

The City Council for the City of Junction City, met in regular session and for a work session at 6:30 p.m. on Tuesday, September 28, 2021, in the Council Chambers at the City Hall, 680 Greenwood Street, Junction City, and in a virtual meeting format via internet and phone.

**PRESENT:** Mayor, Beverly Ficek; Councilors Sandie Thomas, Sidney Washburne, Andrea Ceniga, John Gambee, and Karen Leach; Excused Absence: Council President, Ken Wells; City Administrator, Jason Knope; City Attorney, Carrie Connelly; and City Recorder, Kitty Vodrup.

## REGULAR SESSION

### 1. Call to Order and Pledge of Allegiance

Mayor Ficek opened the meeting at 6:30 p.m., led the pledge of allegiance, and took roll call.

### 2. Lane Council of Librarians Consortium Agreement

Administrator Knope presented the Lane Council of Librarians (LCOL) Consortium Agreement. The City had been a part of this consortium for many years, which included other local libraries in Lane County and provided the ability for reciprocal borrowing between libraries. This was a 7-year contract through June 30, 2028, and funding was included in the budget.

**MOTION:** Councilor Washburne made a motion to approve the LCOL Agreement #2869 and authorize the City Administrator to sign the agreement. The motion was seconded by Councilor Leach and passed by unanimous vote of the Council.

### 3. Future Wells Update

Administrator Knope stated that the City had asked for bids to do two test wells; only one bid was received to do one test well at a cost of \$82,000, which was cost prohibitive. City staff reached out to various contractors and found out that due to this being a busy time of year, they did not have the time to put the bid information together. Staff would be putting the bid out again, giving a longer window of time for the contractors to bid as well as letting them tell the City when it would work for them to do the test wells. Staff hoped to have bids back to the Committee by November or December, and more than likely the test wells would be done in the spring. Typically, a test well cost anywhere from \$25,000 to \$45,000, depending on sites, conditions, restrictions, etc.

### 4. LCOG Board of Directors Report

Councilor Gambee stated that the LCOG (Lane Council of Governments) Board meeting had been moved to September 30<sup>th</sup>, so he did not have a report but had included information in the packet on who LCOG was and what they did. He added that LCOG could provide many different types of resources to the City.

### 5. Lane ACT

Councilor Leach reported that Lane ACT (Area Commission on Transportation) had taken August off, but regularly met once a month via Zoom. Member input had included to not forget about the smaller cities, as Eugene and Springfield often overshadowed. Projects the Commission had been working on: ODOT (Oregon Department of Transportation) awarded a grant to Oregon State Police for 500 hours of enforcement in the Highway 126 East area from June until October; a new sign was installed on Highway 126 West at Veneta; within five months would have a software update on a sign that would allow drivers on Highway 126 near Cushman to know when there was flooding; working on strategies and definitions; and trying to reduce serious and fatal injuries on all public roads.

### 6. Mayor's Comments

Mayor Ficek stated that she had received several inquiries on what was going on with the Police building purchase. Administrator Knope responded that all preliminary work had been done, an agreement had been signed by both parties, and the City put down \$30,000 in earnest money. They were waiting on the State of Oregon Department of Administrative Services (DAS) to issue the funds, which had been approved and would definitely be issued to the City. The building would close no later than October 14<sup>th</sup>, and if DAS had not issued funds by that date, staff would bring interim funding to the next regular Council meeting to be used for a few days until the funds had been received from DAS.

Mayor Ficek stated that at the last meeting, she was called to task on the citizen member appointment for the Revolving Loan Fund (RLF) Committee. She had first put forth a past Councilor, second a past Mayor, and third a local minister who came in fourth for Councilor in the last election, all of whom were rejected by the Council because she had not nominated the right person that the Council wanted. She referred to Resolution No. 1196, RLF Criteria, and read, "The RLF program will have a RLF Loan Committee consisting of up to five members, one of which shall be a City Councilor or Mayor, three financial industry professionals, and one member of the public at large. Appointments will be made by the Mayor and approved by the Council for terms of two years." She continued that meant that she chose the person to be nominated and the Council only confirmed or denied. She continued that at the first meeting in January, she said the hardest thing that any board or Council had to learn was to leave personal beliefs, wants, and agendas at home, which could be an ongoing battle. She added that she wanted to get as many citizens of Junction City involved at a local governmental level and that was what she was trying to do.

