

CITY OF JEFFERSON
Special Council Meeting
March 30, 2017
6:30pm

COUNCILORS PRESENT: Walt Perry, Dave Beyerl, Mike Myers, Brad Cheney, Stan Neal, Bob Burns,
Cyndie Hightower

COUNCILORS ABSENT: None

STAFF PRESENT: Sarah Cook, City Recorder; Jeff Buskirk, PWD; Deanna Donato, City Clerk

- I. COUNCIL MEETING CALL TO ORDER/FLAG SALUTE – Mayor Hightower called the meeting to order at 6:30 pm and led in the flag salute.
- II. SESSION TOPIC
 - 2.1 City Recorder Position – Replacement/Transition Plans

Mayor Hightower states the purpose of the meeting is to discuss replacement of City Recorder, Sarah Cook and Council will not be discussing any other matters. She has reached out to COG and asked them to attend, which Nancy Boyer is present. Mayor asked Nancy Boyer to come forward. Councilor Beyerl interjects and states that he finds it insulting that our Mayor continues to bring things at last minute without bringing them before the Council. She continues to do things outside of the Council and is continually circumventing the Council. It has got to stop. He states to the Mayor that she is not the god and power of this City and from now on, she needs to bring everything to Council first not throw it in at last minute. Mayor Hightower said she needs information to be informed in order to go forward. Councilor Perry stated it had to do with the fashion in which they were notified today. An email addressed to three Councilors (Neal, Cheney, Burns) only and notifying just those three about Mrs. Boyer's attendance today but neglected to notify the other three Councilors. He tries not to be a suspicious person or unfair but he believes the Mayor held an illegal meeting. Mayor Hightower asked how that is considered an illegal meeting, it was only three people. Councilor Perry replied that Mrs. Boyer would not be here if the three Councilors plus the mayor hadn't decided upon it outside of a public meeting; therefore you all broke public meeting law. Councilor Perry apologized to Mrs. Boyer, but stated that this is the 7th meeting of the year; we are 91 days into the year and the only action this Council has completed is a street vacation. He informs Mayor that she is here to get guidance from Council, not PART of the Council, All of it. You have violated time and time again, can't go on. Stated that last meeting he had extended himself out the new Council and Mayor for guidance and did not hear a word from any of them.

Councilor Neal didn't believe anything illegal happened, no quorum had met. He was notified by phone and had no knowledge how the rest were notified. He thought they should go on and let Nancy Boyer address Council. Councilor Perry states Mayor did not have guidance from the Council; this is a weak mayor system; she doesn't initiate anything. The Council gives guidance and direction to the Mayor. He takes this very serious!

Mrs. Boyer introduced herself, currently acting Exec Dir of COG; had retired after 10 years, but is back due to a medical issue with the current Director, but hoping to go back to retirement soon. Before that,

worked for City of Newport and told Mayor Hightower that she was happy to come to the meeting. She is not trying to convince them of anything, simply give options and answer any questions as they look to fill the Recorder's position. In looking at the memo provided, it does appear that one of the things you've been talking about is the possibility of a City Manager. This is something COG has worked with other cities as their chief exec officer decides to leave; they are looking for someone to get them through at least in interim. They've worked with people that would be interested in taking an interim position. Would like to tell them that this was an important decision for them all to make; your population of around 3200 is one where it is common to have a City Administrator position. Jefferson is at that point where you are getting large enough population to look at that possibility, but not to say all cities of this size are best served by that. Unsure how the City would pay for it and doesn't know the particular in's and out's, but felt it was a good time for them to consider the option. She is going to be blunt – it's very obvious that you have a divided Council and individuals that appear to not work well together. The option here may be to bring in an interim who can help you figure out exactly where you are, what the City can afford, see what makes sense as they move forward as a City, to see if you are best served by having a city manager. The interim person could spend time helping to decide if the City were or weren't ready for a City Manager; having a professional, neutral party come and look at that for you. This is just one possible option for them to consider. Interim City Manager is often combined with Recorder position, they could or could not work full time; might work part time; assist them in making the best decision that makes sense for Jefferson. She can see how important this decision is by attendance of the public, she recommends it be a thoughtful, well planned decision.

