

The Special scheduled council meeting was called to order at 7:00 PM by Mayor Bob Hooker and the pledge of allegiance given.

Council Present:

Jack Gradle
Jean McKittrick
Jane Vincent

Bill McCoy
Bob Millam

Staff Present:

Mark Shrives City Administrator
Roberta Tharp City Recorder
Roy Sprout Public Works Director

Council Absent 1 David Case
Press: 0
Audience: 14

1. The Official City Response to the FAA Regarding Airport Hangar use by the United States Marines

Mayor Bob Hooker passed out a draft copy of a proposed City official response to the FAA regarding the United States Marines use of the recently vacated airport hangar while working on the educational pavilion project at Garden Lake Park. Mr. Hooker proposed the letter be sent to Ms. Soumi of the Federal Aviation Administration as well as to Juine Chada at Senator Ron Wyden's office to let them know the City's official position on the issue, and to apologize for and clarify e-mail communication sent by Creswell City Councilors Case and Vincent. Mr. Hooker read the letter aloud clarifying the e-mail communications were not representing the official position of the City of Creswell determined by the majority of the City Council as well as the City's position to fully support and allow the use of the airport hangar by the United States Marines during the construction phase of the Garden Lake Park Educational Pavilion.

Bob Hooker moved Bob Millam seconded to approve the letter as the City's Official Response to the Federal Aviation Administration regarding the airport hangar use by the United States Marines and mail it to the FAA and Senator Ron Wyden's office tomorrow. Discussion ensued with Jane Vincent saying she wrote the email as if she was writing to City Administrator Mark Shrives and the City Councilors, she said she had deleted Carol Suomi from the FAA off of the recipients lists although she did not continue reading the list of those to whom she responded to. Mrs. Vincent said she was not trying to do anything authoritative, only that she felt Mark was being rude in answering the questions in FAA's Carol Suomi's e-mail. Bob Hooker said he is issuing this letter to apologize for the e-mails that were sent by Councilors Case and Vincent.

Voted on with Councilors McCoy, Millam, Hooker, Gradle and McKittrick voting in favor and Jane Vincent opposed. For the record Councilor Case is absent.

2. Authority and Process in Communicating with Outside Entites - Governmental and Non-Governmental

Mayor Bob Hooker passed out a copy of Resolution 2007-05, A Resolution Establishing Council Rules and Rescinding Resolution 2002-14, A Resolution Approving the City's Governance Polices.

Mr. Hooker said we have been over these rules and regulations many times and opened the meeting up for Council discussion pertaining to the rules.

Bob Millam said he was a combat engineer in the early 1980's for the National Guard and has done many projects of this sort for them. The Marines are very respectable and have done a great job by helping our community and the council is at odds. Volunteerism is what makes our community livable and he feels very embarrassed by this whole issue.

Bob Hooker said there are several infractions and gross violations by Councilor Case which occurred by each and every section of the Council Rules as outlined in the handout, specifically as follows:

Section 2.2 - Councilors have no authority when acting as individuals. Authority to make decisions and/or create policy for the City resides solely with the majority vote of the Council. Council decisions which are not unanimous are still the official policy of the City.

Section 8.2 - Councilors are encouraged to conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Councilors should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefiting any individual or special interest group at the expense of the City as a whole.

Section 8.3 - If the Mayor or Councilor represents the City before another public body, governmental agency, community organization or with the media, the Mayor or Councilor should always present the majority position of the Council. Personal opinions and comments may be expressed only if it includes clarification that these statements do not represent the position of the City Council. Communication of personal opinions and comments should not be accompanied with a statement of the author's status as a member of the Council.

Section 9.2 - The Council sets city policies and goals. The staff implements and administers the policies and goals.

Section 9.4 - The City Councilors may seek information from staff members regarding the operation of their department, but will not attempt to change or interfere with operation or practice of any city department or personnel except by directing their concerns to the City Administrator.

Mr. Hooker said with plenty of evidence to back up all of the above violations he would like to propose enacting Section 7 - Censure

Section 7.1 - The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Councilor act in any manner constituting a substantial violation of these rules or other general laws, the Council, by majority vote, may discipline that Councilor to the extent provided by law, including public reprimand.

Section 7.2 - To exercise such inherent right, the Council has the right to investigate the actions of any member of the Council. Such investigation shall be referred to the Council, either in open meeting or in executive session, to discuss any finding that reasonable grounds exist that a substantial violation has occurred.

Bob Hooker said it is his belief that Jane Vincent also violated some of these same rules but believes that she did not do it a manner to constitute a substantial violation, by not really realizing she replied to everyone the e-mail was sent to and not just councilors, whereas, Mr. Case did not send the e-mail to any councilor but to three people at the FAA and Senator Wyden's office.

Bob Hooker moved Jean McKittrick seconded that the Council invoke the Censure Rule on David Case, discipline by public reprimand and follow up with a letter to Councilor Case.

Discussion ensued regarding the content of the e-mails. Bob Millam said he feels both the Council and City Employees have been slandered and would like to file a formal complaint against Mr. Case along with the public reprimand as he should be held accountable for his actions.

With no other discussion the Council voted on Mayor Hooker's motion with Councilors McCoy, Millam, Hooker, Gradle and McKittrick voting in favor and Jane Vincent opposed. For the record David Case was absent.

Bob Hooker read aloud a prepared statement of reprimand and will have this put in letter form to be mailed to Mr. Case tomorrow. The statement outlined the violation of Council Rules in Sections 2.2, 8.2, 8.3, 9.2 & 9.4. The statement read that Mr. Case has overstepped his authority as a Council member and violated the trust of the City management and staff, fellow city Council members and most of all done a great disservice to the citizens of Creswell. The most noble thing to do at this point would be to tender your resignation immediately.

Discussion ensued regarding the violation of rules by Jane Vincent.

Bob Millam moved Jack Gradle seconded to censure Jane Vincent for her e-mail slander against the City Council and City staff.

Jane Vincent said she called the ethics office in Salem regarding the e-mails she sent and with the information she provided to them they assured her she did nothing wrong.

Bob Hooker said he does not agree with a censure against Jane Vincent at this time as he doesn't believe she stepped far enough over the line to warrant a censure; but does feel there were violations without a malicious intent of the Council rules.

Voted on with Councilor Millam voting in favor and Councilors McCoy, Vincent, Hooker, Gradle and McKittrick opposing. For the record Councilor Case is absent.

3. Adjournment

There being no further business to come before the council, Acting Mayor Bob Hooker adjourned the meeting at 7:27 PM

Robert A. Hooker, Mayor

Roberta J Tharp, City Recorder