



COUNCIL SPECIAL SESSION

Wednesday, September 21, 2022

DRAFT MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Doug Morten – via Zoom
Councilor Patrick Birkle
Councilor Stephen R. Topaz
Councilor Jessica Chilton – via Zoom

STAFF PRESENT

John Walsh, City Administrator
Kathy Payne, City Recorder
Lisa Scholl, Deputy City Recorder
Rachael Barry, Government Affairs Specialist

OTHERS

Stephanie Heffner, Oregon Government Ethics Commission

CALL SPECIAL SESSION TO ORDER – 5:39 p.m.

DISCUSSION TOPICS

1. Oregon Government Ethics Commission (OGE) Training on Council Executive Sessions - *Stephanie Heffner, OGE Trainer/Program Analyst*

Stephanie Heffner reviewed her presentation. A copy is included in the archive packet for this meeting.

- Education is their highest priority
- History of OGE
- OGE jurisdiction
- Executive Session provisions and rules
- Complaint process

City Recorder Payne asked about the record of the meeting. After discussion, it was determined to keep copies of the executive session audio files, in addition to a written summary.

Discussion of what can be talked about during Real Property Transactions. This is to deliberate with your designated negotiator about the actual real estate transaction and not plans for the property. The decision to sell must be made during a regular meeting. Councilor Topaz asked what steps need to be taken to sell a piece of City-owned property. Is that done during executive session or at a public meeting? Stephanie will get input from her Compliance and Education Coordinator and send a response. If they are ever in a position that they are unsure about, they are welcome to reach out. Mayor Scholl clarified that the only property they sold was in the Urban Renewal Agency, which is different. Stephanie pointed out that she does not oversee compliance.

Discussion that legal counsel must be in attendance if they cite that ORS to go into executive session. A memo from the legal counsel does not suffice. However, they can review a legal counsel confidential memo if they go into executive session under exempt public records.

Stephanie reminded Council that they are individually responsible for any actions and non-actions. Any fines will be issued to them individually. If they see something that is not right, it is their responsibility to stand up and say something. If the conversation continues to go off-track, they need to stand up and say they are leaving the meeting because they believe it is not in compliance with the executive session provision. At that point, they need to leave the room. If they continue to stay in the room, their non-action includes themselves as an active participant.

Mayor Scholl expressed his frustration that two of the City's attorneys told them to proceed into executive session and that it clearly meets the requirements. Now, there is an open investigation against the Council. Are there attorneys on the Ethic Commission Board? Stephanie confirmed that some of the Board members are attorneys. She understands his frustrations but is unable to address that.

OTHER BUSINESS**ADJOURN – 6:43 p.m.**

Respectfully submitted by Lisa Scholl, Deputy City Recorder.

ATTEST:

Kathy Payne, City Recorder

Rick Scholl, Mayor