

March 18, 2013
11:00 A.M.
Newport, Oregon

CITY COUNCIL WORK SESSION

Councilors present: Beemer, Sawyer, Busby, Saelens, Swanson, Allen, and Roumagoux.

Staff present: Voetberg, Hawker, Christy Monson, City Attorney, Paige, Miranda, Protiva, and Marshall.

Others present: Bill Bain, Keira Morgan, Larry Coonrod, and Dave Morgan.

Roumagoux called the meeting to order and the roll was taken.

1. A brief discussion occurred regarding whether to create an audio file of executive sessions, and it was the consensus of Council to tape the executive sessions.
2. MOTION was made by Saelens, seconded by Allen that Council enter executive session pursuant to 192.660(2)(f) to discuss exempt public records. The motion carried unanimously in a voice vote.

Roumagoux read the executive session rules of engagement

Monson reported that this issue was noticed under two statutes, and now there would be no discussion of disciplinary action and the reasons for disciplinary action. She noted that the city employee had requested an open session to discuss those matters.

Council entered executive session at 11:18 A.M.

3. MOTION was made by Beemer, seconded by Allen to take a break from the executive session. The motion carried unanimously, and Council took a break at 12:28 P.M.
4. MOTION was made by Allen, seconded by Saelens to return to the work session. The motion carried unanimously, and Council returned to its work session at 12:42 P.M.
5. MOTION was made by Sawyer, seconded by Saelens, to enter executive session pursuant to 192.660(2)(b) to discuss discipline of a public officer. The motion carried unanimously and Council entered executive session at 12:44 P.M.
6. MOTION was made by Beemer, seconded by Allen to return to the work session. The motion carried unanimously, and Council returned to its work session at 1:46 P.M.
7. Council took a break at 1:46 P.M., returning to its work session at 1:58 P.M.

8. Roumagoux asked whether there was a motion to accept the third option contained in Monson's memo. MOTION was made by Allen, seconded by Swanson, to create a work group, of three Councilors, to evaluate the City Manager evaluation process and set goals for improvement, and to include the City Manager as a part of the process, and bring the process back to Council for additional vetting. Saelens suggested identifying key aspects of the City Manager's performance that are perceived as middling, and work on a method to address these so that there is a credible method of developing a score. Monson noted that the group would be subject to public records and meetings laws. The motion carried unanimously in a voice vote.
9. A discussion ensued regarding the City Manager's authority to settle lawsuits. Allen noted that he had asked that the City Attorney attend for this discussion item. He noted that some issues have come up as to whether the City Council has oversight when money is used from the city budget to settle lawsuits. He noted that a fund could be established entitled "settlements and judgments," which could give the City Council some oversight. Marshall addressed the establishment of such a fund. Voetberg reported that another alternative would be to bring the settlement to Council when CIS is requesting city participation. Voetberg reported that the Salem City Manager, pursuant to a resolution, has the authority to settle lawsuits to a certain amount, and if it is over that amount, it must go to Council. Monson discussed the memo that she had included in the packet. A discussion ensued regarding what the limit would be in developing a resolution similar to Salem's, and it was agreed that it should be \$25,000. MOTION was made by Sawyer, seconded by Beemer, to direct staff to develop wording for a potential resolution giving the City Manager the authority to settle lawsuits up to \$25,000, and if over that amount, bringing the matter to the City Council. The motion carried unanimously in a voice vote.
10. A discussion ensued regarding the model for communication with the City Attorney. Allen suggested inserting City Council President as a person with authority, so that Councilors can go to either the Mayor or Council President if they need to speak with the City Attorney. It was the consensus of Council to rewrite the resolution and present it to Council for consideration at an upcoming meeting.
11. It was agreed to delay the review of the mission statement until the next work session.
12. Sawyer noted that he would like more discussion on quorums, and Allen asked that a discussion be held regarding serial meetings.
13. MOTION was made by Beemer, seconded by Saelens, to enter executive session pursuant to ORS 192.660(2)(e) to discuss real property transactions. The motion carried in a voice vote, and Council entered executive session at 3:03 P.M. Tokos participated in this executive session.
14. MOTION was made by Allen, seconded by Beemer to return to the work session. The motion carried unanimously in a voice vote and Council returned to its work session at 3:26 P.M.

Having no further business, the meeting adjourned at 3:26 P.M.