

**ONTARIO CITY COUNCIL MEETING MINUTES**

**March 18, 2013**

The regular meeting of the Ontario City Council was called to order by Council President Dan Jones at 7:00 p.m. on Monday, March 18, 2013, in the Council Chambers of City Hall. Council members present were Norm Crume, Jackson Fox, Charlotte Fugate, Dan Jones, Larry Tuttle, and Ron Verini.

Members of staff present were Jay Henry, Tori Barnett, Bob Walker, Larry Sullivan, Mark Alexander, Dan Shepard, and Jared Gammage. The meeting was recorded on tape, and the tapes are available at City Hall.

Larry Tuttle led everyone in the Pledge of Allegiance.

**AGENDA**

Ronald Verini moved, seconded by Charlotte Fugate, to adopt the Agenda as amended. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

**CONSENT AGENDA**

Ronald Verini moved, seconded by Charlotte Fugate, to approve Consent Agenda Item A: Approval of the Regular Minutes of 03/04/2013; Item B: Ordinance #2677-2013: An Ordinance Amending Ontario Municipal Code Title 6, Chapter 2, Section 19 Relating to Domestic Fowl (Final Reading); Item C: Liquor License Application: Matsy's Restaurant at Ontario Golf Club; and Item E [sic]: Approval of the Bills. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 5/1/0.

**PUBLIC COMMENTS**

[Typed from written statement]

Charlene Pelland, Ontario, stated: *To all Members of the City Council, I attended your meeting last Monday and would like this letter read for public record. I wish to express my gratitude to Norm Crume for his excellent questions to the candidates for Mayor. I have some major concerns with the verbal and non-verbal communications from several members of the council. Councilmen Jones seemed very "put out" with the number and type of questions. His answers were curt, abrupt and with much annoyance. Councilmen Verini was very relaxed, articulated extremely well and it was very obvious to me that he is interested in the greater good of the Community. Councilmen Jones was adamant that the pool would need to be closed. Councilmen Verini stated that the Pool issue was about "Quality of Life". It scares me to think that someone can have that much negative power in this community. A young high school student spoke eloquently about the need for healing. This city is in need of gentle leadership, not "Professional Bullying". I couldn't help but notice that there was a tremendous amount of lack of eye contact with the audience from the three votes for Councilmen Jones. Councilmen Verini looked directly at the audience each question he answered. That speaks volumes to me about "Connecting with the Community". You seem to be at a stalemate right now, and I would strongly suggest that if you really want to see Ontario change for the better, move forward and not be an echo of our national government, that you reconsider your opinions, let go of your hidden agendas and do what is best for this community to put into position a person who has met with much adversity and ended up being voted "Business of the Year". Councilmen Verini has been able to put aside his own feelings and meet the needs of the Veteran Community. I personally would hope you put him in the position as mayor and expect the city council will do the right thing for the right reasons. Sincerely, Charlene Pelland, Ontario voter and supporter.*

Councilor Fox asked where Ms. Pelland was employed.

Ms. Pelland stated she did not work, she volunteered at the Veteran's Advocates of Ore-Ida.

Councilor Fox stated that Chevron had also been Business of the year.

[Typed from written statement]

Ruth Rolland, Ontario, stated: *I'm here to speak to the City Council tonight because I care about working people, and I care about fairness in government at every level of decision making. I believe the working people of Ontario need to be considered with respect, and should be treated fairly by the leaders of the City. This goes for all the working people of Ontario – teachers, forklift drivers, hardworking Moms, fathers and other care-givers, and – yes – also employees of the City – including Union as well as non-union. Fire, Police and Public Works are all essential to assure the City is secure, safe and a desirable place to live and work. Together they all make up many strong threads in the fabric of the City, and they all deserve respectful consideration of their value as citizens and part of this community. We are all human beings contributing each in our own way to the Community. And the community of Ontario itself only has value to the extent it provides for the needs and services which families and individuals care about – the reasons why each was drawn to be a part of the city. I'm speaking to support the City of Ontario Public Works employees, who believe that last October, the Council demonstrated disrespect for the reliable work they do to assure the most essential services to citizens and businesses – clean water, street maintenance, storm drains and sewer lines, winter snow removal, and more. City employees take their jobs seriously. They work to ensure that services to Ontario residents and businesses continue so reliably that they're easily taken for granted by pretty much everybody here. Last October, when the Council voted yes, to implement the city's unfair contract offer, these workers felt that the city council had no interest in dealing them a fair hand, and many of them feel like that was the Council's attitude from the very onset of those contract negotiations. They felt like they as human being were being taken for granted – being disrespected. These workers carrying informational picket signs this evening, outside City Hall, are seeking a solution to this problem from the City Council. That's why they are out there.*

