at <http://www.ci.florence.or.us/newsletter/subscriptions>.

September 21, 2020

WORK SESSION AGENDA

10:30 a.m.

Councilors:

Joe Henry, Mayor

Woody Woodbury, Council President
 Joshua Greene, Councilor

Ron Preisler, Council Vice-President
 Vacant, Councilor

With 48 hour prior notice, an interpreter and/or TDY: 541-997-3437, can be provided for the hearing impaired.
 Meeting is wheelchair accessible.

COVID-19 UPDATE

Due to federal and state restrictions on public gatherings, the Florence City Council meetings shall be held via videoconference. Members of the public can listen and view the meeting through the 'GoToWebinar' platform at the following link <https://attendee.gotowebinar.com/register/1779137766604271630>

Meetings are also shown live on Cable Channel 191 and online at <https://www.ci.florence.or.us/citymanager/public-meetings-live>.

In person attendance is not allowed at City Council meetings.

In accordance with Oregon Governor's Office Executive Order No. 20-16, to protect safety and ensure social distancing, members of the public will not be allowed to attend the City Council meeting.

Citizens wishing to express their views may submit comments in writing or verbally. For more information, please see the end of this agenda or visit the City of Florence website at www.ci.florence.or.us/council/request-address-city-council-speakers-card.

CALL TO ORDER – ROLL CALL

10:30 a.m.

1. WORK SESSION DISCUSSION TOPICS

- City Councilor Vacancy: Review and discuss options and processes in regards to the Florence City Councilor vacancy.
- Review of Upcoming Agenda Items

COUNCIL CALENDAR

All meetings are held at the Florence City Hall (250 Hwy 101, Florence Oregon) unless otherwise indicated

Date	Time	Description
October 5, 2020	10:30 a.m.	City Council Work Session Tentative Pending approval at 9.21.20 City Council Meeting
	5:30 p.m.	City Council Meeting Pending approval at 9.21.20 City Council Meeting

UPDATED PUBLIC MEETINGS PROCEDURES – COVID-19

Given executive orders from Governor Brown concerning COVID-19 and social distancing requirements, the City of Florence has established temporary procedures for public meetings in order to protect our volunteers, public and staff.

In person attendance is not allowed at City Council meetings.

Expressing Views to the City Council: Work Sessions do not allow time for public comments. Public Comment periods are provided at City Council regular sessions which are generally held on the 1st and 3rd Mondays of each month beginning at 5:30 p.m. For the latest City Council meeting calendar, visit the City of Florence website at <https://www.ci.florence.or.us/calendar>.

1. **Written Testimony:** Citizens wishing to express their views to the City Council are encouraged to submit written testimony in one of the following ways:

- a. Submit written comments via email to City Recorder at kelli.weese@ci.florence.or.us;
- b. Mail written comments to Florence City Hall, Attn: City Council, 250 Hwy 101, Florence, OR 97439
- c. Drop off written comments to the City of Florence drop box located at Florence City Hall (250 Hwy 101) to the right of the main entrance.

**** Note:** Written comments received at least 2 hours prior to the meeting (September 21, 2020 at 8:30 a.m.) that concern items on the work session agenda will be distributed to the City Council, posted to the City of Florence website, and made part of the record.

For more information on the City of Florence's Temporary Public Meeting Policies, visit the City of Florence website at <https://www.ci.florence.or.us/em/public-meeting-during-covid-19>.

City of Florence City Council

Memorandum

To: Florence City Council
From: Megan Messmer, City Project Manager
Date: September 17, 2020

RE: City Council Vacancy

In advance of the City Council discussion regard the vacant position on the Florence City Council, staff wanted to provide an overview of the provisions for filling a vacancy and some of the inquiries we have received to date. The September 21st City Council Work Session will provide the opportunity for the remaining four members of the City Council to discuss how to fill the vacancy.

Staff have received a few questions and heard some incorrect information regarding the vacant City Council position, why it will not appear on the ballot, and what the process would be to fill that position. I have outlined that information below per the City Charter, as well as addressed several questions that we have received.

Florence City Charter

Per the National League of Cities, a municipal charter is the basic document that defines the organization, powers, functions, and essential procedures of the city government. It is comparable to the Constitution of the United States or a state's constitution. The charter is, therefore, the most important legal document of any city.

The City Charter for the City of Florence is the document that outlines the qualifications of a City Councilor and how City Council positions are filled based, depending on the circumstances. Below is an application of the City Charter provisions that apply here. The full City Charter can be found on the City's website at <https://www.ci.florence.or.us/citymanager/city-charter>.

- The position in question was two years into a four-year term. That term concludes in December 2022 (technically the first meeting in January 2023).
- Elections are used to fill new "terms" of a councilor position. So, with the resignation, the position in question is not up for an election until November 2022.

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- The Charter does not provide a mechanism to fill a “vacancy” with an election, unless a seated City Councilor resigns to run for Mayor as outlined in Section 14.4.
 - Vacancies are filled using the provisions in City Charter 28, which does not provide for the Council to present the vacancy question to the voters.
 - The position will go on the ballot in November 2022, whether there is a vacancy or not. And, a vacancy does not mean that the position goes on the ballot earlier than Charter Sections 8 and 9 would otherwise provide.
 - With the resignation, the Council could leave it open and vacant until the December, 2022 to be filled by the successful candidate of the November 2022 election. Or, the Council could fill the vacancy under Section 28 of the City Charter for the remainder of the term. Either scenario would result in the position being on the November 2022 ballot.