## 7. Adjournment of Regular Session

Regular session was adjourned at 6:45 p.m.

Discussion followed, but it was noted that the regular session had been adjourned.

## WORK SESSION

### 1. Call to Order

Mayor Ficek called the Work Session to order at 6:57 p.m.

### 2. Council Policies and Rules

Administrator Knope presented the draft Council rules that were prepared per Council direction, using the City of Creswell's rules and incorporating Junction City's relevant Charter and Code language. Mayor Ficek asked Attorney Connelly to review the rules page by page. Attorney Connelly reviewed:

Section 1. Authority. Talked about Council authority and authority to adopt the rules.

Section 2. Council. Talked about make up of Council, per City Charter.

- 2.2. Reminder that Councilors had no authority when acting as individuals, and authority to make decisions and/or create policy could only be done by a majority vote of the Council. Even if a vote was not unanimous, once the vote had been taken, it was every Councilors job to work to support that City decision.

Section 3. Meetings.

- 3.1.2. Read that Oregon Public Meeting notice requirements must be followed, for posting notice of meetings. Could add more specific language on Junction City noticing.
- 3.3. Special Sessions. The City Code read that not less than 48 hours' notice was needed for Special Meetings; however, the Oregon Public Meetings law required not less than 24 hours. Attorney Connelly recommended that the City amend the code to require not less than 24 hours' notice, to match Oregon Public Meetings Law, to eliminate potential noticing errors, and to close the gap between Special Meetings notice and Emergency Meeting notice that could be called in less than 24 hours.

**CONSENSUS:** The Council consensus was to amend the City Code that Special Meetings could be held upon not less than 24 hours' notice instead of 48 hours and to update the Council rules accordingly. Attorney Connelly noted that she would work with staff to make sure that JCMC 2.05.020 was amended.

- 3.4, 3.5, and 3.6 on Executive Sessions, Emergency Meetings, and Quorum were standard recitation of state law and City Charter and were listed here to find that critical information in one place, instead of looking in multiple sources.
- 3.7. Attendance. Provided protocol on who to contact if a Council member was unable to attend a meeting, what constituted an excused absence, and that a Councilor vacancy could occur by absence from three consecutive meetings without the Council's consent.

Section 4. Agenda. Attorney Connelly stated that agenda setting could be resolved by adding a section from the Creswell's rules that lays out the regular order of business on each Council agenda. Right now, the City used the Agenda Process Guidelines to govern how items got added to agendas. Most cities, if they had comprehensive rules, outlined that process in their rules. She provided an example from Creswell's rules in the comment section under 4.1. and said the Council may want to think about what they want to do with agenda setting, whether they want to leave it as proposed in the draft rules or possibly do something along the lines of what Attorney Connelly had raised in the comments.

Councilor Leach stated that at one Council meeting under Council Agenda Forecaster review, Administrator Knope had asked the Council if they had anything they would like to see on the agenda, and that discussion was shut down.

Administrator Knope noted that under Council Agenda Forecaster review, the Council reviewed any Agenda Item Request forms that had come in and determined if they wanted to add those to an agenda or not, as well as having an open discussion about anything else that the Council as a whole would like to have on an upcoming meeting. He continued that the intent of the Agenda Process Guidelines from the beginning was to give the Council the ability to direct its business and control what was and was not on the agenda.

Administrator Knope provided an example of a Councilor bringing up under Council Agenda Forecaster review that they wanted to talk about a certain topic because it had been brought up to them by citizens; then the Council as a whole would decide whether or not they wanted that on the agenda and then if yes, which meeting agenda it would be on. He added that the Agenda Process Guidelines were created to address the issue of Chickens and Bees continually coming up on agendas, and it gave the Council a way to control what was and what was not on the agenda.

