

COTTAGE GROVE CITY COUNCIL
REGULAR MEETING MINUTES
March 14, 2016

CALL TO ORDER

Mayor Thomas Munroe called the meeting to order at 7:00 pm in the Council Chambers at City Hall.

ROLL CALL

City Recorder Trudy Borrevik called the roll. The following were

PRESENT: Mayor Thomas Munroe, City Councilors Kenneth Michael Roberts, Jake Boone, Jeff Gowing, Garland Burback, Amy Slay and Mike Fleck

YOUTH
REPRESENTATIVE: Ian Dukes

STAFF PRESENT: City Manager Richard Meyers, Community Development Director Howard Schesser, Public Works Director Jan Wellman, Community Services Director Pete Barrell and Interim Police Chief Scott Shepherd

CITY ATTORNEY: Lauren Sommers

OTHERS PRESENT: Jon Stinnett, The Sentinel

ITEMS TO BE ADDED TO THE AGENDA

None

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Bruce Kelsh, 78340 Halderman Road, Cottage Grove, spoke regarding the library. He commended the library and Pete Barrell on the Smithsonian Exhibit and the number of people who viewed the exhibit and attended the special events. He encouraged the Council and Budget Committee to consider increasing the library budget to address needs in technology, materials and staffing.

PUBLIC HEARINGS

(a) Public Hearing on Proposed Fee Adjustments to Building Fees

Community Development Director, Howard Schesser, said in 2008 the City entered into an

agreement with the State for the permit tracking program known as D-14. He said in 2015 the City was advised that it needed to move to the “standard model” as the previous model would no longer be supported or updated. He said they were in the process currently to change to the updated model. He said in 2009 the legislature passed a statute requiring uniform methodology for building permit fees and there were some fees the City needed to change and add and outlined some of those. He said on February 26, 2016 the City gave a forty-five day notice to the Oregon Building Code Division to adopt new building code fees. He said it was now appropriate for Council to hold the public hearing.

Mayor Munroe opened the public hearing.

Ron O’Keefe, 840 Birch, Cottage Grove, said he understood the fees were necessary. He said he had been in real estate for twenty-six years and recently saw that housing was thirty-eight percent better in sales than it was a year ago. He commented about the City’s SDC charges which he felt were too high and were preventing builders from building new houses in Cottage Grove. He said he had been told that Eugene’s SDC fees were around \$15,000, compared to Cottage Grove’s SDCs for a three bedroom two bath house which was around \$25,000. He urged Council to give consideration and go forward with caution with the fees and see about getting more housing in Cottage Grove.

Jeff Jones, 79476 Replsleger Road, Cottage Grove, said Cottage Grove was rundown and people weren’t investing in the upkeep of their homes. He commented about the housing market and how greed could affect it. He also talked about a town in California where he used to live and the housing market and how greed affected that market.

CONSENT AGENDA

- (a) Approval of January 25, 2016 Regular Meeting Minutes
- (b) Approval of February 8, 2016 Regular Meeting Minutes
- (c) Approval of February 22, 2016 Regular Meeting Minutes
- (d) Child Abuse Prevention Month Proclamation

IT WAS MOVED BY COUNCILOR GOWING AND SECONDED BY COUNCILOR FLECK TO APPROVE THE CONSENT AGENDA.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Boone	Councilor Gowing	Councilor Burback	Councilor Slay	Councilor Fleck	Mayor Munroe
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

RESOLUTIONS AND ORDINANCES

(a) Resolution Amending the Fee Schedule Adopted by Ordinance 2361, Exhibit “A”

Community Development Director Howard Schesser, said the fees included in the Resolution were only the ones that were under the jurisdiction of the Building Codes Division, structural, plumbing, electrical and mechanical, it didn't include System Development Charges (SDC). He said Council had held the public hearing and staff recommended adoption of the Resolution.

Councilor Fleck thanked Mr. O’Keefe for speaking. He talked about the lack of rental properties in Cottage Grove. He said he would support the increase in fees because it was something that needed to be done in order to be compliant with the State. He emphasized that he thought the City should look at the overall permit and SDC fees and be competitive and encourage development. He said he knew the City had to adopt the methodology from the State and asked if the City was required to set certain minimums.

Howard said no. He said the fees being brought forward had minor adjustments for some and some stayed the same. He said they had to correct a couple of tables related to building structural fees and they had to adopt some new fees and they used the State’s methodology. He said the building fund was being subsidized by the General Fund anywhere between \$30,000 and \$40,000 a year. He said they could justify, but weren’t recommending, a ten to fifteen percent increase based on the numbers in the budget. He said past Council’s had elected to subsidize the building fund in the past and not increase fees.

IT WAS MOVED BY COUNCILOR BOONE AND SECONDED BY COUNCILOR GOWING THAT RESOLUTION NO. 1897 BE ADOPTED.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Boone	Councilor Gowing	Councilor Burback	Councilor Slay	Councilor Fleck	Mayor Munroe
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

BUSINESS FROM THE CITY COUNCIL

(a) External Water Line and Sewer Line Warranty Program Update

City Manager, Richard Meyers, said in early 2012 the City Council approved the City’s participation in the Service Line Warranty Program through the City’s membership in the National League of Cities. He provided background on the water and sewer line warranties. He said there were currently 177 water participants and 195 sewer participants and since May, 2012, there had been 65 claims which totaled over \$60,000 in repairs. He said they were getting ready to send out

another campaign for the water line warranty and asked Council if they wanted the City to continue to participate in the program. He said the City didn't spend any money with the campaign, they did all the mailings and the City authorized them to use the City's logo and the Mayor's signature on the letters sent out. He said the City received nothing for participating in the program. He said there was an option where the City could get 10% back on each subscription rate, however the City declined and opted to have the monthly rates reduced.