Mayor would like the Council to move to have COG provide these services for interim. Nancy Boyer clarified, COG does not have staff that can serve as an interim, but can identify some folks who are available for interim positions and she can get the City in touch with those individuals and they can look into their resume's and background. They don't actually have staff on hand.

Stan Neal asks if she were aware of how many possible candidates were out there. Nancy: has talked to about 5 interested people, with quite a bit of experience but Council would need to talk to each of them about their experience and responsibilities. An interim can either do the duties outlined in the job description, or delegate to others, while making sure day to day operations could continue. Councilor Neal: So COG would be a middle person to give us some names. Nancy: correct. The \$5500 in the memo is cost of them doing full recruitment for regular position; helping with interim position is free to members and she will provide a list of qualified candidates for City to further investigate. She noted an interim could be about 4-6 months, usually takes that long to bring somebody on full time, but in the council's control as to what they want.

Councilor Burns asked if the next step was for Mayor to contact her and ask for a list of qualified people. Nancy replied Mayor or staff could. She could also provide example contracts for them to consider. If you choose an interim, you can discuss where you'd like to start for a salary. Interim are usually temporary in nature, so therefore you wouldn't have to pay them benefits per say, other than federal requirements, no benefits or PERS, so some cost savings there. Sample contracts will give you some ideas of parameters. Councilor Burns asked if matters of hiring or firing are done in executive session. Nancy: can be but some requirements about adopted procedures. Cities she's worked with that hired an interim normally have not gone into exec session to do that. She has looked at Jefferson's Charter, section 10 as she reads it, basically says the Mayor appoints your officers with the consent of the Council. So how you do that and how you get the information in front of the whole Council can be worked out, but again the Mayor would bring to you a recommendation and the Council would either adopt or not.

Councilor Burns stated that his understanding is she has four candidates that would be given to the Mayor and the Mayor would present her choice to Council for a vote. Nancy replied that would be something Council would need to discuss with their attorney, but the language in the Charter states the Mayor appoints; how she goes about that is not clear. Mayor could pick her top one or a top number of candidates and present her choice or present a few choices. Councilor Beyerl spoke on precedence in the past, where an interview panel was made up of selected people. Nancy again spoke on Charter and urged them to discuss with their attorney. She read section 10 of the charter. Councilor Beyerl confirmed Council has to consent.

Councilor Myers: Often cities use an Interim City Manager to make some form of unbiased assessment of whether or not, one it can be afforded, or two whether the city is ready for it. So if Council determined to move on with interim, it's just a contract for a short time. Nancy confirmed, and in meantime you could ask that person for additional recommendations. Councilor Myers: Charter says required to have a city recorder, which Nancy said the person could come in as city administrator/recorder to keep recorder duties up. Nancy noted again those duties can be delegated, not necessarily be done by that individual. Councilor Beyerl said there is no staff to delegate to. Nancy: doesn't always happen that way, something that would need to be reviewed.

Councilor Neal: glad we had a week to think about this and do research. Sarah admittedly covers a lot of duties, feel it would be good to have you work with staff in connecting us with some candidates who fit the bill of City Administrator/Recorder, with experience who can step in and do all those responsibilities that need done, with all the experience necessary to do the job. All important things, and going to need them by the time Sarah leaves, hopefully before and he would be in favor of getting somebody like that on temporary services. Likes temporary so not bound into long-term, there's an escape clause, and sounds reasonable for the City, just his opinion.