Dirk DeBoer, Nyssa, stated: *I farm in Nyssa and Ontario. Riley and myself are very involved in the vocational incentive for Malheur County. For years and years, I always have said do not blame our school kids for the businesses. And so last year or the year before, they went to a vocational center in Wilder. There are five schools that combined for the vocational center. We've been working very hard to do this for Malheur County, with the cities of Vale, Nyssa, and Ontario. I think the three cities combined have enough students that we can have a professional school. We have been comfortable too long, and we have been so comfortable, and I hate to criticize it, but our schools have kind of become the home entertainment center, and we're not training for the businesses. A vocational school has to be hand in hand with the industry. A vocation school has to grow with the industry and say to the industry "what can we do for you so you'll hire our students?" And what you are doing, once you say that, you give that business better trained people for that business to be more profitable. We're not competing with, we're competing with the world. And if you don't believe that, just go to Wal-Mart and you'll find out that there is a world economy we're in, and we've got to train our kids. And when you have 60% of your kids that do not graduate because they don't see a light at the end of the tunnel, and it's time to change that, people, and you change that in junior high. And with a good vocation deal, those kids that are struggling, you can show them a car mechanic, or diesel mechanic, give those kids a light at the end of the tunnel, and that's where you have to go to, and we can do that. But, it takes effort from all of us. It could be difficult because there's a change, and change is sometimes hard to accept for most people. But, we're working hard on it, and we'll probably go to Salem to see if we can get some funds there, and I think this is terribly important. The industry itself, every year becomes more specialized. We sell, in this valley, over \$200M of onions, but we don't have a school that teaches kids how to drive a GPS tractor, and (something intelligible). We buy (???) that is mostly made in the packing sheds in foreign countries, and we don't have a school that teaches how to sensor or about the electric eye.*

Councilor Verini asked what they, as a city, could do to help. He knew they were out there pounding the bushes, trying to get money from Salem, trying to get the educators to work together, but could they come up with something they could do as a community.

Riley Hill, Ontario, stated: *as an update, they now had some industrial lands in the county brought in already, but that was short of what they wanted. They were still working on that. Every time Representative Bentz was in town, they met with him. They met with the superintendents every Wednesday morning from all three schools in the Treasure Valley. They were updating their plans and their drafts to get the state to sign off on the program. He personally spent at least 20 hours a week on this project, and they had now received endorsements from all three cities from the education districts, all of the cities and the community college had passed a resolution in support. There were also some businesses showing support, and the hospital would be passing a resolution soon. They were making progress, just not as fast as they wanted. The trouble they had was getting the sense of urgency out to all the parties. Bureaucracy moved slower. The urgency was that they had a representative that had some power over there right now, and there was the possibility of getting some plans through. One thing the Council could do was to keep talking about it at the Council meetings. Hopefully, it would make the press. The schools wanted to do it; it was just a matter of how fast. Thursday, he and Dirk were going to Salem to testify in front of committees about Poverty to Prosperity at the trade school. They were traveling on their own nickel; no one had given them anything. The other thing they needed was money, and the County had come across with \$5K, they had formed a 501(c)3 called "Malheur County – Poverty to Prosperity". The county said they would put \$5K in a kitty for them, to use for whatever – grant writing, secretarial work, etc. ESD stated they would come across with \$5K, so he was there to ask the City of Ontario for \$5K, too.*

Councilor Fox asked if receiving the money was a time sensitive issue.