IT WAS MOVED BY COUNCILOR FLECK AND SECONDED BY COUNCILOR GOWING THAT THE CITY COUNCIL CONTINUE TO SUPPORT THE PARTICIPATION IN THE SERVICE LINE WARRANTY PROGRAM AND AUTHORIZE THE MAYOR TO SIGN THE INTRODUCTION LETTER.

The vote on the motion was as follows:

VOTE	Councilor Roberts	Councilor Boone	Councilor Gowing	Councilor Burback	Councilor Slay	Councilor Fleck	Mayor Munroe
AYES	X	X	X	X	X	X	X
NAYS							
ABSTAIN							

Councilor Burback asked about the lady who phoned in on the Beeper Show this morning and what it was about.

Richard said she had a failure in her line which the company authorized a plumber to take care of and put chemicals in the line to keep it clean.

(b) South Lane School District Bond Measure Presentation

City Manager, Richard Meyers, said one of the City Councilors had asked to have the item put on the agenda to allow representatives from the South Lane School District to provide information on the bond measure on the May 17, 2016 ballot. He reminded staff that they couldn't take any position for or against any ballot measure or candidate. He said if Council decided to do anything in support of the measure either by letter or resolution, staff couldn't prepare it; it would have to be done by Council.

South Lane School District Superintendent, Krista Parent, and South Lane Communication Coordinator, Garret Bridgens, provided information to Council on their upcoming bond measure on the May 17, 2016 ballot which is attached hereto and marked Exhibit "A". Krista Parent provided the background on the measure and how they got to where they were today.

Councilor Slay asked with the alternative school moving to Delight Valley, if there was going to be fees associated with the students attending. She said currently students received free lunches and other perks and asked if that was still going to be offered.

Krista said that wouldn't change. She said the only drawback with Kennedy moving to Delight Valley was concerns over transportation.

Mayor Munroe asked about Latham School. He said he had heard at one time they were considering closing it and busing the students into town.

Krista said there were no plans to close Latham School.

Councilor Roberts asked what the current condition of Latham School was.

Krista said it was one of the oldest schools and was in rough shape. She said some of the deferred maintenance dollars in the bond would go towards Latham School.

Councilor Roberts commented on the pool and said it would be nice for it to be replaced with a regulation sized pool.

Councilor Fleck said it was a great presentation. He said he had lived across from Harrison Elementary School and said the traffic was a big issue and very congested.

Councilor Burback said he appreciated all the work that had gone into the bond measure. He said his daughters had gone to Latham School and he would hate to see it not be used.

Mayor Munroe asked if there were any plans to make any changes to Taylor Avenue.

Krista said they would most likely be required to do some street widening. She said they would also be keeping the varsity softball field at the end of the property as well as Currin Field.

Councilor Fleck said he had prepared a Resolution for the Council's consideration supporting the bond measure. He said it wasn't on the agenda so in order for Council to consider the Resolution tonight, they would have to bypass the Council Rules or it could be put on the next meeting's agenda.

Councilor Boone said it took two Councilors to put an item on the agenda and he and Councilor Fleck were asking to have the Resolution put on the next meetings' agenda.

Mayor Munroe asked what the feeling was for the entire district on the bond measure.

Krista said they hadn't done all of their polling yet, but the ones that had been done showed that about 83% of the voters were 60 and older. She said the high percentages of support had come from the 60 and older and 40 and older groups and a smaller percentage in the younger group as they hadn't voted as much. She said they had done thirty-nine presentations, including tonight, and had talked with every group imaginable.

Mayor Munroe said the Resolution would be placed on the next Council agenda and asked Councilor Fleck to amend the Resolution.

(c) Concerns from Council

Councilor Burback said he listened to the Beeper Show this morning when they were discussing the ethics reporting. He said Cameron mentioned that the younger people on the Council probably could do the reporting with no problems but the older people on the Council might have some issues. He said in a sense he was right because it took him about thirty minutes to figure out how to get on to the website.

Councilor Roberts complimented Councilor Slay for putting together the community awareness meeting last week where about 60 people attended. He asked if there were any statistics that were available for Council that identified who was committing the crimes in the community, such as if they were local citizens or transients, etc. He thought knowing some of this information would help to deal with the problem.

Councilor Slay thanked Interim Police Chief Scott Shepherd for helping her with the community awareness meeting. She thanked everyone who attended the community awareness meeting last week and hoped it would be the first of many meetings. She said she would have better statistics at the next meeting to use as a starting point to determine if the program was working.

Councilor Fleck said he didn't attend but would like to in the future as long as there wasn't a quorum of the Council present at the meetings.

He also reminded everyone about the Community Sharing "Souper" fundraising event tomorrow night at the Catholic Church.

Councilor Boone congratulated Pete Barrell on the Smithsonian Exhibit at the library. He said it was a fantastic event.

