



November 13, 2018
City Council Special Session
Willamette Activity Center, Rm 8
47674 School Street
7:00 p.m.

MINUTES

1.0 CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE

Council Present: Judy Rowland, Mayor
Gary Carl, Council President
Josh McMillin (absent)
Paul Forcum
Kathy Holston
Kevin Gobelman
James Affa

Staff Present: Louis Gomez, City Administrator
Mike Hansen, Fire Chief (absent)
Jackie Taylor, Assistant City Recorder/Assistant Planner
Susie LaDuke, Finance Director/City Recorder
Kevin Martin, Police Chief
Rick Zylstra, Community Services Coordinator

2.0 PUBLIC COMMENT -None

3.0 MAYOR AND COUNCIL COMMENTS - None

4.0 ADDITIONS, CORRECTIONS, OR ADJUSTMENTS TO THE AGENDA -None

5.0 CONSENT AGENDA -None

6.0 ADMINISTRATIVE SERVICES

6.1 Severance Agreement and Mutual Agreement Release of the City Administrator

Motion: Councilor Carl moved that the Severance Agreement and Mutual Release of the City Administrator drafted by Attorney Boiler and reviewed by Attorney Williamson be accepted and endorsed after discussion and modification, however it should be mutually agreed that Mr. Gomez make himself readily available to the interim City Administrator as mutually agreed upon. Councilor Gobelman seconded the motion.

Councilor Carl said it looks like it's pretty much everything they discussed and agreed to, on one item under 3 Severance Terms, he would like to add "It's mutually agreed that the City Administrator shall be available to the interim City Administrator." There is no extra pay for that. That is one modification that he would like to suggest.

Councilor Holston doesn't have a modification, but her concern is that there are no parameters to what Administrative Leave means, we don't have an administrative leave policy. In her mind and past work that defines that you don't come to the office unless you are requested and you have vacated your office and you have vacated your keys. What happens to the emails?

Louis said Susan will set it up so the interim City Administrator will receive them.

Kathy Holston asked Susan if there are any other things that we need to consider?

Susan said probably not, there is a little bit in our policy manual that talks about that you have to be available, so that kind of covers that and you have covered it twice now.

Councilor Carl said no vehicle use.

Councilor Holston said other than that her only concern isn't something that she feels needs to be changed but it does need to be addressed is that we have a statement here, we all know that there is an ethics complaint in process, nothing has been founded, but it is in the process. That goes on regardless of his because it was not initiated by the city and it doesn't have anything to do with us and it doesn't have an effect on when the administrative leave should or should not start, that is her opinion.

Councilor Carl said he agrees with that, the fact that there is an ethics investigation, in this country we are all innocent until proven guilty and so he would proceed at this point on the presumption of innocence. The investigation has no bearing on this agreement or on anything else to do with Mr. Gomez' separation.

Councilor Gobelman called for the question.

Louis said when the question is called for you need a 2/3 vote.

Motion: Councilor Gobelman moved that discussion be ended and we proceed with the vote.

Motion died due to no second.

Councilor Affa said in regards to a reference, he would prefer a neutral reference only, and we verify his work employment and history and nothing else. The reason for this is that the contract that this man presented to us, this council was his contract, presented by his attorney with his wishes, desires, and needs. He left in an escape clause for himself and for the city. He has refused to honor his own contract presented to this council in his severance agreement, I view this as extortion, he has actually asked for more money than his contract called for. Members of this council have agreed to go along with this and he is happy to do that provided that we give a neutral reference, just verifying work history and date to.

Mayor Rowland said she doesn't know what that means, she asked Councilor Carl if he could explain this.

Councilor Carl said he assumes that what Councilor Affa is referring to is that the way this is worded would color any letter of recommendation in Mr. Gomez' favor because he is asking the City Recorder to be the person to respond.

Councilor Affa said he doesn't care who responds, he just wants it to be a neutral reference.

Councilor Carl said he could respond to that but he'd rather not, he disagrees with Councilor Affa, he will leave it at that.

Councilor Gobelman asked James how this doesn't preclude a neutral reference? How do see that it is going to be stating something else that isn't going to be neutral?

Councilor Affa said he is just making sure that what occurs is only a neutral reference, he doesn't want a glowing history of somebody that didn't get things done and didn't do things correctly and didn't finish them.

Councilor Holston said she does appreciate what Councilor Affa is saying, but we are also bound by the rules that have to do with human resources and she doesn't see that it is any different here than in other places that she's been.

Susan said it is not any different.

Councilor Holston said in other governmental organizations when someone is asked for a reference they can verify employment, what the job duties were and whether they left in good standing or not or whether or not they talk about the terms of separation. For us to be worried that our HR Manager or City Recorder would violate that, she isn't going to personally worry about that, she thinks it's unfounded, so that is not a concern of hers.

Councilor Carl said he concurs, it is not a concern of his.

Mayor Rowland (aye), K. Gobelman (aye), G. Carl (aye), J. Affa (nay), P. Forcum (aye), K. Holston (aye).
Motion carried 5-1

Councilor Holston said she is going to send out an email to all of the city council as well as elected council, she said League of Oregon Cities is doing an elected essentials, they do this throughout the state, they have several different places that they will be conducting those and the closest one it looks like is in Monroe, this is free and there is no cost to the city. If this is something you are interested in doing send Louis an email and copy her. She encourages all of you to attend.

Councilor Carl congratulated all of the newly elected officials and encourages them all to attend.

Mayor Rowland handed out the five applications for the City Administrator that they received. Louis turned this over to Mayor Rowland and Councilor Holston. We will go over this Thursday at the meeting.

7.0 COMMUNITY SERVICES -None

8.0 POLICE SERVICES- None

9.0 EMERGENCY SERVICES-None

10.0 REPORTS FROM BOARDS AND COMMITTEES- None

Meeting Adjourned 7:17 P.M.

Signed:


Judy Rowland, Mayor

Signed:


Susan LaDuke, City Recorder