Councilor Leach stated that she wanted to make sure the Council could discuss and make decisions on future agenda items with the Administrator and not get shut down. Attorney Connelly asked if this was part of the City's standard agenda. Administrator Knope responded yes but it had been altered and modified from what it used to be. He believed Councilor Leach was asking for it to go back the way it used to be and to put something in the rules to give it a little more teeth so it could not be unilaterally changed. Councilor Leach confirmed that was correct and she wanted to get back to where the Council made the decisions on agenda items.

**CONSENSUS:** The Council consensus was to have Administrator Knope and Attorney Connelly work on this.

Mayor Ficek referred to the comments Attorney Connelly had written on 4.2 that read that an agenda for each regular Council meeting shall be prepared by the City Administrator. She added that she thought right now it was the City Administrator and Mayor who set the agenda.

Attorney Connelly responded that she was giving an example in the comments of a different city's way of setting agendas. Instead of referencing the Agenda Process Guidelines, the Council could get rid of the Agenda Process Guidelines and set out in the Council rules how they wanted things to be on an agenda. She continued that from tonight's discussion, they could keep 4.1 and then have a new 4.2 that would be something she and Administrator Knope would draft and list the items the Council would like to see on regular meeting agendas.

Councilor Leach noted that the City Administrator was the one who knew what should be on an agenda and was the best person to go to for that. Councilor Thomas expressed her agreement.

- 4.2. Agendas would be set to reflect approximately a two-hour meeting.
  - Administrator Knope noted that if the agenda was at two hours and there were other necessary regular session items that needed to be addressed, they would roll over to the 4<sup>th</sup> Tuesday's meeting in a combined Regular Session/Work Session agenda.
  - If there were no roll over regular session items for the 4<sup>th</sup> Tuesday, that meeting would be held for a Work Session only.

## Section 5. Procedure for Council Meetings.

- 5.1. Would use McFarlane and Estep as a general guide, instead of Robert's Rules of Order which were dense, unhelpful, and overly parliamentary.
- 5.2. Council meetings chaired by Mayor.
- 5.3. Every Councilor desiring to speak should first address the Chair and await recognition to obtain the floor.
- 5.4. This clarified that no motion shall be debated until it had been seconded and announced by the Presiding Officer.
  - Councilor Gambee asked if a motion could be made for items that were not on the agenda. Attorney Connelly responded that was something she would need to look up to be concrete on, but her experience was this was not something that should be done and not the preferred way to take care of business.

A brief discussion occurred on the agenda setting process. Mayor Ficek noted that the City Administrator set the agenda and asked if her role was to approve that. Attorney Connelly responded that under the Agenda Process Guidelines, Administrator Knope prepared the agenda, and then the Mayor reviewed to make sure that all items went through the proper process, via the Agenda Process Guidelines to get on the agenda.

Administrator Knope asked for clarification on if the Mayor could remove an item from the agenda that the Council as a whole said they wanted to have on the agenda. Attorney Connelly responded no, and that the Mayor could not remove that item.

- 5.5. Refers to amount of time each person from the public would have to present their comments. Attorney Connelly asked if the Council would prefer to list 3 minutes or 5 minutes.

**CONSENSUS:** The Council consensus was to list 5 minutes.

- 5.6. Councilors should refer people with questions or complaints to the City Administrator. If the citizen was not satisfied with talking with the City Administrator, they could submit an agenda item request for a future Council meeting or present their issue under Public Comment at a Council meeting.
- 5.7. Councilors, with approval of the Chair, may respond to a public comment during the public open comment period.
  - It was asked what would happen if a Councilor really wanted to respond but was not recognized by the Mayor. Attorney Connelly responded that the Chair ran the meeting, so nobody should speak without recognition from the Chair. She added that if a Councilor was not recognized by the Chair but wanted to make a comment, they could do that during the Councilor Comment item.
- 5.9. Councilors may address questions to the City Administrator, who may either answer the inquiry or designate a staff member to do so. Councilors were encouraged to present their questions to the City Administrator prior to the meeting when possible.
- 5.10. Prior to a vote, the Chair shall restate the motion.
- 5.11. When a quorum is present, a majority of the Council present and voting shall decide a motion.
  - Attorney Connelly noted that she would add more language here to make this more consistent with Junction City's Charter.
- 5.12. Unless confronted with an actual conflict of interest, every member present when a question is taken shall vote; so, no abstentions could occur.
- 5.14. Mayor shall not vote except in the case of a tie. Charter language.
- 5.15. A Councilor who votes on the prevailing side of a motion may move for reconsideration of the vote. The motion must occur during the meeting or at the very next scheduled Council meeting.
  - Attorney Connelly noted that this was standard parliamentary procedure.