Councilor Gowing said he was glad Latham School was staying as he was an alumni as well as his grandfather. He commented about people hanging out and drinking in the covered bridge by City Hall and asked if something could be done.

Councilor Roberts asked if anything had been done with the camp located on the race track property.

City Manager, Richard Meyers, said the City was working with the County on that issue.

BUSINESS FROM CITY MANAGER

(a) Report from City Manager

City Manager, Richard Meyers, said Council should receive an email tomorrow from the State of Oregon Ethics Commission regarding the SEI filings. He reminded Council to file by the deadline of April 15, 2016 to avoid penalties.

Richard said the YAC was having another Fun Fly on Friday, March 18th in the Armory. He said

they would also have one on Friday, April 15th.

Richard said the Main Street Program and downtown group had planned a clean-up day on April 23rd from 9:00 am to noon. He said there would also be information regarding the hanging basket program in the water bills next month and they were hoping to get enough donations to put them on Main Street from River Road to Gateway.

Richard commented on the half-marathon that was held in Cottage Grove recently. He said there were people from other states who participated and about twenty-five people from Cottage Grove, including Jon Stinnett who did a great job and also the high school principal's wife who placed second in the women's category.

Richard said at the next Council meeting, the side doors into the Council Chambers would be locked during the meeting.

BUSINESS FROM CITY ATTORNEY

(a) Ethics Review

City Attorney, Lauren Sommers, provided an ethics review for the Council which is attached hereto and marked Exhibit "B".

Mayor Munroe asked about veterans receiving free meals from Busters.

Richard said he wasn't receiving free meals because he was the Mayor; he was receiving because he was a veteran which was okay.

Discussion was also held on the Mayor and Council attending events in their official capacity.

Conflicts of interest were discussed and when they came into play and how they were handled. It was stated that there was no legal requirement for the Mayor or a Council to leave the Council Chambers when they had a conflict of interest but it was recommended that they do so.

Quasi-Judicial actions were discussed and how they applied to the Council.

Richard advised Council that if they had any questions about ethics to contact himself or the City Recorder and they would get them in touch with the City Attorney's office.

(b) Report from the City Attorney

None

The Council recessed and went into Executive Session at 9:12 pm.

The Council reconvened at 9:31 pm.

ADJOURNMENT

There being no further business, Mayor Munroe adjourned the regular meeting of the City Council at 9:32 p.m.

The next regular City Council Meeting will be held March 28, 2016 at 7:00 p.m. in the Council Chambers at City Hall.

Trudy Borrevik, City Recorder

Thomas C. Munroe, Mayor



South Lane School District Bond Measure #20-240

2016 PROPOSED BOND PROJECTS

PROJECT DESCRIPTION	APPROXIMATE TOTAL COSTS
NEW ELEMENTARY SCHOOL School Replacement located at old CGHS campus	\$18,921,100
SAFETY AND SECURITY UPGRADES All Schools in South Lane School District Updated Fire & Security Systems Cameras Secured Access System Addition to Main Office & Counseling Area at Lincoln MS to address Safety & Security	\$1,485,813
DEFERRED MAINTENANCE PROJECTS Roof replacements Paint Exterior Electrical Capacity & HVAC replacement at Bohemia Other infrastructure projects - Windows, Siding & Flooring	\$2,300,443
NETWORK AND TECHNOLOGY UPGRADES All Schools in South Lane School District Replace 15 yr. old computer systems & supporting technology (doc cameras, projectors) Upgrade Network that can interface with security systems	\$1,250,000
POOL FACILITY IMPROVEMENT Renovation and pool facility improvements to the Warren H. Daugherty Aquatic Center	\$2,920,129
PEGGY'S PRIMARY CONNECTION (EARLY LEARNING CENTER) 1st Floor renovation and addition to Al Kennedy Alternative HS	\$1,073,775
KENNEDY HIGH SCHOOL RELOCATION Delight Valley School Improvements and Minor Renovations	\$412,000
HARRISON SCHOOL PROPERTY RE-USE Salvage gym and field space at existing Harrison School for community recreational use	\$513,455
OTHER COSTS - Furnishings, Fees, Permits, Project Development Costs, Surveying	\$6,173,285
BOND PROJECT CONTINGENCY	\$900,000
BOND TOTAL	\$35,950,000

Projected Tax Rate is estimated to be less than the original high school levy rate of \$2.00/\$1,000 of assessed value

ELECTION: MAY 17, 2016

Updated - March 1st, 2016 - Information on this handout will be updated as final estimates of the bond project are determined.

For more bond information visit: www.slane.k12.or.us

Capital Bond Measure #20-240

May 17th, 2016

WHY

South Lane School District has significant facility issues that must be addressed in order to protect the public's investment in schools and to provide all students safe and secure learning environments. Harrison Elementary School was built in 1948 for less than 125 students. Harrison's enrollment is currently near 450 students. In seismic ratings of our schools it was determined that Harrison School had a high probability of collapse in a seismic event. In a recent community survey, 72% of respondents supported a bond to replace Harrison School and provide facility upgrades throughout the district.

COMPONENTS OF THE BOND PROPOSAL

The South Lane School Board has developed a **\$35,950,000 school bond program** that would replace Harrison Elementary School, address over \$2m in deferred maintenance such as leaking roofs and failing heating and ventilation systems, make safety and technology upgrades to all schools, and renovate the swimming pool by replacing leaking pipes and improving pool systems and the locker room facilities.

