

City of Creswell
Special City Council Meeting Minutes
February 10, 2015

Council Present:

Dave Stram
Omar Bowles
Richard Heyman
Adam Pelatt

Jane Vincent
Holly Campbell
Ted Romoser

Staff Present:

Michelle Amberg
Roberta Tharp
Ross Williamson

City Administrator
City Recorder
City Attorney

Council Absent: 0

Press: 0

Audience: 2

The Special City Council meeting was called to order by Mayor Dave Stram at 12:34 PM and the Pledge of Allegiance was given.

Mayor Stram introduced the Mayor of Lowell, Don Bennett and City Councilor Maggie Osgood who are joining us today.

City Attorney Ross Williamson addressed the Council to present a power point presentation "Councilor Basics and Beyond" and to discuss the "Do's and Don'ts" that pertain to the ballot measure recently filed.

Mr. Williamson reviewed the sources of law and overlapping jurisdictions:

- Federal Law
- State Law
- County Partners
- City Partners
- Special District Partners
- Tribal Law

Councilor Tools:

- Ordinances – Legislative power. Permanent in Nature
- Resolutions – Administrative/legislative – Policy oriented. Usually temporary in nature
- Policies – Administrative, temporary in nature – partnership with Administrator
- Working Rules – Simple, clear direction; the "How To" manual. (Council Rules, Meeting Rules)

Council Authority

Ask two questions before you act:

1. Can we do it? – Know your statutes, ordinances and policies, Council Rules, and roles in legislating, working with staff and speaking with the press and or public.
2. Do we have a quorum and a majority? – There is only power in numbers and no individual authority

City and Council Liability

ORS 294.100: Misexpenditure of Funds

- Acting Outside Duties
- Employer/Supervisor
- Ethics
- Elections
- Public Meetings
- Criminal Actions

A discussion ensued regarding the process of paying bills and Council's responsibility in approving the check registers. Mr. Williamson said the signature of the Finance Chairman on the Check Register after Council approval is an internal control.

City County Insurance provides Individual Liability if you are acting as a City Councilor.

Ballot Measure – ORS 260.432

Restricts public employees from promoting or opposing a candidate or measure while on the job or during working hours. Restricts employers and elected officials from requiring a public employee to promote or oppose a candidate or measure.

Public Employees may not prepare or distribute materials that advocate a position; prepare or distribute materials that present an elected official's political position, or organize political activities.

Public Employees can prepare and distribute impartial (equitable, fair, unbiased and dispassionate) written materials, perform job duties, impartially advise about possible effects of measure, and organize events that provides equal time to both sides.

Public Officials may advocate, vote, and campaign so long as the actions do not involve public employee work time (keep in mind individual vs official role).

Mr. Williamson explained that Council can ask questions of staff as long as it relates to them doing their job.

Public Meetings – ORS 192

Mr. Williamson noted the best resource to know and use is the Attorney General's Public Meetings and Open Records Manual.

All meetings of a governing body are subject to the laws (City Council, Planning Commission, and Council committees). All meetings require notice that includes the purpose of the meeting, location and accessibility. Records of each meeting are required by law and must include attendance and show the voting records. You must have a quorum in order to call a meeting to order.

Mr. Williamson also covered Executive Sessions; they include limited discussions only on specific topics, convened by specific language as stated in a script in the back of Attorney Generals book, no final decisions may be made in an executive session and the media is invited to attend but not allowed to report, A media script must be read every time.

Mr. Williamson provided some tips for having productive meetings:

- Mayor must set a realistic agenda
- Circulate materials in advance
- Keep it formal
- Have simple rules
- Public participation does not always mean public conversation
- Consider work sessions
- Restate vote, note if staff must follow up

Public Records –

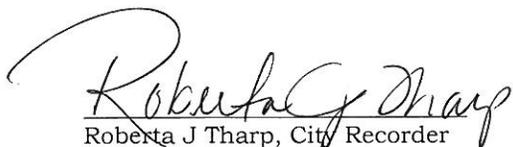
The definition of a public record is "any writing that contains public business information that is prepared, owned, used or retained by a public body regardless of physical form or characteristics". Mr. Williamson noted that Oregon law favors disclosure. ORS 192 does outline some exemptions for disclosure of public records:

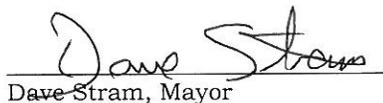
- Pertaining to litigation
- Personnel discipline
- Interference with public services and security measures
- Personal privacy
- Confidential information

Mr. Williamson touched briefly on Ethics and reminded the Council that their Statement of Economic Interest (SEI) is due to the Ethics Commission on or before April 15, 2015. City Councilors, Planning Commission Members, the Municipal Judge and the City Administrator are the only folks who are required to file an SEI.

Adjournment

There being no further business to come before the Council, Mayor Stram adjourned the Special meeting at 2:07 pm.


Roberta J Tharp, City Recorder


Dave Stram, Mayor