

CLARIFICATION MEMO TO PUBLIC COMMENT



For City Council Meetings held on December 17, 2025

1. **City Council Minutes.** At the December 17 Council Work Session, a citizen commented that the minutes of the last Council meeting were pretty good but referenced a couple items the he felt were missing details. As a reminder, the [Department of Justice Attorney General's Public Records and Meetings Manual](#), confirms that meeting minutes need not be a verbatim transcript. The minutes or recording must contain certain information and must give "a true reflection of the matters discussed at the meeting and the views of the participants." If a person believes that the minutes do not provide a "true reflection of the matters discussed," they can contact Lisa Scholl, Deputy City Recorder, at lscholl@sthelensoregon.gov to notify her specifically of what aspect of the minutes do not provide a true reflection.

This particular citizen also questioned whether or not the YouTube closed captioning transcript would be "legally binding" in court. The YouTube close captioning transcript is useful for accessibility, but is not always accurate and may have errors. The City does not use the YouTube's close captioning transcript service to generate its meeting minutes, but instead uses a different transcription service and manually edits and corrects the minutes before publishing them. Those who use the YouTube close captioning transcript must be prepared to anticipate possible errors.

2. **Release of the Unredacted Band Report.** At the December 3 Council meetings as well as at previous meetings, a citizen commented that Mayor Massey is withholding the release of the Unredacted Band Report. On December 17, Mayor Massey read the following statement into the record:

"I want to address a repetitive public comment that is NOT FACTUALLY ACCURATE regarding the release of the redacted Band report and supplemental report. To be clear and on the record, I am personally not withholding, suppressing, or preventing the release of either of the referenced reports.

The City takes transparency seriously and also has a legal obligation to protect information that is confidential under applicable law. The reports referenced are presently associated with active litigation. Because of that, they are subject to attorney client privilege, attorney work product protections, and public records law exemptions. When those protections apply, the City HAS A DUTY NOT to disclose the materials, until the legal basis for withholding no longer exists."

3. **Tram Gas Comment.** During a Work Session presentation by the City's contracted event management company on December 17, there was information provided about the City's tram and that it holds only around three gallons of gas. A citizen later commented at the Regular Session that it actually holds at least 10 gallons. Upon verification with Public Works, the City's tram holds 12-14 gallons of gas depending on the baffles inside.
4. **Tourism Contributions.** At the December 17 Council Work Session, a citizen commented that there was a \$300,000 error in the budget related to Tourism contributions to be transferred to the City's General Fund. These statements are not accurate reflections of the facts or history, which is provided below.

At the May 15, 2025, Budget Committee meeting, Budget Committee member Steve Toschi proposed to modify the \$100,000 line item for Tourism Revenue to a proposed \$300,000 line item for Tourism

Revenue. The rationale provided by Mr. Toschi was that this change would notify the Contractor that the City expected the events to be more profitable.

The Budget Committee discussed wanting to see better return on investment from events and for Spirit of Halloweentown to contribute more to the General Fund to alleviate budget stress through increased revenue. At the time of the discussion, the City's Finance Director explained that staff projected a Tourism ending fund balance after expenses of \$106,000 for the next budget cycle and that staff budget conservatively so that money does not have to be borrowed from somewhere else if revenues are not realized.

City staff did not believe \$300,000 of revenue was realistic; however, it was the amount approved by the Committee. Since the budget's adoption, City staff have continued to make conservative financial decisions anticipating that \$100,000 of Tourism revenue would be realized, not \$300,000.