NEW ELEMENTARY SCHOOL

Harrison Elementary School would be replaced by a new school located four blocks south of the existing school on the Taylor Street property. The school would be built for 600+ students and would have a gym, cafeteria, parking lot and adequate outdoor play space.

SAFETY AND SECURITY

All schools in the district would get new security systems that would include features such as automatic door locks, security cameras, sprinkler systems and controlled entryways. Lincoln Middle School's office and entry would be remodeled to address safety concerns and access.

REPAIRS

High cost deferred maintenance items would be addressed including replacing leaking roofs, and failing or outdated heating and ventilation systems. Other significant repairs may include replacing plumbing and electrical systems, windows and window frames, and building exteriors and flooring.

BOND PROJECT COSTS

The bond would also cover required costs such as furnishing, fees, development costs, permits, fees, project management, and legal requirements.

TECHNOLOGY

The majority of hardware in our schools is more than 8 years old and needs replaced. In addition, our current network infrastructure cannot accommodate the many technology devices used by staff and students. Technology is a critical component of a student's learning experience.

SWIMMING POOL

Daugherty Aquatics Center was opened in 1955 and has kept our community water safe for many years. The pool has become expensive as many systems are failing or in need of repair. Pool piping, pumps, treatment and filtration systems and dehumidification systems will be addressed. Locker room and restroom facilities will be upgraded and improved.

RENOVATE AND SALVAGE

Kennedy School will relocate its campus to Delight Valley, providing students a gym, cafeteria and outdoor learning space. At Harrison the gym and kitchen will be salvaged and fields from Taylor St. property will be relocated to Harrison. Kennedy School will be remodeled to house the Early Learning Center.

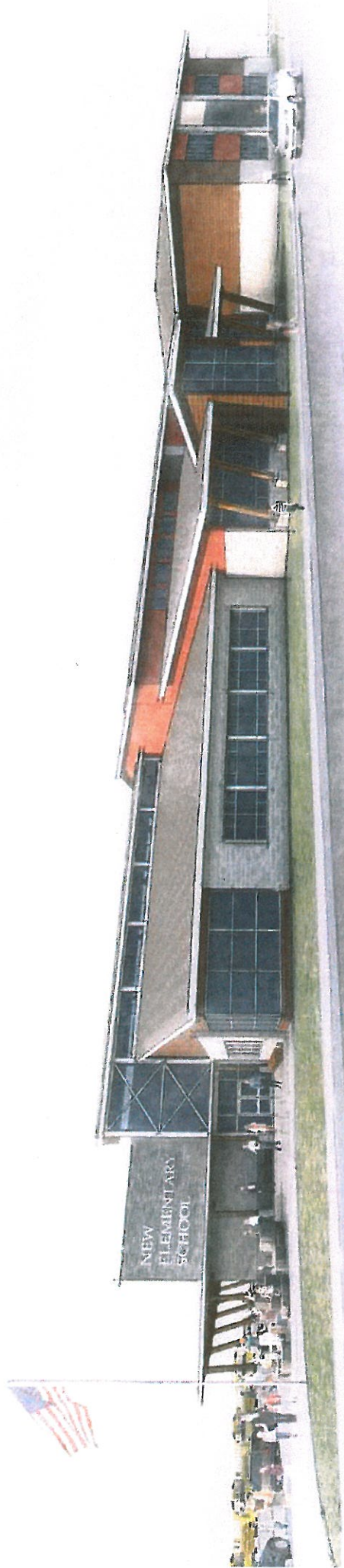
*For more information
on the bond visit:*
www.slane.k12.or.us





New Elementary School | Main Entrance

BLRB architects



New Elementary School | Taylor Ave View NE

BLRB architects



Project Construction Cost:

