

The City Council for the City of Junction City, met at 6:30 p.m. on Tuesday, February 28, 2017, in the Council Chambers of City Hall, 680 Greenwood Street, Junction City, Oregon.

PRESENT: Mayor, Mark Crenshaw; Councilors Karen Leach, Rob Stott, Jim Leach, John P. Gambee, Steven Hitchcock, and Bill DiMarco; City Attorneys Carrie Connelly and Christy Monson; Administrator, Jason Knope; and Administrative Assistant, Tere Andrews.

1. Call to Order and Pledge of Allegiance

Mayor Crenshaw called the Work Session to order at 6:30 p.m. and led the pledge of Allegiance.

2. Council Training

Attorneys Carrie Connelly and Christy Monson provided training that included:

- City Authority: In Oregon, cities can establish rules as they desire (home rule authority), as long as it does not conflict with state or federal guidelines. Special districts and counties are lateral partners with cities.
- Tools/Rules
 - Ordinances – Legislative law. Permanent in nature.
 - Resolutions –Policies, fees, etc. Usually temporary in nature.
 - Policies – Council sets and works with City Administrator to implement.
 - Council Working Rules – One or two page document on how the Council operates.
 - City Charter – The City’s constitution.
 - State Statutes
- Council Quorum: The Council must have a quorum to have a meeting. Per City Charter, a quorum is the Mayor and four Councilors. If the Mayor is absent, a quorum is four Councilors, of whom one is the Council President.
- Authority: An individual Council member does not have authority; only the Council operating in a public meeting with a quorum has authority to make decisions or provide direction by a majority vote or consensus.
- Council Liability: A Council member can be held liable for:
 - Per ORS 294.100: Misexpenditure of Funds
 - Acting Outside of Duties
 - Employer/Supervisor Violations against the City Administrator
 - Ethics Violations
 - Public Meetings Violations
 - Criminal Actions
- Protections: The City has to defend a Council member, if the Council member was acting within the scope of his or her duties and did not engage in any violations. There are also immunities from lawsuits, in the areas of political speech and discretionary immunity.
- Management of Employees
 - The Council sets policies, but does not manage employees. That is the role of the City Administrator.
 - Council members should avoid stepping into employment matters, good or bad. Example: Causing potential problems by commending an employee in a public meeting, but not knowing there was a pending personnel matter where that employee needed to be reprimanded.
 - Chain of Command: Council members should not engage in personnel matters with employees, but should refer them to their supervisor.
- City Attorney
 - All calls to the attorney’s office should come through the City Administrator or be authorized by him or her. Individual Councilors do not have the ability to call directly; the Mayor can, as needed, but the attorneys would prefer that the Mayor has first conferred with the City Administrator.
 - The City attorneys’ duty is to the City and what is in the best interest of the City. They do not represent individual Council members or the City Administrator.
- Research
 - Council members can research issues such as policies, political, legislative.
 - What if a Council member wants more information on a topic like what staff is buying? 1. The Council can direct staff to provide more information, 2. Bring it up to the Council as a whole, or 3. Delegate a Council member to look into it more.

- Public Meetings
 - All meetings must be held in public, when there is a quorum and when discussing or deliberating city issues.
 - Be careful of unlawful meetings. An example is where a quorum of the Council has received an email regarding a city matter. If there is response and discussion back and forth amongst a quorum, that is a violation of the public meetings law. Key: do not respond to all.
 - Executive Sessions – allow discussion on certain topics in a private session. Media can attend, but cannot report. A general consensus or staff direction can be reached in Executive session, but a final decision needs to be done in open session. It is not allowed to discuss Executive Session topics, outside of Executive Session. Council rules could address how to handle Council members discussing Executive Session topics outside of Executive Session.
- Committees
 - Quorum is two.
 - Committees are subject to the public meetings law.
- Public Comments at Meetings
 - Public Comment does not mean that there has to be public participation, where there is a back and forth dialogue.
- Motions – Chairs should restate motions that are made.
- Personal Computers/Phones – If the Council is using personal computers/phones, etc. to conduct City business, those devices could be subject to search, if a public records request is made. All City business electronic correspondence is a public record.
- Ethics
 - Don't use your position for financial gain or to avoid losing money for you, a relative, or member of your household. "But for" test....Opportunity would not be available to me, "but for" my position.
 - Gifts – A Council member, your relative, or member of household cannot ask for, receive, or give or even hint at getting/giving gifts over \$50 from any single source in one year if your source has an interest in your official actions i.e., a decision or vote.
 - Declare conflicts of interest, when applicable for:
 - Actual Conflict – An action, decision, or recommendation by a public official resulting in financial benefit or detriment for the public official, relative, or business associated with the public official or relative that "will or would" result in a conflict. No talking and no voting.
 - Potential Conflict – "could result" in a conflict.
 - When in doubt, should it out. Do it before voting or discussing, do it on the record, and do it at each meeting where the issue is discussed.
- Public Contracting
 - Types of Contracts – Goods and Services, Public Improvements, Regulated Personal Services (Architects and Engineers), and Exempt Personal Services (Attorneys, other professionals). The way the City solicits, enters into, and operates under those contracts is different, based on type.
 - Each has specifications on ways to procure, based on type and dollar amounts and can be direct appointments, informal quotes, or formal full solicitations or RFP.
 - The City usually does not do direct award, but obtains three quotes. RFPs are also used at times when they might not be required, so that everyone is receiving the same information.
 - All contracts are brought before the Council, and there are various levels of spending authority, per the City's procurement rules.

The Council consensus was to postpone the training on Land Use to a later date.

3. Executive Session per ORS 192.660(2)(f) to Consider Information or Records that are Exempt by Law from Public Inspection

Mayor Crenshaw called Executive Session at 8:25 p.m. Regular session convened at 9:15 p.m.

4. Other Business

Attorney Connelly reviewed the following:

- Prior to the next regular Council meeting, staff to ask the Revolving Loan Fund (RLF) appellant applicant what the basis of his appeal is and inform him that he had the ability to go into Executive Session to talk about financials.
- The meeting will be a joint meeting of the Council and RLF Committee
- The appeal hearing would include:
 - Applicant opening statement to clarify the basis of appeal
 - RLF Committee presentation on basis of denial
 - Applicant would have a change to rebut.
 - Council Questions
 - Council Deliberation and Decision

5. Adjournment

As there was no further business, the meeting was adjourned at 9:19 p.m.

ATTEST:

APPROVED:

Kitty Vodrup, City Recorder

Mark Crenshaw, Mayor