Councilor Beyerl: We have yet to find out how much an interim is going to cost the City. With other things already dipping into contingency fund he is worried this may cause the City to dig deeper. He would like to see some possible cost estimates first, worried about budget. Nancy: definitely should be aware of those things and take them into consideration. There will be some savings when Sarah leaves in terms her salary or benefits. Council has the ability to bring in an Administrator either on a full time or part time basis; she could ask from the interested people she's spoken with to give an idea of what they would charge in advance. Councilor Beyerl: The City Recorder's duties are more important than having an administrator. If cost could be low enough, he would not be opposed to both, but recorders duties are by far the most important and to keep us financially safe, the duties of clerk and recorder need to be coordinated, as those two positions are very important. Councilor Myers: City Hall staff of 3, as able as planner is, she doesn't do budget and ditto for city clerk. The Clerk's principle responsibilities are court, utility billing and cemetery. So in terms of day to day functions and delegation...neither of those positions are trained in any of those areas, so that's a concern. Whatever this process comes to, should be considered using what the budget is today, irrespective of what we put into contingency because not prudent to use those funds to increase full time positions. Looking at manager/recorder with the understanding that is going to be the functions of that person fully and totally because other 2 staff aren't equipped or paid from those funds.

Councilor Neal – looking at the memo, talk on salaries, noting Sarah's money on the memo included benefits, which Councilor Myers corrected was salary only, would seem to be much more when taxes and benefits come into play. He didn't feel those dollars were bad for the example salaries provided. He

thought it would be nice if COG could assist them and screen for all the responsibilities before Sarah leaves.

Nancy: It would be helpful to know what the critical things Council feels that if they were to choose to go with interim, what key areas interim would need to be able to do. Obviously budget of course with the season upon us, but exactly what are the other things. She could work with Sarah to identify those if Council chooses to go forward in that direction; this will help her let the people that have expressed interest know of what is to be expected of them.

Councilor Neal moved to have Sarah work with COG to come up with some good candidate to fill her responsibilities including City Recorder and Admin that the Council can interview. Councilor Cheney confirmed it was for the interim position, not regular full time permanent position and then seconded the motion.

Discussion:

Councilor Perry asked if any other options were going to be discussed tonight, because that's the reason the meeting was called tonight. Are we only saying ok this is what we are doing, or look at other options that possibly exist? Councilor Myers explained there was a motion on the floor, it had been seconded. If motion carries, you won't look at other options because that's the motion and that'll be the decision made.

Councilor Neal didn't know if it was appropriate, but there was another option that was discussed at last meeting, so this is not the only option. Audience disagreed as did Councilor Perry, saying everything was tabled to tonight for the purpose of discussing "options". A suggestion was made for Councilor Neal to withdraw his motion, to which he declined. Councilor Beyerl – if you get an interim, is this just an office manager, or take over maintenance staff and sewer and water also, they don't need anybody looking over them. Councilor Cheney thought City was to identify what they wanted in an interim. Unidentified man from audience stood and said there was a motion on the floor with a second, and needed to vote. If afterward, there are other motions, they can be made then. Audience member Margaret Robbins called for name and address of this individual; he never gave it and Mayor did not enforce rule. Councilor Perry again asked if they were abandoning other options. Mayor called the question and took a roll call vote: Walt Perry: no, Dave Beyerl: no, Mike Myers: no, Bob Burns: yes, Stan Neal: yes, Brad Cheney: yes. Vote is tied; Mayor broke the tie to vote: yes.

With the audience in an uproar, Councilor Cheney moved to break and Councilor Neal seconded. Audience member Margaret Robbins called order of business, no name and address given by unknown man that had previously spoke, so why can' she get up and talk. You haven't even discussed the possibility of having Deanna take over; you all want to use tax money, shame on you! All 4 of you shouldn't control the meetings. Audience applauded. (There was never a call for the question and no break taken)

III. VISITORS

Chris Giffin, 204 N Main – you lied! Agenda said there would be options tonight.