\$18,921,100



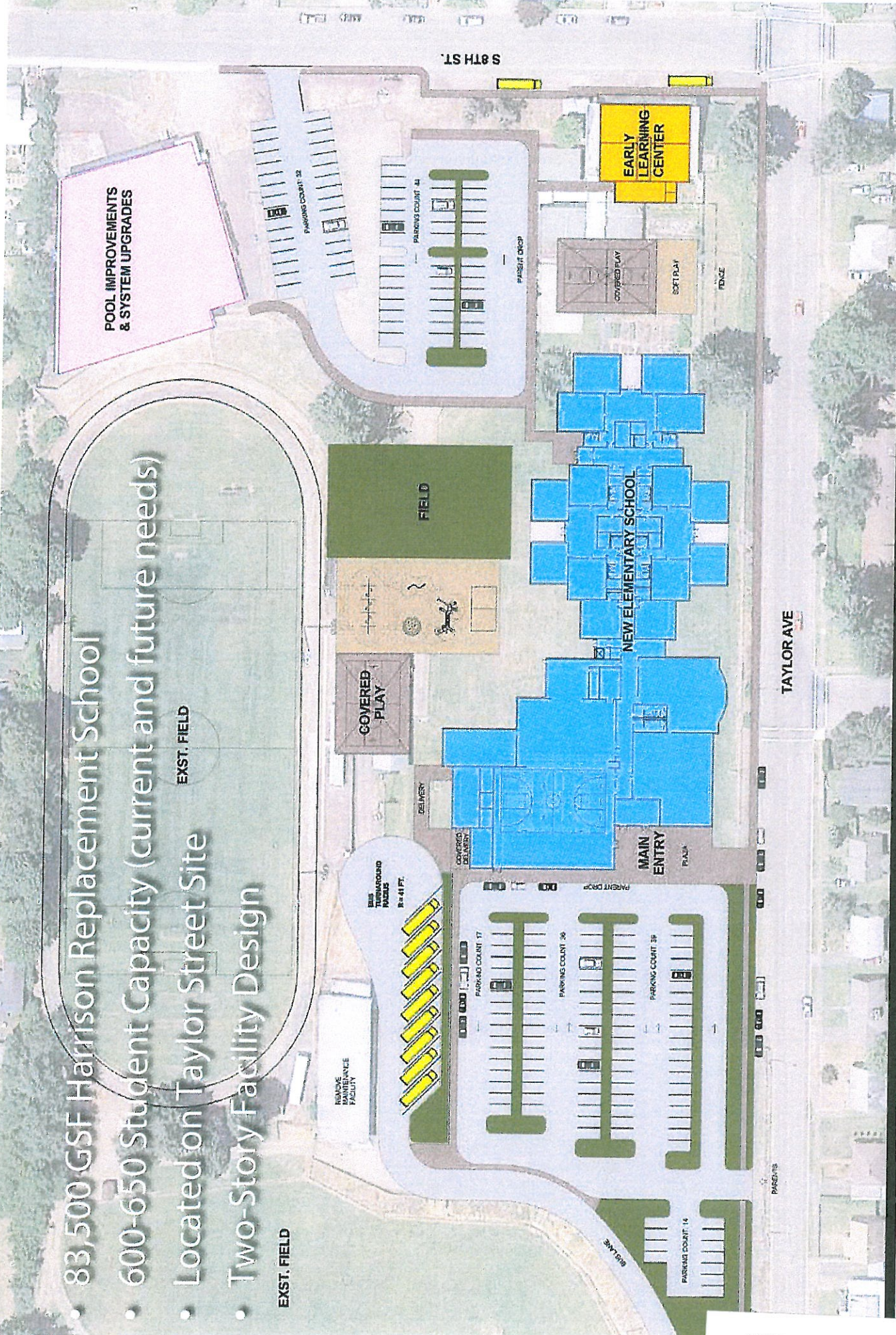
New Elementary School | Taylor Ave View

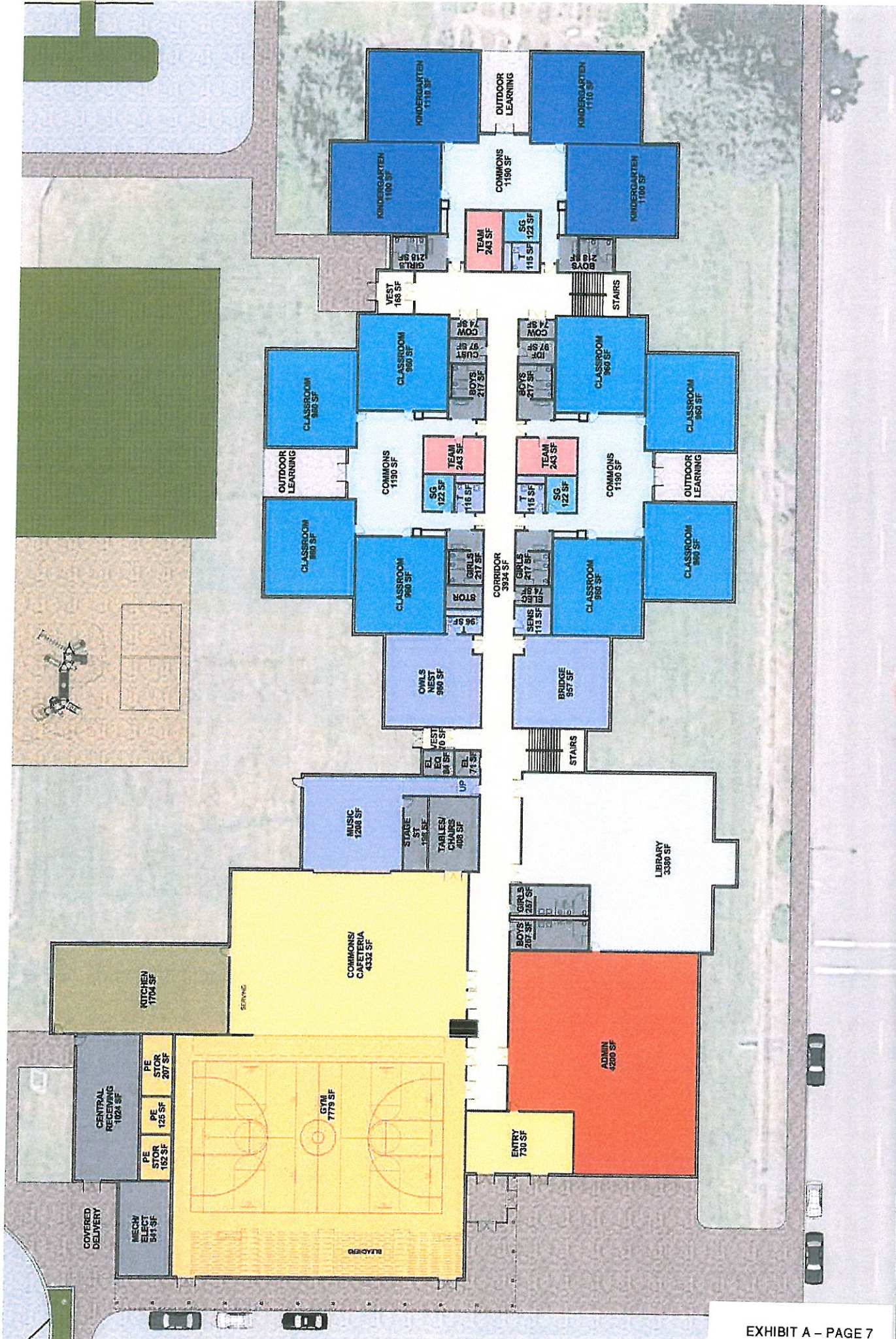
BLRB architects

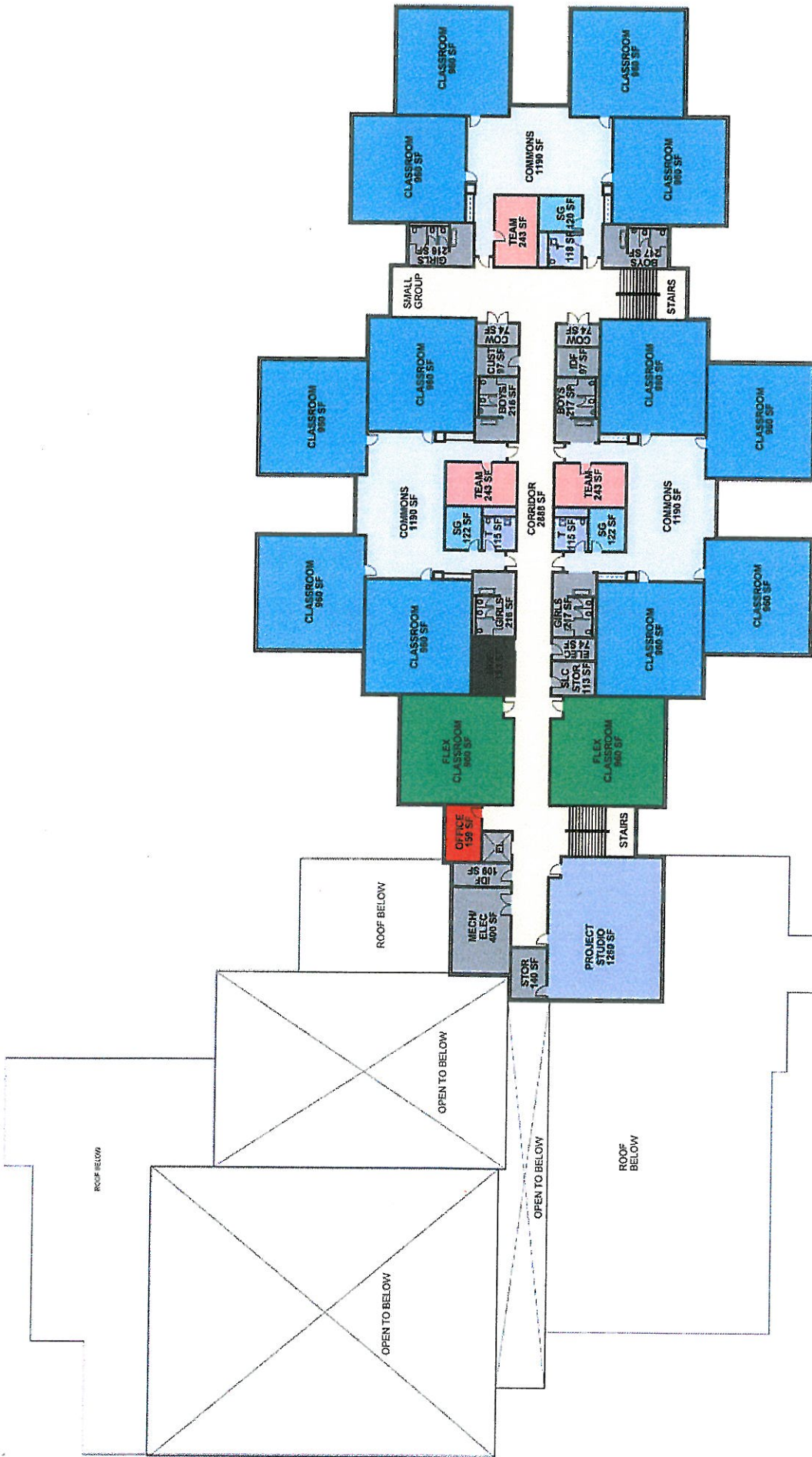
- 83,500 GSF Harrison Replacement School
- 600-650 Student Capacity (current and future needs)
- Located on Taylor Street Site
- Two-Story Facility Design

EXST. FIELD

EXST. FIELD







GOVERNMENT ETHICS IN THREE SIMPLE RULES (AND A FEW OTHER THINGS YOU NEED TO KNOW)

City of Cottage Grove

March 14, 2016

Lauren Sommers

The Local Government Law Group

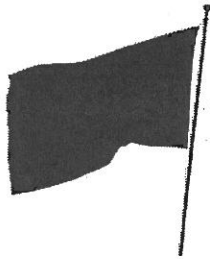
lauren@meeshort.com

541.486.5151



RED FLAGS

- Ethics questions are very fact-specific.
- Hopefully this presentation will give you enough information so that red flags will go up when you are presented with a situation that could create ethics issues.



