

City of St. Helens
RESOLUTION NO. 1917

**A RESOLUTION OF THE CITY COUNCIL OF ST. HELENS, OREGON REPRIMANDING
AND CENSURING COUNCIL MEMBER STEPHEN TOPAZ FOR ENGAGING IN
BEHAVIOR VIOLATING THE CITY CODE OF ETHICS AND OTHER CITY POLICIES,
NEGATIVELY AFFECTING MEMBERS, THE CITY STAFF, AND BRINGING DISCREDIT
TO THE CITY**

WHEREAS, the citizens and businesses of the City of St. Helens are entitled to have fair, ethical, productive, and accountable local government which has earned the full confidence of the public; and

WHEREAS, all public officials, both elected and appointed, are expected to comply with the letter and spirit of the laws and policies of the City and State of Oregon affecting the operation of government; and

WHEREAS, all public officials, both elected and appointed, are prohibited from using or attempting to use the position held to obtain a financial benefit, but for the position held by the public official; and

WHEREAS, all City councilors take an oath of office upon assuming their duties as a city councilor, stating in part a commitment to “faithfully perform the duties of city council member, to the best of my ability and understanding;” and

WHEREAS, each member of City Council commits to the City Council Mantra as an advocate of quality and effective City services and to promote cost sensitive and professional services to city residents and visitors, and to “champion” the city; and

WHEREAS, the City’s Diversity Statement Resolution No. 1842 recognizes St. Helens is a multicultural community and that the City Council and staff are committed to recognizing the dignity of all its residents; and

WHEREAS, the City’s Resolution No. 1509 adopted a Code of Ethics where City officials commit to using the City’s powers and resources for the benefit of the public rather than any official’s personal benefit, promote public respect by avoiding even the appearance of impropriety, and avoid bias or favoritism, and obey all laws and regulations; and

WHEREAS, City of St. Helens Personnel Policies prohibit harassment against an individual and contain a “No Bullying Policy;” and

WHEREAS, in 2020 the City received several serious complaints from a member of the public, City employees, and a vendor against Councilor Stephen Topaz alleging a variety of complaints including allegations of discrimination, harassment, unethical behavior, making knowingly false statements publicly, attempting to steer City resources toward his own personal property, and violation of City Policies against Bullying and Harassment; and

WHEREAS, an investigation was authorized in September 2020 through the City Attorney’s Office to protect the integrity of the process and the individuals who had brought forth complaints; and

WHEREAS, Councilor Topaz failed to respond to eight separate requests to participate in the investigation; and

WHEREAS, the investigation was completed in March 2021, resulting in a fact-finding report that found that there is significant, credible evidence that Councilor Topaz engaged in the activities described in five separate allegations of wrongdoing; and

WHEREAS, the City Council, including Councilor Topaz, has discussed the fact-finding report on three occasions and reviewed an Executive Summary summarizing the finding of fact-finding report, and

WHEREAS, the City Council provided Councilor Topaz an opportunity to be confronted with the possibility of discipline at an open hearing on April 20, 2021; and

WHEREAS, the City Council accepts the fact-finding report and seeks to discipline Councilor Topaz within the limitations of its authority.

NOW, THEREFORE, BE IT RESOLVED that the City Council of St. Helens:

Section 1. Finding No. 1. The City Council hereby finds and determines that the City Code of Ethics requires all members of City Council to commit to using the City's powers and resources for the benefit of the public rather than any official's personal benefit, promote public respect by avoiding even the appearance of impropriety, and avoid bias or favoritism, and obey all laws and regulations. The City Council further finds and determines that Councilor Stephen Topaz has violated the City Code of Ethics as well as other City policies including the City's Diversity Statement Resolution No. 1842, and Personnel Policies that both prohibit harassment against an individual and contain a "No Bullying Policy."

Section 2. Finding No. 2. The City Council hereby finds that Councilor Stephen Topaz' behavior has negatively affected members of the City staff and brought discredit to the City. To prevent future issues, the City Council finds it necessary to take remedial action to create reasonable restrictions to reduce Councilor Topaz' access to City facilities for the purpose of protecting employee rights and to promote efficient delivery of City services. The restrictions are designed to not unreasonably impede Councilor Topaz from carrying out his duties as a member of the City Council.

Section 3. Sanctions and Remedial Actions: The City Council of St. Helens hereby reprimands and censures Councilor Stephen Topaz for violations of the City Code of Ethics, the City's Diversity Statement, and Personnel Policies that prohibit harassment against an individual and bullying. Remedial actions that take effect immediately are:

1. Councilor Topaz's access to City employees and Departments shall be only through the City Administrator or designee. Any requests by Councilor Topaz for information, materials, records, or meetings with City employees shall be made through the City Administrator. In addition, Councilor Topaz shall not meet with any City employee or personnel other than the City Administrator or Human Resources Coordinator/City Recorder without pre-authorization by the City Administrator.
2. Councilor Topaz is required to limit his engagement with City employees or personnel, other than engagement with the City Administrator or Human Resources Coordinator/City Recorder, to only those interactions that occur during meetings or appointments that are pre-arranged and pre-authorized by the City Administrator.

3. Councilor Topaz shall have no direct contact, either in person, by email or by telephone, with any City employee other than the City Administrator or Human Resources Coordinator/City Recorder without pre-approval from the City Administrator. When a City staff member is required to meet with Councilor Topaz, such meeting shall be attended by at least one other City employee, including the City Administrator or the City Administrator's designee.

Section 4. Duration of Remedial Actions: The remedial actions stated in Section 3 shall be in effect for no less than six months from the effective date. At the end of six months, the City Council may review Councilor Topaz' compliance with the restrictions and, based on evidence that the remedial actions were properly honored, may consider reducing the restrictions.

Section 5. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED by the City Council of this 19th day of May 2021.

Ayes:

Nays:

Rick Scholl, Mayor

ATTEST:

Kathy Payne, City Recorder