Mr. Hill stated it would be helpful to let them know that the community was behind their efforts, not just with a resolution, but with funding too.

Councilor Fox suggested giving them the \$5K.

Councilor Jones stated it would be added to the next agenda for discussion and/or action.

Councilor Verini stated it was a good idea, and Mr. Hill could let them know it would be discussed.

Mr. Hill stated he didn't see Dan Cummings there, who would have been there to discuss the TOT issue. He reminded the Council that the Public Works Committee's recommendation on that was to pay the TOT money back to Public Works.

### **OLD BUSINESS**

#### **Committee Appointments**

Councilor Jones asked for clarification on how to proceed.

Larry Sullivan, City Attorney, stated each establishing ordinance stated the appointments would be made with the consent of Council. He suggested that if Councilor Jones had appointments he wanted approved by the Council, announce them by name and ask for Council consent.

Councilor Jones recommended Ed Susman for the Airport; himself for the Audit; Larry Tuttle to the Business Loan Fund; Stephen Meyer and Bob Quinn to the Budget Board...

Councilor Fugate asked who Stephen Meyers was.

Councilor Jones stated he was a long-standing Ontario resident who owned A-1 Lock and Key. His wife was an Ontario teacher. Continuing on, he named Ken Poole, Richard Watts, and Don Roumagoux to the Golf Committee; Ed Susman and Cindy McLeran to the Planning Commission; Mike Miller and Gerald Cowperthwait to the Public Works Committee, with Ron Cornmesser as an alternate, as he had a lot of knowledge and expertise he could offer the Committee; Greg Herrera to the Recreation Board; and Laura Davis and Bob Quinn to the Visitors and Conventions Bureau Board.

Councilor Jones stated to address some changes in the Councilor Liaison positions, he'd like Larry Tuttle to do it for the Public Works Committee, Norm Crume to the Police Board, he would take the Golf Board, and Charlotte would move to the Recreation Board. Everyone okay with those changes?

Councilor Verini stated he had no problems with any, however, when they stepped away on Thursday, there was still talk in the community with regard to the Public Works Committee. Maybe they could approve all but the PWC suggestions, and then discuss that tonight or at a later meeting. They had five letters submitted, and there might be other opinions.

Councilor Jones stated it was certainly open for discussion. Who would Councilor Verini like to see on the Public Works Committee?

Councilor Verini stated that Ron Cornmesser's resume was tremendous; Tom Frazier had been on the committee since the beginning, so there was history with him. Mike [Miller], he liked him for bringing new life to the committee; he hadn't had a chance to speak with Gerald Cowperthwait, but that recommendation was based on the strong need for a member from Heinz on the committee. He also hadn't had a chance to meet with Rick Conant.

Councilor Jones was suggesting that Mr. Cornmesser be named as an alternate, so he would be invited to attend, and could be appointed next year. Mike [Miller] had been in the community for a long time, and he had been urged to step forward. He didn't want to kick Mr. Miller to the curb, but wanted to welcome him in.

Councilor Verini agreed with placing Mr. Cornmesser as an alternate. He would have a say, but not a vote.

Councilor Jones agreed. Mr. Cornmesser could provide an opinion, with his expertise and resources.

Councilor Fox stated Tommy [Frazier] had served well, but he thought it shouldn't be Tom because he now worked for the city

## CITY OF ONTARIO 444 SW 4<sup>TH</sup> STREET ONTARIO OREGON 97914

as the FBO at the airport. He didn't want to chance a conflict, and Tom might feel the same way. He also knew Mike Miller, and he was a stand-up guy. Also, the Heinz guy would be great. The PWC always asked for opinions.

Councilor Crume stated if it was solely based on the resumes, he wanted Ron Cornmesser, but with Councilor Jones' idea of Ron being an alternate, that suited him fine. That would get his feet wet, and prepare him to be possibly appointed with next year's vacancies.