Who is a Public Official?

A "public official" is any person serving the City as:

- An Elected Official;
- An Appointed Official;
- An Employee; or
- A Volunteer



RULE 1

DON'T USE YOUR
POSITION FOR
FINANCIAL
GAIN



**THE "BUT-FOR" TEST
ORS 244.040(1)**

A Public Official (PO) cannot use his or her position

- To get \$ or to avoid losing \$
- For the PO or for the PO's relative or a member of the PO's household or a business with which the PO or member is associated
- If that opportunity would not be available BUT FOR his or her official position

DOES NOT INCLUDE

- Compensation or Reimbursement
- Unsolicited awards or legal expense donations
- GIFTS and honoraria (within limits)

Sid E. Manager has been hearing from his employees for months about how bad the City computers are. Finally, there is some money in the budget and Sid decides to order ten new computers for various City employees. Due to the size of the order, Dell offers the City a bulk discount of 25% off the retail price for all computers. Sid's home computer is almost 5 years old (ancient in computer years) and when he tries to stream movies, the buffering drives him crazy. Sid decides to add another computer to the City's order for his personal use. After placing the order, Sid immediately writes the City a check for the full cost of the computer and 1/11 of the shipping and handling charges. Sid's personal computer does not cost the City a dime. Does Sid's order violate the Ethics Laws?

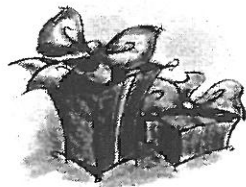
1. No, Sid paid for the full cost of the computer.
2. Yes, Sid used his official position for personal gain by purchasing a computer for his personal use – after all, he would not have gotten the discount if he were not the City Manager.
3. No, even at a 25% discount, new computers are a rip-off so there was no personal gain.

“RELATIVE” ORS 244.020(15)

- Spouse
- Children of the PO or of the PO's Spouse
- Brother or stepbrother of the PO or PO's Spouse
- Sister or stepsister of the PO or PO's Spouse
- Parents or stepparents of the PO or PO's Spouse
- Son-in-law or daughter-in-law of the PO or PO's Spouse
- Anyone for whom the PO has a legal support obligation or provides or receives employment benefits

RULE 2

**“GIFTS” ARE LIMITED to
\$50 per year
per giver**



WHAT IS A "GIFT"?
ORS 244.020(5)

- Something of economic value
- Given to public official, the PO's relative or member of the PO's household
- Without receiving value back and
- NOT given to the general public on the same terms

THE GIFT RULE:

- You (your relative or a member of your household)
- Cannot ask for or receive
- Gifts over \$50 from any single source in one year
- IF your source has an interest in your official actions: i.e., a decision, recommendation or vote

A GIFT IS NOT LIMITED IF IT IS:

- Campaign Contribution
- Present from relatives or household members
- Unsolicited award/token of appreciation with resale value <\$25

A GIFT IS NOT LIMITED IF IT IS:

- Part of a customary private business practice and not related to your public office
- Incidental food, beverage, and entertainment
- Food, beverage, and entertainment when acting in official capacity, representing the City

Cindy Planner and Dev L. Oper have been friends since 2nd grade. Cindy and Dev used to meet every day in the sandbox to build sand castles. It was a perfect friendship because Dev would actually build the sand castles and Cindy would tell Dev where to put them – making sure to mitigate transportation impacts and preserve plenty of open space. Their friendship has continued over the years, in large part because, despite their busy schedules (Cindy is a planner for the City of Metropolis and Dev owns and operates a company that constructs residential subdivisions), they make time to have lunch together every Wednesday. Cindy always orders a club sandwich and iced tea for \$10 and Dev always has a big salad and a diet soda, which costs \$8. Every week they alternate picking up the tab. Do these friendly lunches violate the Ethics Laws?

1. No, Cindy is not really getting a gift here since she pays every other week.
2. No, Cindy's lunch costs more than Dev's.
3. Yes, over the course of a year Dev will buy more than \$50 worth of lunches for Cindy.
4. No, because how can it be unethical to trade lunches with a friend?

RULE 3

**DECLARE
CONFLICTS
OF
INTEREST**



**“ACTUAL CONFLICT”
(WILL HAPPEN)**

- An action, decision, or recommendation
- By a public official
- Resulting \$ benefit to public official or
- Resulting in \$ detriment to public official
- Or relative
- Or any business associated with the public official or relative

**“POTENTIAL CONFLICT”
(COULD HAPPEN)**

See definition of “actual” conflict, but the financial benefit *may or could* happen in the future.

