

City of Creswell  
Special City Council Meeting Minutes  
Council Training  
January 18, 2016

Council Present:

Dave Stram	Jane Vincent	Michelle Amberg	City Administrator
Omar Bowles	Patrick Miller	Roberta Tharp	City Recorder
Richard Heyman	Dave Stram	Jim Piper	Finance director
		Ross Williamson	City Attorney

Staff Present:

Council Absent: 0

Press: 0

Audience: 2

The Special City Council meeting was called to order by Mayor Dave Stram at 6:24 PM.

City Attorney Ross Williamson addressed the Council to present a power point presentation "Councilor Basics and Beyond".

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

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

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? – The Council can only act as a body.

City and Council Liability

ORS 294.100:

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

City County Insurance provides Individual Liability if you are acting in the role of City Councilor.

Public Meetings Process and Procedure

Public Meetings – ORS 192.620

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.

A discussion ensued regarding quorum requirements for Council and Committees.

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, and note aloud 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

Land Use Procedures

Mr. Williamson said there will be some land use issues coming before the Council in the future and Ms. Phillips will walk them through the process at that time. He explained quasi-judicial decisions.

Ethics

- Don't use your position for personal gain
- The “But-For Test” – (244.040 (1) a public official cannot use position to get money or to avoid losing money for the public official or for a relative or a member of the household – If that opportunity would not be available *BUT FOR* your position
- Gifts – \$50 per year per giver
- Conflicts of Interest – Actual Conflict (will happen) Potential Conflict (could happen) – When in doubt: Shout it out!
- Relative definition – spouse, children, brother, parents, stepparents, son or daughter-in-law, etc. and anyone for whom the public official has a legal support obligation or provides employment benefits to.

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 discussion, Mayor Stram adjourned the Special meeting at 8:16 pm.

-Signature on File-  
Dave Stram, Mayor

-Signature on File-  
Roberta J Tharp, City Recorder