Mr. Sullivan stated in the nominations, they wanted Ron Cornmesser to be an alternate, but the establishing ordinance didn't state an alternate position was an option. By naming Ron, it wouldn't be binding that he be the next person on the committee. The meetings are all public, and everyone could attend, but he wouldn't have any other powers.

Jackson Fox moved, seconded by Ron Verini, to appoint Ed Susman to the Airport Board; Dan Jones to the Audit Committee; Bob Quinn and Stephen Meyer to the Budget Committee; Larry Tuttle to the Business Loan Fund Committee; Don Roumagoux, Ken Poole, and Richard Watts to the Golf Committee; Cindy McLeran and Ed Susman to the Planning Commission; Michael Miller and Gerald Cowperthwait to the Public Works Committee; Greg Herrera to the Recreation Board; and Bob Quinn and Laura Davis to the V&C Board. Expiration of terms will coincide with those established by ordinance for each Board. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

### **Ordinance #2675-2013: Amending OMC 3-11-4 re: TOT Distribution (1<sup>st</sup> Reading)**

Larry Sullivan, City Attorney, stated the purpose of the proposed ordinance was to remedy the misallocation of the City's transient occupancy tax after July 1, 2003, by amending City Code Section 3-1-4.

Ordinance 2450-2000, enacted in the year 2000 and codified in City Code Section 3-11-4, provided that 52.5% of the proceeds from the City's Transient Occupancy Tax (TOT) was to be distributed to the City's Street Fund for street maintenance. Beginning with the 2003-2004 budget, the City allocated that percentage of the TOT to the General Fund instead of the Street Fund.

At the end of 2012, Finance Director Michael Long discovered the error and began making the correct allocation with TOT proceeds received after January 1, 2013. Ordinance No. 2675-2013 would amend Code Section 3-11-4 to remove the requirement that the City reimburse the Street Fund for any TOT misallocation before January 1, 2013. Unless City Code Section 3-11-4 was amended by the Council, it would be necessary for the city to reimburse the Street Fund in the amount of approximately \$2.4 million dollars.

Councilor Crume stated there had been some confusion on this. Was it correct or incorrect, that if the money was paid in installments, did it relieve the potential for a lawsuit?

Mr. Sullivan stated no, until it was paid in full, the city would be out of compliance.

Councilor Crume stated if they paid in installments, would it be out of compliance until paid in full.

Mr. Sullivan stated yes. The only way to be in compliance would be to pay back 100% now, or amend the ordinance. The proposed ordinance relieved the city of any financial obligation to repay. An option to repay over a period of time, as an alternative to the proposed ordinance, [Section 2], it was possible to adopt other language that would state the city was going to designate a certain amount of money to be repaid from the General Fund to the Streets Fund, originally allocated to General Fund, that would authorize the repaying and would comply with the ordinance. As long as the ordinance language stayed as it was, before any amendment, the city was out of compliance, unless it was paid in full immediately. The original ordinance was an ordinance that was approved by the Council, and the Council had to follow that ordinance. Once the Council amended an ordinance, it had to comply with the new ordinance, but was not out of compliance with the amended ordinance. The Council could rectify the non-compliance by amending the ordinance in any way they wanted.

Councilor Jones asked how many times an ordinance could be amended.

Mr. Sullivan stated they could amend an ordinance any time they wanted. However, every time they amended it, it created the possibility that the voters could ask for the change to be put on the ballot.

Councilor Crume stated, hypothetically, if the Council voted on the proposed ordinance, they were free and clear, but if they put in they would pay it back, it was legal, but they could be sued?

Mr. Sullivan stated there had to be a change to the ordinance, regardless of what they did. The Council could pass the proposed ordinance, and still come back with amendments in the future, which would legalize its activities, removing any legal obligation to repay. The Council could say they were going to take money previously budgeted to the General Fund and would create an

obligation to pay that into a different fund – that could be done without an ordinance, maybe by resolution. That would be a political decision, but it would no longer be vulnerable to a claim for an ordinance violation.

