

Council Present:

Dave Stram
Holly Campbell
Jacob Daniels

Brent Gifford
Adam Pelatt

Staff Present:

Larry Patterson

Roberta Tharp
Layli Nichols
Madeline Philips
Ross Williamson
Emily Jerome
Lauren Sommers
Michelle Amberg

Interim City
Administrator
City Recorder
Finance Director
RARE Intern
City Attorney
City Attorney
City Attorney
Newly Appointed
City Administrator

Council Absent: 1 – Nora Reynolds

Press: 0

Audience: 0

The City Council work session was called to order by Mayor Dave Stram at 6:04 PM.

Mayor Stram excused Nora Reynolds from the work session.

Overview of City Government – Larry Patterson

Creswell City Council is responsible for providing essential services to five thousand people. Creswell is approximately 1.73 square miles in geographical boundaries, and has a 16.9 million dollar operating budget. The assessed value of the city stands at \$353 million and governmental and business assets are valued at \$34.3 million dollars. The city has fourteen employees, contracts with eight or more other agencies, and has fifty citizens serving on various boards and committees. In the future these numbers should climb upward as the city progresses.

Council limitations

- Council is the ultimate authority but has parameters in which they operate. Some of those parameters are created by the council while others are from higher authorities such as county or state.

Adam Pelatt entered the meeting at 6:09 pm.

Laws and Policies – Ross Williamson

City Charter, Ordinances, Resolution, Other Actions

Ross Williamson presented a slide show titled “Councilor Basics and Beyond”. The Local Government Law Group PC has put this presentation together to use in all the cities they serve.

The presentation outlined how Creswell fits into the puzzle of government with Federal and State law above us and the partnerships formed with county, other cities and special districts.

A discussion was held on the differences between:

- Ordinances – Legislative power and permanent in nature
- Resolutions – Administrative/legislative power, usually policy oriented and temporary in nature
- Policies – Administrative power, temporary in nature and usually a partnership with Manager
- Working Rules – such as “how to manuals”, Council Rules and Meeting Rules

Council Authority – There is only power in numbers. Mr. Williamson advised the Council to ask two questions before they act: “Can we do it?”, and “Do we have a quorum and a majority”? He reminded everyone of the

importance of knowing statutes, ordinances, policies, Council Rules and the role you are playing. There is no such thing as individual authority working on the Council.

Organizational Capabilities

Mr. Patterson presented an organizational chart outlining how the City is set up to conduct its business.

- Council Committees – Mr. Patterson said he would like to see the charges given to these committees line up with the city work plan and Council goals.
- Standing committees such as Planning Commission have very specific authorities especially in Land Use issues.
- Ad hoc committees – These committees exist to accomplish a particular task and then dissolve once completed.
- Employees – The Council's only employee is the City Administrator, everyone else works through the Administrator. The Council appoints the Municipal Judge, and has a contract for legal services with the City Attorneys. Staff is comprised of the various departments: Finance, City Recorder, Airport and Public Works. There are also many other services contracted out such as website, planning, public safety, and engineer services.

Mr. Patterson presented the Council with a list of items he suggested they discuss during the budget cycle for future work in moving the city forward:

- Sheriff services – Reviewing costs and coverage amounts for public safety
- Cobalt Building – how to move the project forward
- Airport – increase revenue
- City Hall – Finishing the upstairs
- Plan updates
- Sign Code – Enforcement
- Emergency Operation Plan
- DeBerry Road Landfill
- Economic Development

City Council/City Administrator Roles and Responsibilities – Larry Patterson **Various Forms of City Government**

Mr. Patterson reviewed the Roles and Responsibilities of the City Council and City Administrator. The Council holds a policy role; they adopt ordinances and policies for the community. They have employer authority over the Administrator. The Council appoints the Municipal Court Judge; they are responsible to provide the resources for administration and staff to carry out Council directions. The Council must provide a safe work place by adhering to the laws as well as providing a competitive wage and benefit package to employees. The Council is the representative of the community and they need to help the public understand the issues before them and why decisions are made.

The Administrator is the administrative head of city government. They are responsible to the Mayor and Council for the proper administration of all City business. They assist the council in the development of city policies and carry out the policies established by ordinances and resolutions.

A discussion ensued on the responsibilities of Council Committees.

Mr. Patterson and the Council reviewed the various types of meetings for Council:

- Formal meetings – Council meetings to conduct the public business
- Work sessions – these allow Council the opportunity to study issues and discuss issues with staff
- Executive Sessions – Limited specific topics as per Oregon Revised Statutes – No final decisions can be made in executive sessions

Ross Williamson and Emily Jerome gave an extensive overview of executive sessions and the media.

At 7:17 pm, Mayor Stram called for a brief recess. The work session resumed at 7:30 pm.

Land Use Procedures and Quasi-Judicial Role – Emily Jerome

Land Use Procedures are heavily regulated by State law. They outline how cities make their land use planning decisions. The Lane Conservation and Development Commission (LCDC) governs the administrative rules and has adopted nineteen statewide rules, ranging from Citizen Involvement to Housing, Economy, Natural Resources,

Agriculture and Forest Land to name a few. When Creswell adopts regulations or approves or denies land use they must be consistent with state statutes, the statewide planning goals and all of the administrative rules.