Section 6. Conflicts of Interest. General information on declaring potential and actual conflicts of interest. If a Council member thought they might have a conflict of interest, could discuss with the City Administrator and/or the attorney in advance.

## Section 7. Decorum and Order.

- 7.1. The Chair shall preserve decorum and decide all points of Order.

- 7.2. The Councilors shall help the Chair preserve decorum.
- 7.3. Councilors shall not, by conversation or other action, delay or interrupt the proceedings or refuse to follow directions of the Chair.
- 7.4. Councilors shall, when addressing staff or members of the public, confine themselves to questions or issues under discussion.
- 7.5. Councilors shall not engage in personal attack nor impugn the motives of any speaker and shall, at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.
- 7.6. Members of the administrative staff, employees of the City, and other persons attending Council meetings shall observe the same rules of procedure, decorum, and good conduct applicable to members of the Council.
- 7.7. Talks about options for the Council in dealing with a person who engages in disorderly behavior that actually disrupts, disturbs, or impedes the orderly conduct of any Council meeting, including giving a warning or removing someone from a meeting.
- 7.8. If a meeting is disrupted by members of the audience, the Chair may order that the Council Chambers be cleared and call a recess until order is restored.

Section 8. Censure. Provides provisions on what to do if a Council member was behaving badly.

Section 9. Code of Ethics. Attorney Connelly asked if the Council would like 6. Conflicts of Interest moved under Section 9.

**CONSENSUS:** The Council consensus was to keep Section 6 separate from Section 9.

- 9.4. If the Mayor or Councilor wishes to use social media to present information that is representative of the City, they must always present the majority position of the Council. Social media includes blogs, Twitter, Facebook, and all forms of electronic communications media.
  - Discussion occurred on clarifying this language to mean it was on the Council member's personal social media page, and that a Council member did not have the authority to post on the City's social media accounts.

**CONSENSUS:** The Council consensus was to have Attorney Connelly update 9.4 and 9.5 to read "If the Mayor or Councilor wishes to use personal social media..."

Mayor Ficek asked how this would be monitored or enforced. Attorney Connelly responded that when something was bad, the Council would know it. She provided an example of a Councilor sending confusing messages when they were at a School Board meeting and said at one point that they were representing themselves individually and then in another statement said they were representing the Council.

Councilors Thomas and Leach noted that they posted about upcoming meetings on their social media pages. Administrator Knope responded that was okay.

Attorney Connelly noted that if there were further questions on this and if the Council wanted to parse it further, they could do that. She noted that there were E-Communications polices for Councilors that they could take a look at and then reflect those in the Council rules.

Councilor Gambee noted that the last sentence in 9.3, "Communications of personal opinions or comments (of the Council) should not be accompanied with a statement of the author's status as a member of the Council" seemed to contradict the first sentence of 9.5, "If the Mayor or Councilor wishes to use social media as a communication tool for their personal opinions and comments, they must include clarification that the statements do not represent the position of the City Council."

Administrator Knope noted that an option for the Council would be to take the City issued email address of cityofjc.com and create social media accounts to keep City business and personal business separate. He added that the City would need to look at addressing records retention for social media.

In response to Councilor Gambee's question, Attorney Connelly stated 9.3 talked about when the Mayor or Councilor was representing the City before another public body, governmental agency, community organization, or with the media. For an example, if Councilor Gambee was tasked by the Council to represent the City in an official capacity at the School Board meeting, he would announce he was Councilor John Gambee and would only say what the Council had directed and share the majority position of the Council. If he were separately to attend the School Board meeting in his personal capacity, he would say, "I am John Gambee, I'm here in my personal capacity; nothing that I say represents the position of the City Council."

Attorney Connelly continued that 9.5 referred to Councilors posting on social media, where if a Council member wished to use social media as a communication tool for their personal opinions and comments, they must include clarification that the statements did not represent the position of the City Council.