Councilor Fox asked who would be likely to sue, and how could they prove damages?

Mr. Sullivan stated they couldn't sue for damages, paying out, due to a breach of an ordinance, but they could ask the Circuit Court to impose liability on the city to repay the money, if the ordinance wasn't amended first. They could get a Declaratory Judgment that the city had a legal obligation to repay the \$2.4M immediately.

Charlotte Fugate moved, seconded by Ron Verini, to approve a first reading of Ordinance No. 2675-2013, AN ORDINANCE AMENDING CITY CODE SECTION 3-11-4 AS TO THE DISTRIBUTION OF THE PROCEEDS FROM THE TRANSIENT OCCUPANCY TAX.

Councilor Tuttle stated the money wasn't given to the Street Fund, and they were therefore shorted. The city needed to fix that. They didn't have a great legal exposure, and when they had a budget meeting, it could be discussed then. They needed to have a repayment structure set up, and to follow the ordinance. They were not going to forget the \$2.4M; however, the timing and duration of payback could be discussed.

Councilor Fox agreed. By not passing the ordinance, it could be reviewed during budget. There was not a lot of exposure, and it was the right thing to do. It would rebuild the public's trust that the Council was trying to do the right thing, and in staff, too.

Councilor Crume stated that was correct, the money was dedicated to streets, but the error wasn't committed by anyone still on staff. He wanted the money paid back, and the streets needed it. However, the only logical way presented was through the General Fund. To help everyone understand, to straighten out the budget, as of January 1<sup>st</sup>, the General Fund was no longer receiving approximately \$300K per year that everyone in the city used. All the tax payers used it. The question was how to move forward without that money. There was no extra money to go around. This budget cycle ending in May, [sic] they would fall short \$150K for the 2-year prior budget. The Union contracts cost more, the police no longer had a Captain and was missing two Patrol Officers, there was no Gang Officer, and the Fire Department no longer had a Deputy Chief. He just didn't see how they could move forward logically, sensibly, for everyone in the community to have to pay it back from the General Fund. It just wasn't there. Those funds had been coming in for four years, and it would total about \$550K a year that would be lost from the General Fund. He didn't know how they'd survive on that much less. He was willing to listen to any ideas about a payback. He thought they could use money from the Idaho Power franchise fees off the first data center, but it wasn't there yet, but it was at least a viable alternative. He agreed with paying it back, but to do it sensibly. The police force had a lot of extra duties, and they were not able to patrol like they should. That was due to fewer patrolmen in the department. If they paid it back, it would be even fewer than there were now. The streets needed money, but he didn't want to hamper the city's ability to serve and protect. They needed to move this forward, and find, at a later date, an equitable way to pay it back

Councilor Verini stated that Councilor Crume had come up with many of the reasons why he was in favor of passing the proposed motion, but another was public health. Water, sewer, etc. were areas that needed to be considered, too. If they passed the proposed ordinance, they, as a Council, could take into consideration that when there was a need for funds for streets, they wouldn't withhold money from General Fund, especially if it was there to make the fix. One person who had not joined the fray of discussion was the Public Works Director. Maybe hearing from him, seeing what his needs were, in moving towards the future, might help.

Mr. Henry didn't want a department head getting in the middle of a 3-3 split. He would be glad to answer questions instead of the Public Works Director.

Councilor Fox stated this discussion was for Council only.

*Motion on the floor:*

Charlotte Fugate moved, seconded by Ron Verini, to approve a first reading of **Ordinance No. 2675-2013, AN ORDINANCE AMENDING CITY CODE SECTION 3-11-4 AS TO THE DISTRIBUTION OF THE PROCEEDS FROM THE TRANSIENT OCCUPANCY TAX.** Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-no; Tuttle-no; Verini-yes. Motion died 3/3/0.

Councilor Jones asked for the next step. Did this action stay under Old Business until settled?