“BUSINESS WITH WHICH PERSON IS ASSOCIATED”

- Any private business in which you or a relative are an owner, director, officer, or employee or in which you or a relative have \$1,000+ worth of interest
- Any publicly held corporation in which you or a relative have \$100,000 of interest or you or a relative are an officer/director
- A government entity is not a business

“BUSINESS WITH WHICH PERSON IS ASSOCIATED”

- OR if you file a Statement of Economic Interest, if more than 10% of your total annual household income comes from the business

Conflicts of Interest – Unelected Personnel

- Notify your supervisor of the conflict in writing
- Request instruction
- Supervisor may:
 - Ask someone else to deal with the issue
 - Direct you to deal with the issue

**CONFLICTS OF INTEREST –
ELECTEDS
(BOTH ACTUAL AND
POTENTIAL)**

**When in Doubt: Shout it
Out!**

- State the nature of your conflict
- Do it before voting or discussing the matter
- Do it on the record
- Do it each meeting the issue is discussed

**ACTUAL CONFLICT ONLY -
ELECTEDS**

- When in Doubt, Shout It
Out...and then Shut It Up.
- Same rules as Potential Conflict, but NO
talking AND NO voting...
- UNLESS the body cannot act without
you (but still no talking)

**IT IS NOT A CONFLICT IF THE
FINANCIAL BENEFIT HAPPENS
BECAUSE OF:**

- Membership in a class (any large,
distinguishable group of citizens that the
Commission determines is a class)
- Membership in a non-profit (501(c)
status)

Kitty S. Avior is a City councilor for the City of Metropolis. She also serves on the board of directors of the nonprofit cat sanctuary, Catopia. Catopia's mission is two-fold: the organization spays and neuters feral cats, as well as offering a warm and safe place for homeless cats to shelter during the winter months. Despite Catopia's best efforts, the City's feral cat population has skyrocketed. Citizens are complaining and something must be done. The City issued an RFP for spaying and neutering services. Catopia and one other organization responded to the City's RFP. Tonight, the City Council will award the contract. As she arrives at City Hall, the City Administrator says, "Kitty, thank goodness you are here, Bob is sick and Tom is out of town, so we need all the rest of you to make a quorum." Then, just before she enters the Council Chambers, another councilor asks Kitty if she is planning to declare a conflict of interest and recuse herself from the discussion and vote on the spaying and neutering contract. What should Kitty do?

1. Declare a conflict, but discuss and vote on the contract award.
2. Declare a conflict and refrain from discussing or voting on the contract award.
3. Declare a conflict, refrain from discussing the contract, but vote on the contract award.
4. Not declare a conflict and discuss and vote on the contract award.

CONFLICTS OF INTEREST AND NEPOTISM RULES: ORS 244.175 – 244.179

- **HIRING FAMILY? THINK CONFLICT!**
 - A PO may not appoint, employ, promote, discharge, fire, or demote a relative or member of household unless the PO follows the conflict of interest rules, and the PO may not discuss the employment action.
- **YOU'RE NOT THE BOSS OF ME.**
 - A PO may not directly supervise a relative or member of the PO's household (BUT the City may adopt policies allowing for direct supervision).

**OUTSIDE EMPLOYMENT
CONFLICTS – ORS 244.047**

- A public official may not leave his or her government employer and directly benefit from a public contract authorized by the public official for two years from the date the contract was authorized.

**OTHER ETHICS
OBLIGATIONS**

- Remember, you may also have to meet professional ethics standards
 - Lawyers
 - Planners
 - Engineers
 - Police Officers
 - Journalists

BIAS, ETC.

- Quasi-Judicial Actions (usually land use)
- Council Acts as Judicial body rather than Legislative body
 - Parties are entitled to impartial decision-making
 - > No *Bias* – be able to be fair and impartial
 - > No *Ex Parte Contacts* – report any information received outside the formal process
 - > No *Conflict of Interest*

MEDIA

Both traditional media (newspapers, radio, television) and Social Media (i.e. Facebook, Twitter, Instagram, LinkedIn) can offer powerful tools for communication with constituents. However, if you choose to use the media to communicate with the public there are some issues you should be aware of:

- Who are you speaking for? (If speaking on behalf of the City, make sure the authority has been properly delegated to you)
- Free speech issues
- Public meetings issues
- Public records issues
- Confidential Information (executive sessions)
- Elections Issues
- Employment Issues
- Quasi-judicial decisions (bias and ex parte contacts)

PROCESS AND PROCEDURE

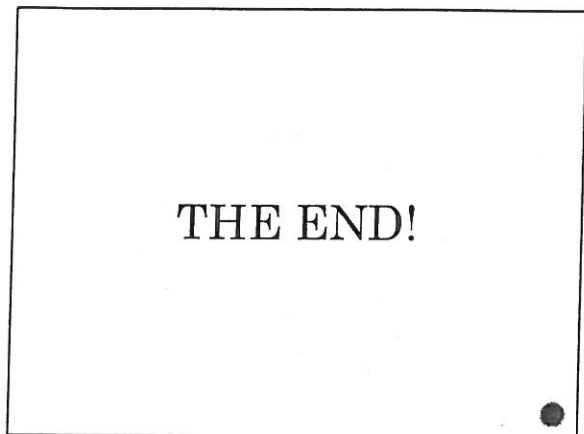
Meetings

The following contains non-legal advice on how you can have a productive meeting, serve the public, stay friends with your colleagues, maintain satisfying personal relationships, and still get home at a decent hour.

PROCESS AND PROCEDURE

Meetings

- City Manager/Council must set realistic agenda
- Circulate materials/minutes in advance
- Keep it formal
- Have simple rules
- Public participation does not always mean public conversation
- Consider work sessions
- Restate vote, note if staff must follow up



Conflict of Interest For Elected Official