Questions Received & Answers

- If the resignation had been received earlier would it have been on the ballot this November?
 - No, since it is not up for election until November 2022, the position would not have been placed on the ballot if the resignation had been received earlier.
- Can the City have a one-time change to the ordinance for appointment?
 - Elections and appointments are governed by the City Charter, not City Ordinances via the City Code. These are two different items. The City Charter is equivalent to the State or Federal Constitutions.
 - The City Council cannot change the Charter without those changes being approved by a vote of the electors.
- What are the procedures for appointing someone to the vacant position?
 - Per Section 14, no person shall be eligible for an elective office of the City unless at the time of his or her *election or appointment* he or she is a qualified elector within the meaning of the State Constitution and has resided in the City during the twelve months immediately preceding election or appointment.
 - Per Section 28, vacant elective offices shall be filled by appointment by a majority vote of the remaining members of the Council.
 - The City Council can determine the method and procedures by which they appoint a qualified elector to fill the vacancy.

Items Attached:

- Comments received via written correspondence related to filling the City Council vacancy.

From: [Megan Messmer](#)
To: jrplumery@hotmail.com
Cc: [Kelli Weese](#); [Erin Reynolds](#)
Subject: RE: Filling City Council position
Date: Tuesday, September 8, 2020 8:50:09 AM

Good morning,

Thank you for your comments. We will share them with the City Council.

Based on the City Charter, the vacated positions to be filled by appointment. The method of appointment is determined by the members of the City Council. The City Council will discuss the appointment process for the vacated position at their September 21st work session.

Thank you,

Megan Messmer
AIC City Manager
City Project Manager/PIO
megan.messmer@ci.florence.or.us
(541) 902-2182

City of Florence
250 Hwy 101
Florence, OR 97439

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-----Original Message-----

From: City of Florence Oregon via City of Florence Oregon <megan.messmer@ci.florence.or.us>
Sent: Sunday, September 6, 2020 1:51 PM
To: Megan Messmer <megan.messmer@ci.florence.or.us>
Subject: Filling City Council position

You may view the completed form here:

Topic: Filling City Council position

Details: I urge the Mayor and City Council to agree, BEFORE the election, to appoint the candidate for City Council who comes in third to the remainder of Geraldine Prociw's term. These 3 people have expressed an interest in the position, have worked to get on the ballot and are willing to serve. It would show the citizens of Florence that the Council can agree to a NON PARTISAN solution.

==Contact Information==

First Name: Judith
Last Name: Plumery
Email: jrplumery@hotmail.com
Phone Number: 15419996406

Details: <https://www.ci.florence.or.us/node/7/submission/14951>

From: [Megan Messmer](#)
To: darlenenorwood@mac.com
Cc: [Kelli Weese](#); [Erin Reynolds](#)
Subject: RE: Vacated City Council Seat
Date: Tuesday, September 8, 2020 8:33:14 AM

Hello,

Thank you for your comments. We will share them with the City Council.

Based on the City Charter, the position would not have been placed on the ballot until November 2022 regardless of the date of resignation. The City Charter only allow for vacated positions to be filled by appointment, unless a sitting Councilor resigns to run for Mayor. The method of appointment is determined by the members of the City Council. The City Council will discuss the appointment process for the vacated position at their September 21st work session.

Thank you,

Megan Messmer
AIC City Manager
City Project Manager/PIO
megan.messmer@ci.florence.or.us
(541) 902-2182

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-----Original Message-----

From: City of Florence Oregon via City of Florence Oregon <megan.messmer@ci.florence.or.us>
Sent: Monday, September 7, 2020 7:50 PM
To: Megan Messmer <megan.messmer@ci.florence.or.us>
Subject: Vacated City Council Seat

You may view the completed form here:

Topic: Vacated City Council Seat

Details: With the resent resignation of Geraldine Prociw, one day after it was possible to file to run to replace her, the right thing to do is let the third place winner for city council in the November 3 election fill the seat. I urge you to let voters decide who they want to represent them.

==Contact Information==

First Name: Darlene
Last Name: Norwood
Email: darlenenorwood@mac.com
Phone Number: 5419913505

From: [susie ps](#)
To: [Kelli Weese](#)
Subject: Message for our Councilors & the Mayor, Please
Date: Wednesday, September 9, 2020 5:45:25 PM

Hi Kelli,
Thanks so much for passing on this communication to the Councilors and Mayor.
I'm sure it's challenging and we appreciate all you do,
Susie

Dear City Leaders,
We appreciate the work that you do and implore you to help our local City Council become a non-partisan unit that can cooperatively make decisions for all of us again. We need You to help us through this negative time to a good outcome!
The main way back to non-partisanship seems like it needs to be in choosing the process & then the person for the temp. replacement of Councilor Prociw's position. Please choose someone impartial, nonpartisan and unbiased for the good of our community.
Thank you very much,
Susie Stevens-Briody