Mr. Sullivan stated there was no obligation to do that, unless the motion would be to pay it back immediately. If there was a consensus on how to amend the ordinance in order to remove liability from the city, they could bring back a redraft of the ordinance that would relieve the city of the liability.

Councilor Jones stated he'd like a payment plan in place before budget discussions began, so the committee would have parameters. The Council had the ability to make the decision on a repayment plan before budget.

Councilor Fugate asked the Finance Director to bring a spreadsheet showing the impact regarding repayment. He brought back what he estimated for income, but not the impact of the \$2.4M gone from the General Fund. She never had a clear picture of the General Fund taking a hit.

Councilor Jones stated the budget was set until June 30<sup>th</sup>. They wouldn't have that number until they went through the budget process. If it was the consensus of the Council, it could be discussed during the budget meetings. It would be hard to show the impact, but Mike [Long] had shown the impact to contingency.

Councilor Fugate disagreed – it spoke of estimated revenues.

Councilor Jones stated it gave a perma on revenues.

Councilor Fugate stated it was a budget issue, and the Budget Committee should be involved with the TOT discussion.

Councilor Fox stated they were both correct. She asked for a document from the Finance Director, but Councilor Jones was right too, because Councilor Verini wanted the vote. That might be why Mr. Long hadn't come back with what Councilor Fugate wanted. They needed to look at the entire picture of the whole impact to the General Fund.

Mr. Sullivan stated although no one could predict if the city would be sued, until they amended the ordinance, the city was exposed to liability. The Council might think the likelihood was small, but the city was out of compliance until the ordinance was amended. The language wouldn't prevent the Council from having the discussion, but it would remove liability from the table while having those discussions. If the Council still felt the money in the General Fund needed to be redirected over a period of years, the Council could do that without an amendment. The Council always had that freedom to shift money from General Fund to the Streets Fund, as long as budget procedures were followed.

Councilor Jones stated that was what got them in trouble to begin with. He suggested the City Manager ask the Finance Director to provide a more detailed outline of the impact to the General Fund with a 7-year payback. Assuming the budget would begin in May, there were two Council meetings in April, so have the Finance Director bring a detailed outline of the impact of the 7-year term to pay it back to the Streets.

Mr. Sullivan stated the Council could reach a consensus and take action for repayment, but having the ordinance removed liability from the city. There was nothing in the ordinance that would tie the Council's hands about allocating future funds that were going into the General Fund into the Streets Fund.

Councilor Fugate stated they should be listening to the City Attorney. She didn't want the city liable, when it was something they could fix by passing an ordinance. Why were they taking a chance on getting sued?

Councilor Jones asked if she was willing to accept an ordinance with a 7-year payment plan.

Councilor Fugate replied no.

Councilor Jones stated then the ordinance would fail.

Councilor Fox agreed with Councilor Jones's assessment. The Finance Director would be getting the impact to them before they had to make the repayment decision. Then they would get with the City Attorney to write the ordinance.

#### **NEW BUSINESS**

##### **Resolution #2013-106: Request Change in Boundary of Malheur County Enterprise Zone**

Ron Verini moved, seconded by Jackson Fox, that the City Council adopt Resolution #2013-106, A RESOLUTION OF THE CITY COUNCIL OF ONTARIO, OREGON, REQUESTING A CHANGE IN THE BOUNDARY OF THE MALHEUR COUNTY ENTERPRISE ZONE. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

**CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS**

- Councilor Fox stated in regards to last Monday's meeting, Councilor Crume held a debate, and while he hadn't minded him changing his mind on the vote, if they were going to have a debate, maybe they could have divided up the questions, to make it more level. He felt like it was jammed down their throats, like a former Mayor used to do.

Councilor Crume responded that first, the Thursday before last Monday, he mentioned to both candidates for Mayor that he would be doing an "RFQ". Neither person knew the questions beforehand. He picked them up off the internet. Neither ran for Mayor, they had run for Council. The position of Mayor was different, with different qualifications. Also, there were rumors that he had cheated and had given Councilor Verini the questions ahead of time, and that absolutely had not happened. Neither knew the questions ahead of time, and it was totally about getting qualifications for Mayor.

