

Council Present:

Mike Anderson  
Bob Hooker  
Bill McCoy  
Jane Vincent

Jack Gradle  
Jean McKittrick  
A.J. O'Connell

Staff Present:

Mark Shrives  
Ross Williamson  
Layli Nichols

City Administrator  
City Attorney  
Finance Director

Council Absent: 0

Press: 3 - Creswell Chronicle, Register Guard and Video

Audience: 16

The special scheduled City Council meeting was called to order by Mayor Bob Hooker at 7:00 PM. and the Pledge of Allegiance was given.

Bob Hooker announced the only item on the agenda this evening is to consider a complaint and debate discipline against a public official, City Councilor O'Connell, for egregiously and knowingly publishing lies about a fellow councilor in violation of Council Rules and in contravention of good ethical conduct.

City Attorney, Ross Williamson addressed the Council to summarize the complaint, identify which rules have been violated and walk them through the process.

- Council Rules 7.1 and 7.2 authorize the Council to investigate and discipline its own members.
- Allegations of misconduct must be supported by facts such that the council can find that reasonable grounds exist that a substantial violation of the Council Rules has occurred.
- Council Rule 6.2. speaks to Councilor Conduct – Councilors need to conduct themselves in a manner appropriate to the dignity of their office. Councilors should be respectful to each other and avoid personal attacks.
- Council Rule 8.2 requires Councilors to conduct themselves and to set an example of good ethical conduct.

Mr. Williamson outlined the material acts as he discovered them:

- At the March 12, 2012 Creswell City Council Meeting a proposal was brought forth by Councilor O'Connell to create an ordinance that would require City Council, City Staff and employees to become Mandatory Reporters of Abuse.
- During the Council discussion Jean McKittrick made the following statement:  
"I think that all of your ideas are good, Councilor O'Connell, but the schools already have all these rules in place, the churches, and the psychologists. I've been able to report students, young people in the emergency room in pediatrics. All the health care professionals have these rules in place. I don't think it is appropriate for the City Council, the city staff to have to have to report someone. How many mothers are going to bring their battered and abused child in to pay their water bill? It's just not appropriate for the city staff to have to worry about this. There are so many other rules in all the other organizations, that have covered it and any of us can report, you don't have to be in the health care profession. You can report your next door neighbor if you have to, it doesn't have to be a health care person. We are all obligated to try to help. We don't have to have all these rules and regulations. Thank you." (Transcribed from audio recording of Council meeting)
- After discussion the Council defeated the vote to move this agenda item forward.

- After the Council Meeting, Councilor O'Connell posted the following on his Facebook page that is connected to the website AJforCreswell.com:  
"We don't want beaten and battered children coming into City Hall." – Councilor McKittrick on March 12, 2012 explaining why she wouldn't support an ordinance requiring elected officials to be Mandatory Reporters of child abuse."
  - Mr. Shrives informed Councilor O'Connell that his posting on Facebook was inaccurate and provided the councilor with a transcript taken from the meeting of what Councilor McKittrick actually said and asked that he remove or correct the posting.
  - Councilor O'Connell refused to remove or amend the posting to reflect the reality of Councilor McKittrick's comments. Instead, he added an additional posting:  
"Saying that it 'isn't appropriate' to 'report someone' and that we 'don't want' children who have been abused to come into City Hall, Councilor McKittrick showed that she is in denial of the growing and, depressingly, common acts of abuse in our society."
  - The Facebook and website postings attribute specific quotes to Councilor McKittrick which were not made even though Councilor O'Connell had the full transcript of what was actually said during the meeting.
- Mr. Williamson outlined the options available for Councilor discipline:
- Do not take any action
  - Pursue disciplinary action under Council Rule 7.1, by finding that reasonable grounds exist that a substantial violation of Council Rules 6.2 and 8.2 has occurred.
  - If the council pursues disciplinary action, the council could publically reprimand Councilor O'Connell by issuing a Council vote of censure.

#### **Council Discussion**

Mayor Hooker asked Councilor O'Connell if he had anything to say regarding the allegations, and he asked to hold his comments until his colleagues have spoken.

Jane Vincent asked if this could have been heard in an executive session and Mr. Williamson said the rules allow for an executive session but it is not required. Ms. Vincent said she has had terrible things said about her, and never had any reprimand asked by her.

Mike Anderson said he feels the Council spends a lot of wasted time going through these proceedings and he would like to see the council work together.

A.J. O'Connell spoke to time spent by staff investigating him for his various acts and compared the council to the Nixon administration.

Audience interruption.

Jean McKittrick moved Jack Gradle seconded to discipline Councilor O'Connell under Council Rule 7.1 by issuing a public reprimand of Council censure. Reasonable grounds exist to find a substantial violation of Council Rule 6.2 by Councilor O'Connell by failing to at all times conduct himself in a manner appropriate to the dignity of his office. Reasonable grounds also exist to find a substantial violation of Council Rule 8.2 by Councilor O'Connell by failing to set an example of good ethical conduct.

A.J. O'Connell commented that only three councilors have commented and they have come up with a motion for censure.

Voted on and the motion passes with Councilors Anderson, Gradle, McCoy, McKittrick and Mayor Hooker voting in favor and Councilors O'Connell and Vincent voting in opposition.

#### **Public Reprimand – Council Vote of Censure**

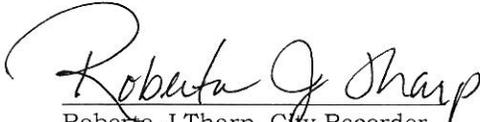
The City Council finds that Councilor O'Connell published and attributed statements to a fellow City Councilor knowing such statements to be false. Councilor O'Connell's actions were purposeful and caused false light to be casted upon the motives of a fellow city Councilor. Pursuant to Council Rule 7.1, the City Council finds Councilor O'Connell actions constitutes substantial violations of the Council Rules and that the Council Censure Councilor O'Connell four Council Rule violations in the following particular:

1. Councilor O'Connell violated Council Rule 6.2 by failing to at all times to conduct himself in a manner appropriate to the dignity of his office.

2. Councilor O'Connell violated Council Rule 8.2 by failing to set an example of good ethical conduct.

As a result of these violations Councilor O'Connell is publicly reprimanded by the City Council, dated March 20, 2012.

There being no further business to come before the council, Mayor Robert Hooker adjourned the meeting at 8:00 PM.

  
Roberta J Tharp, City Recorder

  
Robert A. Hooker, Mayor