

1 Depoe Bay City Council
2 Workshop Meeting
3 Thursday, August 12, 2004 – 7:00 PM
4 Depoe Bay City Hall

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7 PRESENT: Mayor B. Silver, J. White, P. Taunton, G. Romans, J. Brown, M. Laverty

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9 ABSENT: A. Brown

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11 STAFF: City Field Superintendent T. Owings, City Recorder P. Murray, City Attorney
12 D. Gordon (arr 7:08), Recording Secretary S. Fox

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15 I. CALL TO ORDER

16 Mayor Silver called the meeting to order and established a quorum at 7:00 PM.

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18 II. REVIEW CITY COUNCIL POLICY REGARDING CORRESPONDENCE AND COMPLAINT
19 PROCEDURE

20 Mayor Silver noted that past experiences with the complaint process could be used as
21 reference, but that no previous complaints would be re-opened for discussion. Councilors
22 were asked to state their concerns and make a brief statement on why the Council should
23 consider amending the current policy. Comments, concerns, and suggestions included: **1)**
24 Councilors have a right to receive mail that's been addressed to them. **2)** In the City
25 Correspondence/Complaint Policy: a) Page 1 Correspondence Type 3 and 4, delete the
26 following: "Copies distributed to Mayor and City Council and staff-as-appropriate. b) Page 1
27 Item 2. Complaints Against a City Official, insert the following at the beginning: "The following
28 procedure does not in any circumstance exempt City Officials from adhering to City laws and
29 ordinances." c) Page 2 Item 2. Complaints Against a City Official, insert the following: "...City
30 business is defined as being related to the conduct of a City official within *City Hall* or the
31 Council chambers." **3)** An old complaint was used as an example of a complaint which would
32 not be addressed under the current policy because it isn't "City business", but because the
33 incident involved a Commissioner's interaction with a resident, it *was* City business. Councilors
34 felt that individual Commissioners should not act alone while representing their Commission.
35 **4)** Councilors agreed that people see an official as an official, regardless of whether they are
36 on official City business; and if an official performs an action that brings disrespect to the City,
37 the action should be addressed and the person should be removed from office. **5)** People
38 accused in a complaint may or may not feel they are being treated fairly, or that their complaint
39 is being belittled when asked to meet with only the Mayor, a Councilor, and a Staff member.
40 Some may prefer discussing the complaint in public with the full Council. The accused person
41 should be made aware of the complaint process and their options. **6)** A suggestion to add
42 "inappropriate use of or exceeding the official's position" to the definition of City business. **7)**
43 The definition of "City business" should remain vague, with Councilors making the
44 determination of whether a complaint is City business with each reported incident. **8)** Officials
45 should know what is expected of them. **9)** All volunteers should be treated equally. **10)**

1 Complaints should be subject to a statute of limitations, with exception for illegal or otherwise
2 serious offenses.

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4 Input from the City Attorney included: **1)** To protect the integrity of the democratic process,
5 Oregon law allows all kinds of statements to be made inside Council chambers; making the
6 same statements outside Council chambers could result in a lawsuit. **2)** A reminder that one
7 of the subcommittee's duties is to screen out complaints which might be considered "frivolous"
8 or personally/politically motivated, so that they don't take up Council time. **3)** You can set
9 different standards for Councilors than Commissioners because Councilors are elected and
10 can be held to a higher standard. **4)** It isn't so much whether a complaint is City business or
11 not, as much as is it contrary to public interest. **5)** There is liability associated with giving an
12 opinion. **6)** Complaints should be directed to the appropriate person for response. **7)** A
13 suggestion to add to the complaint procedure under Complaints Against a City Official, item 2:
14 "...Identifying whether the complaint issue is ~~City business or not~~ *involves the inappropriate*
15 *use of or exceeds the official's position, including but not limited to violation of law."* **8)**
16 Defining "inappropriate" is a difficult task because it's a gray area. In developing standards of
17 behavior for officials, a statement should read "including but not limited to" followed by specific
18 standards. **9)** Recommended using a two-year-limit if a statute of limitations is imposed on
19 complaints.

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21 It was the consensus of the Council that the City will maintain a complaint policy, and the
22 following amendments will be made to the City Correspondence/Complaint Policy:
23 **1)** Page 1 Correspondence Type 3 and 4, delete the following: "Copies distributed to Mayor
24 and City Council and staff as appropriate. **2)** Page 1 Item 2. Complaints Against a City
25 Official, insert the following at the beginning: "*The following procedure does not in any*
26 *circumstance exempt City Officials from adhering to laws and City ordinances."* **3)** Page 1
27 Item 2. Complaints Against a City Official, insert the following: "The complaint is forwarded to
28 the Mayor, who, with a Councilor and a Staff member, will conduct an investigation of the
29 complaint. *The accused will be made aware of the procedure, and if it is determined that it is*
30 *City business, the complaint will be reviewed by the entire Council in an open meeting.* If the
31 complaint is against the Mayor..." **4)** Page 2 Item 2. Complaints Against a City Official, insert
32 the following under subsection 2): "*after identifying whether the complaint issue involves an*
33 *inappropriate use of or exceeds the official's position".* **5)** Page 2 Item 2. Complaints Against
34 a City Official, insert the following: "...City business is defined as being related to the conduct
35 of a City official within *City Hall* or the Council chambers or while the person is functioning as a
36 City official at another location."

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38 Agreed-upon changes to the City Correspondence/Complaint Procedure will be drafted by
39 Mayor Silver and presented at the next regular Council meeting.

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1 III. ADJOURN

2 There being no further business, the meeting was adjourned at 8:46 PM.

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8 Silver Fox, Recording Secretary

Mayor Bruce R. Silver