Richard Reid, 3242 Bluff Ave in Salem – (previously unidentified man) there is a group of people interested in caring about City business and we should try to work with the Council. (Other audience members noting he is from Salem not from Jefferson)

City Clerk, Deanna Donato – made a statement to the Council that at the last meeting Councilor Brad Cheney had pulled her aside during the break to tell her he was rooting for her and would be in the next day to meet with her to talk about her role and responsibilities and if she had any thoughts/concerns on stepping up. Next day he never came in, nor did he come in on Monday and never even had courtesy to call and say he wouldn't be coming in. Not one of the new Councilors or Mayor have ever come in to ask what staff does, or if they have any areas of concern that Council may want to look at; yet they all sit up there and think they know what she was and wasn't capable of, what her background/education was. She found that to be not only rude but inappropriate.

Michelle Nunes, Jefferson Cafe – You all said you'd give up time to be here and none of you have. You have to show up, talk to people, find out what's going on, and you're still not doing it.

Councilor Myers pleaded with the audience, noting he understood their frustration and emotion and was having a tough time controlling his own, but please allow each person to be recognized one at a time...if all talking they aren't listening.

Edna Campau, 609 E. Union – how can you recruit for a City Administrator without a job description? Need it in writing what you expect.

Rodrigo Arellano, 965 Salamander – He shared that he works for federal government, they do what is called "detail", where they train up the next staff person in line and hire for that lessor position. It happens every day in government, easy to push somebody up. This is a way to save money, somebody who already knows the City and the process and not a big learning curve. Also, see how much people make, but how many other things are different than in Jefferson, their resources, their other expenditures; don't just make these decisions without all the info.

Dani Daniels, no address given – she supported Council's decision to bring somebody in to look at how City is run and then come up with good ideas and then decide which direction would be best.

Lisa Paul, Parish Gap Road – appreciated what Councilor Perry suggested, extending himself to Mayor and new Councilors to help them adjust. Again tonight the Mayor said she needs information and help, there's always a learning curve. In same vein, everybody needs a learning curve; some of us think you 4 need more than that. Many of them feel Deanna, with a little bit of time, could come right up to the position as City Recorder and fill it perfectly. We have a solution right here, and was very disheartening to see 4 of you make another decision to bring another person in, when we have what we need right here.

Tim Groome , 216 Faith Dr. - He passed out a paper to everybody, requesting written information to be provided at the April 13th meeting regarding their resignation from J4J, SRCOJ. Specifically, he wants the complete dated copy of resignations from J4J and SRCOJ and a copy of completed dated acceptance letters from those committees. Also the Mayor's promise to provide the copy of the Sunshot application she said she'd provide at the last meeting which has not yet been done. Councilor Beyerl commented that technically those 4 can't resign until the lawsuit is dropped. Tim Groome – agreed, noting they are constantly violating rules, and the City's own charter, even under oath.

Linda Baker, 1287 Filbert – Has three items to discuss, first item: States to Mayor: At last meeting there was audience comment about the Department of Energy grant, which the Mayor said she'd provide to City Recorder the next day, which she did not. Mrs. Baker stated she has experience in federal grants

and if it was submitted without Council authorization there could be repercussions. Once again it was requested that a copy be provided to all Council, that it be on next agenda, that they let legal counsel know, and notify Department of Energy that the City had not authorized it. She also asked for Councilors to state their name on record if did not authorize so they are not held responsible. Item 2: legal fees: She has found 3 charges incurred by Mayor Hightower totaling almost \$1,000. Charges were incurred without first consulting with City Recorder and it's unclear as to whose benefit they were charged; the City's or the Mayor's. She encouraged all Council to review legal billing. Item 3: "New Sheriff in Town": This statement implies new Councilor (s) will do what they want and how they want; she can assure them all it's not about riding rough shot over the cattle but all about calming the bull.

Nancy Hamby, 664 Alder Ct. – said she had given Mayor Hightower and Councilor Burns a letter at the start of the meeting and after hearing everything tonight, the letter of recommendation was for their resignations. She requested it be signed and tendered into City Hall. They have acted outside of their scope of authority, as a citizen of Jefferson she requested they tender letter of resignation immediately.