Councilor Ceniga asked for clarification on what she should say when she was attending something like a school board meeting in her personal capacity, as she served in various roles with various government agencies. Attorney Connelly responded that in small towns, anybody seeing Councilor Ceniga would associate her with some official title, so it would be good for her to clarify that she was speaking on her own personal behalf.

Mayor Ficek asked if it would be acceptable to say they were speaking as a private citizen and leaving out the titles and longer sentence. Attorney Connelly responded that would be fine. She added that it would be important for Council members to know what script to use when in their official capacity or personal capacity.

Section 10. Council Relations with City Staff. Attorney Connelly noted that it was really important for individual Councilors to know when they could and could not contact and/or direct staff. This codified what had been shared in past trainings and could be used as a reference for the future. The goal was to make staff feel supported and to follow the proper chain of command.

- 10.4. City Councilors seeking information about the operations of various City departments will direct their questions to the City Administrator. Councilors must not attempt to change or interfere with the operations or practice of any City department or personnel.
  - It was asked if this would include the Mayor on 10.4. Attorney Connelly responded yes.
  - It was asked if the language could be clarified to include all the Council members as individuals, shall not direct staff to perform any work. Attorney Connelly responded yes, and she would work with Administrator Knope to make this language much clearer.

Section 11. Confidentiality. Talks about confidentiality regarding documents, Executive Session, etc. Cannot have contact with other parties involved in litigation.

- 11.3. All public statements, information, or press releases on confidential matters will be handled by the designated spokesperson or the City Attorney. If a citizen asked for information on a confidential matter, the Council member could say they were prohibited from talking about it but could point that person to the designated spokesperson who was handling those kinds of inquiries.

Section 12. Amendment of Council Rules. Would be adopted and amended by resolution.

Councilor Gambee noted that they could not remove a Councilor for bad behavior but could remove them for three unexcused absences. Attorney Connelly responded that was because the City Charter, which was approved by the voters, provided the language and basis for removing a Councilor due to three unexcused absences. Without voter approved authority in the Charter, they could not remove an elected official for bad behavior.

**CONSENSUS:** The Council consensus was to have Attorney Connelly and Administrator Knope work on these rules and bring back a revised version to a future Council Regular meeting or Work Session.

**3. City Administrator Evaluation Process**

Attorney Connelly reviewed that per Council direction at the last meeting, they had combined the two evaluation forms into one document. Two versions of this document were included in the Council packet: one for individual Council members to fill out and the second for the compilation and summary of the individual evaluations.

The Council discussed and Council members had positive comments on the forms.

Attorney Connelly stated that the next step would be to schedule the City Administrator evaluation process, which would include the date the evaluation form would be distributed to individual Councilors, date by which the Councilors would submit the completed forms, and then a date at which the Council would review the compiled form with the City Administrator in Executive Session, unless he requested that it be done in open session. This schedule could take between two and four weeks, from filling out forms to presenting the completed evaluation.

**CONSENSUS:** The Council consensus was to discuss the City Administrator Evaluation Schedule at the October 12, 2021 Council meeting.

**4. Review of Committee Bylaws**

Administrator Knope stated that at the last work session, the Council provided direction to update the Committee bylaws and Committee agenda template. He reviewed:

- An updated Committee bylaws draft, to include that a Committee member who had three consecutive, unexcused absences from a Committee meeting would be removed from the Committee, and the Mayor would reappoint a member to serve on the Committee.
- An updated Committee Agenda Forecaster, where the Committee Agenda Template included adding Public Comment on each Committee agenda.

Discussion followed and Council members expressed the importance of allowing public comment at each Committee meeting. It was noted that another thing that had come up at Committee meetings was having Committee Member Comments on each agenda.

**CONSENSUS:** The Council consensus was in favor of adding Committee Member Comments as Item #5 on the Committee Agenda Template. It was also the Council consensus to have staff bring back the updated Committee bylaws and updated Committee Agenda Forecaster to the next Council meeting for Council approval.

**5. Adjournment of Work Session**

The Work Session was adjourned at 8:37 p.m.

ATTEST:

APPROVED:

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Kitty Vodrup, City Recorder

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Beverly A. Ficek, Mayor