



August 7, 2019
City Council Special Session
Willamette Activity Center Room 8
47674 School Street
7:00 p.m.

MINUTES

1.0 CALL MEETING TO ORDER/PLEDGE OF ALLEGIANCE

Council Present: Mayor Kathy Holston, Councilors, Christina Hollett, Donald Hadley, Paul Forcum, Bobbie Whitney, Dawn Kinyon and Trisha Maxfield via telephone.

Staff Present: City Administrator Bryan Cutchen, Assistant City Recorder Jackie Sims, Community Services Director Rick Zylstra

Also Present: City Attorney Joe Leahy was present via telephone

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 Contractual Obligations given to previous Finance Director

Bryan read the background narrative.

Councilor Kinyon asked if the medical insurance check has been issued and if it was taxed?

Bryan said yes, the check was mailed out and he will get back with her regarding the taxes.

Councilor Hadley asked why they went into executive session on the 18th when she was already paid on the 17th? How come they as a council didn't know that?

Mayor Holston said that is not something that is public knowledge, she didn't know it either. We are legally obligated to pay what the contract says.

Councilor Hollett said they had an executive session on June 18th and they were led to believe that the council had a decision on this matter. They should have been told that the check was already cut and that they had no choice in this matter.

Mayor Holston said she didn't come away with that impression. She wants to caution everybody that we can't talk about what was discussed in executive session.

Councilor Hollett said they were led to believe they had a choice.

Mayor Holston said why we are doing this now is not to say when did you find out what, it is this is what we were legally contracted to do. We were asked to come back here and the attorney has determined that there were no options.

Councilor Whitney said it sounds like we need an executive session to discuss this.

Mayor Holston said they have an executive session scheduled for next week.

Councilor Kinyon asked when did anyone in the city realize that this contract existed?

Mayor Holston said when she turned in her resignation.

Councilor Hollett asked how many other city employees have severance packages?

Bryan said severance policies are for all of the exempt employees, but they are not effective if the employee resigns, only if the employee is terminated with or without cause.

The City Attorney, Joe Leahy explained how severance pay works in the State of Oregon. (lost phone connection)

Councilor Maxfield said we need to set a policy because paying out sick leave in severance is not the norm.

Mr. Leahy said he can tell you that based on his experience, this is the only one he's seen of this type in which the employee who received severance pay made the decision on their own volition to terminate the employment. The multitude of agreements that he's seen provide for severance only in the circumstance in which the employer terminates an employee. If Mr. Gomez had come to him and said this is what I am doing he would have advised against that.

Councilor Maxfield said she is curious to make sure this never happens again, if they as a council need to revise the employee handbook or create or implement some sort of policy.

Mayor Holston said Bryan is reviewing all of the employee contracts, it is the City Administrators role to take care of these contracts.

Councilor Hollett asked how do we make sure these contracts have to go through council?

Mr. Leahy said you would have to do a Charter Amendment and that would have to go to the voters. He would recommend that every contract go through council. He would have a series of phases, contracts up to a certain amount don't have to go to council, and you can put them in categories.

Mayor Holston said her reaction was I'm not paying that, but she was informed that was illegal and rightfully so. This is a contract, not a request, it's not a choice of the council.

Councilor Maxfield asked if they can direct the Administration Committee to look into policies associated with employee contracts, she feels that would be a good move for them after they are done with committee projects.

Mayor Holston said she thinks this would be an obligation that they would assign to our City Administrator working with a committee, this is going to have to have conversations with the attorney.

Councilor Whitney said she would like to be a part of the process and she is sure there are other councilors that feel the same. She wants to be part of that development, not just vote on it.

Bryan said he understands there is a need for safe guard checks and balances, but he encourages the council to move forward and put this in the rearview mirror, there is not a lot that we can do about what happened, but we can sure make differences going forward.

Mayor Holston said she will entertain questions from the community as long as they pertain to the topic at hand.

Louis Pokorny – At one point his wife worked for the City of Oakridge, it was corrupt then and it hasn't changed. What are you going to do to stop city corruption?


Councilor Hadley said it is going to change, you have a new City Administrator and a new Council.

Joy Kingsbury- Is there any recourse at all against Louis?

Mayor Holston said Mr. Leahy advised that this is an executive session discussion.

7.0 Adjourn- 7:59 P.M.

Signed: 
Kathy Holston, Mayor

Signed: 
Jackie Sims, Assistant City Recorder