David Kellogg, 724 Salamander – trouble staying calm, do you truly believe you are representing the people of this city when only people talking in favor of you are from Salem or just moved here this year when you have a room of passionate people who have lived here decades. A lot of talk about recalling, you've already done enough. If you spend money that we don't have on a city manager instead of another police officer and then go door to door and ask everyone in this town what they think, do you really think the citizens are going to support that? Crime is growing, yet they haven't spoken at all about getting more officers. Don't need to spend money on a city manager, need another Deputy.

Dennis Persons, 1878 Talbot Rd. – hear about having experience and learning, about employees, but also have 4 new members of Council who don't have that experience and took the time to fill that position. Don't see the Council members working together to help and in light of that, hoped they would all come together. They got elected in office by a majority of the people. He defended his right to speak at a meeting because he spends money here, pays taxes for fire and schools. They all need to relax a bit and work together.

Judy Beyerl, Greenwood Dr- first Council meeting she's been to since new Council and it is sad you aren't getting along, whole closet full of papers at home that talk about the Charter and how to do things, COG is there, lots of resources, but instead you get together and if somebody chooses something, the rest go along with it. Try and get along and put personal feelings towards that person or what you think would be perfect for this City aside and think about other people.

Clare Troutman – 309 High – wish full crowd was there when she was on council; but glad there is more interest. She asked that everybody turned in their cell phones at start of meeting, includes Councilors because looks like messages are getting passed around.

Margaret Robbins, 212 S 3rd – also sat here and watched Mayor text her husband and him to her and he's giving her instructions. You should be a person of yourself and make your own decisions. Obvious you are texting each other. Always have to ask others how to run a meeting. Don't have to look at your husband for approval and if you have to you shouldn't be sitting in that seat.

Stan Neal moved to adjourn..... no second.

Nancy Hamby, 664 Alder- to Dennis Pearson, after first meeting when you were talking about brainstorming, she called Stan Neal and hoped they could talk. Would be nice to have a conversation, we set up a time for coffee, and then he cancelled and never called back. Yes, she has reached out and other citizens too. Stan Neal responded, is it not true that he had responded and communicated with you through emails? Nancy: yes, about council meetings but not about sitting down for coffee to discuss brainstorming ideas. Councilor Neal: so not like hasn't reached out at all.

Shawn Lehner, 1099 Hazel St. – obviously there are 2 sides to the discussion, and difficult to get anything done when that's happening. Do feel like we just started this discussion about the position at last meeting and to come to this meeting with minds already made up sort of railroading the subject. Felt like taking all into consideration, COG, visitors comments, etc to gather and make a decision after would be ok, but to come right in and make a decision without hearing everything seems like there's a hidden agenda somewhere.

Wendy Samples – 1261 Hazel – any of you read the budget? She has been on budget committee for longer than Sarah has been here and this City does not have funds to pay for a city manager and recorder. We can't take funds from anywhere else, so you might want to read budget before you start hiring people.

Rodrigo Arellano – 965 Salamander – everybody here gets angry and he understands why. All this aside, to Mr. Burns- you don't say you're the new sheriff in town, that's ethics. Biggest thing in your position is you represent ALL of Jefferson, not yourself. Your statement was very unprofessional and a toddler knows better than that.