- Councilor Jones stated he could not make the Work Session on the 28<sup>th</sup>. He could, however, be back by 5:00 p.m. that day, if they needed to even have the session. He could have Councilor Verini run the meeting. It was up to the Council. Three options before them – not have the Work Session, have the Work Session without him, or have the Work Session at 5:00 p.m.

Council consensus to have the Work Session on Thursday, March 28<sup>th</sup>, beginning at 5:00 p.m.

- Councilor Fugate asked why there would be no more open comments at the Work Session.

Councilor Jones stated because it was the Work Session.

Councilor Fugate stated people came in make comments, and they could talk back and forth, which was not allowed at the Council meeting. They received more input from the community at the Thursday meetings.

Councilor Jones stated they could meet in the middle. They could take public input for things on the Agenda during the Work Session. He was just trying to shorten up the Work Sessions.

Councilor Crume stated he was amazed to see that on there. He hadn't been asked about changing the format, so how did that change occur? He also didn't want to spend more time than necessary, but they were there for the public, and they needed to make themselves available, no matter how long it took. Why was it changed without any Council input?

Councilor Jones stated he had spoken with the City Manager and the City Recorder, and asked to make the change to make the meetings more efficient.

Councilor Crume stated his appreciation for what Councilor Jones was doing, but he would have liked to have input.

Councilor Tuttle disagreed that they needed to listen to everything from everyone. There was a time on the Agenda for discussion, so if someone wanted to speak, then let them. But, keep it to the three [3] minutes. Just to say anyone can say anything at any time, he was opposed to.

Councilor Crume stated that wasn't what he meant, either. It was no different than a staff member bringing something forward to the Council.

Councilor Tuttle stated if a presentation was being made, it would be on the Agenda. The Agenda was set on Tuesday, and that was the Agenda they should follow.

Councilor Fox agreed. Keep to the items on the Agenda. The Charter was set up for people to bring issue to a Councilor. He had had enough of the five hour meetings discussing things not on the agenda. He didn't want to spend until midnight here.

Councilor Verini stated it was important to listen to what the citizens had to say, on the Agenda or not. They could cut the comments down to a reasonable time limit. Some in the audience wanted to express a problem with the Council or the city, but were not on the Agenda, and it was important for them to talk, and for the Council to listen. Council wasn't the only body who set the Agenda, the citizens did as well. There should be a respect for something that was very serious that came before the Council, without cutting someone off because of a time limit. There needed to be flexibility, with some limitations.

Councilor Tuttle didn't argue about listening to the people. He was specifically discussing the Work Session. If it was something to the matter being discussed, fine. Everyone had the chance to stand up and be heard. He was just trying to shorten up the Work Sessions. He wasn't trying to cut public comment, but come on the Agenda at a regular meeting.

Councilor Verini stated both were public meetings. Sometimes it was refreshing to discuss things at a Work Session without jamming up the Monday meetings. In either case, the public comments were very important.

Councilor Jones stated if the Council wanted them, they could go back on. Just stick to the Agenda, and handle in a timely manner.

Consensus to put comments back on the Agenda.

- Councilor Jones voiced his apologies to both Mr. Hill and Mr. DeBoer on the Poverty to Prosperity funds request, but he wanted to wait until the 28<sup>th</sup> work session to discuss it.
- Councilor Jones asked that the Mayor appointment be on the next Agenda.

**EXECUTIVE SESSION**

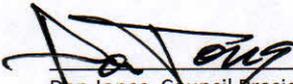
**ORS 192.660(2)(a)**

An executive session was called at 8:33 pm under provisions of ORS 192.660(2)(a) to consider employment of an officer, employee, staff member, or agent. The Council reconvened into regular session at 9:52 pm.

**ADJOURN**

Ron Verini moved, seconded by Jackson Fox, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

**APPROVED:**

  
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Dan Jones, Council President

**ATTEST:**

  
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Tori Barnett, MMC, City Recorder