Every city is required to have a comprehensive plan which is a broad planning drafted to comply with the state and county regulations. The comprehensive plan contains the city's zoning map and development code that contains the regulations on how things can be developed.

A discussion ensued regarding how often the comprehensive plan is to be updated. Ms. Jerome stated there is no regular requirement but it is something to monitor. She reviewed the steps and process for updating.

Ms. Jerome went over Legislative and Quasi-Judicial decision making:

- Legislative actions are policy decisions that apply to many; such as a change to your code or plan, or a recommendation from the Planning Commission and must be discretionary within the limits of State Law.
- Quasi-Judicial actions are decisions on a specific land use proposal. The Council acts as an appeal body for a Planning Commission decision and the decision must apply to criteria in City Code.

Ms. Jerome reviewed the process for a Quasi-Judicial decision: Notice is given to the public, a public hearing is held, the Mayor has a script he reads for the hearing and a written decision and findings are required to be filed within a 120 day timeframe to the State. This must be an impartial decision making process. The Mayor will ask, and Councilors must declare if there is any a bias, ex parte contact or conflict of interest prior to the hearing.

A discussion ensued regarding ex parte contacts.

Ethics – Lauren Sommers

Ms. Sommers covered the general rules of Ethics so Council would know enough that red flags would go up when a situation should arise.

Ethics penalties are personal penalties not the City's. With an ethics violation you must provide your own legal counsel. The penalties for an ethics violation range from a letter sent by the Ethics Commission to a penalty up to \$5,000.

Ethics are in place to make sure public officials don't use their position for personal gain.

The "But For" Test: If you are wondering if something could be inappropriate ask yourself "The But For" test. A public official cannot use their official position to: Get money for personal gain or to avoid losing money for themselves, a relative or a member of the household if that opportunity would not be available "But For" the fact that you are a Public Official. Ms. Sommers went on to say the "But For" Test does not apply to compensation or reimbursement, unsolicited awards or gifts (\$50 per year per giver) and honoraria within limits (\$25 per year). Ms. Sommers reviewed the ORS 244.020 (15) definition of Relative.

The Gift Rule – ORS 244.020 (5)

A gift is something of economic value, given to public official or relative without receiving value back and not given to the general public on the same terms. The public official or relative cannot ask for, receive or give (even hint) at getting or giving a gift from any single source in one year (over \$50) if the source has an interest in your official actions.

A gift is not limited if it is a campaign contribution, present from relative or unsolicited award/token of appreciation with resale value of less than \$25. Gifts are not limited if it is informational material related to official duties, incidental food, beverage and entertainment when acting in official capacity and representing the city.

Conflicts of Interest

Ms. Sommers reviewed the two types of Conflicts of Interest:

- Actual (will happen)
- Potential (could happen)

These can happen when an action, decision or recommendation by a public official results in a financial benefit or detriment to them or their relative.

Ms. Sommers recommended "When in Doubt: Shout it Out" and then shut it up! She advised stating the nature of your conflict on the record and do that before voting or discussing the matter. This must be done at each meeting the topic is discussed.

Statement of Economic Interest (SEI)

SEI's must be filed annually by City Councilors, Planning Commission members, the Municipal Judge and the City Administrator. Statements will be mailed directly to each person responsible for filling them out and are due back to the state on or before the 15th day of April each year.

Ms. Sommers reviewed Nepotism rules under ORS 244.177 – You may not appoint, employ, promote, discharge, fire or demote a relative or member of your household unless you follow the conflict of interest rules. You may not directly supervise a relative or member of your household unless the City adopts policies allowing for your direct supervision.

Public Meetings and Public Records – Ross Williamson

Ross Williamson explained Public Meetings. He advised the council to contact the City Administrator if they have questions. If she cannot answer the question, she has the authority to contact the Ross. If Ross offers advice, you should follow his written advice and then you can use this as your defense if there is a violation. The best resource is the Attorney General's Manual.

All meetings of a governing body or a public body for which a quorum is required in order to make a decision, deliberate toward a decision on any matter is subject to the Public Meetings Law.

Mayor Stram asked about the Council committee he has put together to review council rules and if they would be subject to public meetings law as there is not a quorum of the council. Mr. Williamson said the committee is a body that will be making a recommendation on an issue. If only two of the three meet, it is a quorum of the committee and yes, they are subject to public meeting laws.

A discussion ensued about perception, quorum of committees and noticing meetings.

Public Records – Ross Williamson

Mr. Williamson said everything you create is a public record, even the notes a councilor takes during meetings. Ross covered emails and asked council to use their city address only for public business. Do not use your personal email for city business. If you receive a city email on your personal account, you should forward it to your city account and respond from there. Ross also advised the council not to respond to email blasts; for example when agendas are sent out because before you know it three or four have commented and it could end up as an unnoticed public meeting via email.

Important Things to Know

The Council ran out of time to cover other items on the agenda.

Mayor Stram encouraged Councilors to contact the City Administrator if they have questions.

Other Questions

Holly Campbell reminded everyone of the February 10th Welcome Reception for Michelle Amberg and the McCluskey Chamber Dedication.

Adjournment

There being no further discussion Mayor Stram adjourned the work session at 9:04 pm.


Roberta J Tharp, City Recorder


Dave Stram, Mayor