IV. COUNCIL COMMENTS

Councilor Beyerl: No

Councilor Myers – thanked Nancy Boyer for coming and as usual the information provided was very helpful. To the Council, after election Councilors reached out asked about how to go about business, as did Mayor; asking how we get things done. He spent multiple days and hours with several different Councilors; had staff come in to provide information; talked about roles and responsibilities and frankly he has to believe given the consistency of operation that those were not grasped or have been ignored. Tonight's process planned, intentional or not, but certainly gives the perception that there was collusion going on. The intent of the meeting tonight was to discuss different processes and that was preempted. Again, the perception is that was intentional. That does not bode well for how the electors are going to view you from here on out. He doesn't issue that as a warning or anything but come on now, look how it looked tonight. One discussion going down one road and that's how it ended. You have got to read your audience and public and ask am I really covering all the avenues and it bothers him immensely, because they control Council with majority for as long as they're in office. Your track record is virtually the same every time, 4 to 3. Additionally, we have a protocol – select Councilors received an email on the day of the meeting of what was to happen at the meeting tonight, perception is...already been decided. The trust factor isn't happening, irrespective of what you are saying, his trust factor is gone and antenna is coming up from now on. He tried very hard to be fair and open and honest as you all said you ran on, but no change in behavior and very concerned this is the way it's going go. He urged them take a hard look at how you are doing business. Be prepared; visit staff; find out what is really going on. None of you have done that, but you got all the answers for the best way to go. None of you know how we got here, do your homework!

Councilor Neal – apologized about the process of the motion, very sorry. He was under impression other options would come up. Audience boo'd said he says sorry at every Council meeting. Nancy Hamby stood and announced they were calling for a recall, so he didn't have to worry about it. Patrick McKenzie, former Mayor, 171 10th St- stood and directed comment to Councilor Neal: you are a smart man, you know how this works, you made a motion, and all your cohorts followed you...you are highly educated but you are always sorry. I have been in your positions, been attacked by the library people, had to learn on the fire; had to have Sheriff's here because of expected uproar but had yet to see any Councilor post about having office hours. He had to work is ass off to get all staff back into communication, worked with the school district to get funds in place for a third officer, working together to get partnerships....he was glad Mayor Hightower won for that reason, it removed a lot of work and stress from him.

Bob Burns had enough, left meeting at 7:52pm. (Applause for audience)

Patrick McKenzie continued his comment- had yet to see any of them do what they said they would do. You all accused me of all that was expected of me but none of you have done the same. Talked about staff meetings and all that was done but since you took over there has been nothing done except a great divide, nothing been done in 3 months, just arguing and try to replace people, suing and fighting about annexation, spending ton of money for no reason.

Bob Burns returns at 7:55 pm

Councilor Perry – talk on math, contingencies, question to Sarah about how much legal fees spent, to which she replied was about \$40k with only a budgeted amount of \$20k. To Nancy Boyer: recruitment costs about \$6,000. This brings contingency fund down even more. What are you going to pay Librarian, how we going cover police, what is left has to run the City until taxes come in next year. Until there is a solution on the court cases, whatever the added bills that will continue to come in and pointed out another set of bills, those being created for information, phone calls to lawyer from the Mayor. One phone call to the attorney is enough to serve everybody in here a lunch. Stop, it's time to put big boy pants on, stop worrying about things that you're not going to accomplish. You are not going to accomplish anything by one: getting citizens against you and two: having a constant split Council where you come across saving the day; the word collusion is a nice word, conspiracy is very bad and it's getting there.

Councilor Neal – didn't get to finish his comment earlier– wanted to say, have spent hours and hours doing research for Council meetings and may come to a different conclusion than everybody else; his conclusion after looking at budget was that it would be do-able to have a temp administrator/recorder; and making that decision thinking it was the best thing for the City, was not his agenda. Wanted to clear up misconception, he can disagree with other councilors and public, but because he disagrees doesn't mean his opinion should be discredited by the people. His conclusions come after plenty of research. Not his intention to cut off discussion, part of it was because he didn't know there was more discussion that needed to be done and part because there was already discussion at the previous meeting about the position. You can disagree but that's the truth. He can come to conclusion about a policy or decision for the City that he thinks is best and it might disagree with others, but doesn't make him a bad person.

V. ADJOURNMENT

Councilor Myers moved to adjourn and Councilor Beyrel seconded. Meeting closed at 8 pm

MINUTES APPROVED this 25th day of May, 2017

Cyndie Hightower, Mayor

ATTEST:

Greg Ellis, Interim City Administrator/City Recorder