

1 Depoe Bay City Council and Harbor Commission
2 Joint Workshop Meeting
3 Wednesday, August 21, 2012 – 5:30 PM
4 Depoe Bay City Hall
5

6 PRESENT: Mayor C. Connors, P. Cameron, S. Hoitink, B. Leff, D. Goddard, D. Zimmerman
7 N. Achen, R. Davilla, M. Dowd, L. Robison (arr 5:32 PM), P. Robison (arr 5:51 PM)
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9 ABSENT: L. Goddard, R. Smolčić
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11 STAFF: City Recorder P. Murray, City Field Superintendent T. Owings, Recording Secretary
12 E. LuMaye
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14 I. CALL TO ORDER

15 Mayor Connors called the meeting to order and established a quorum at 5:34 PM.
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17 II. ETHICS COMMISSION – Conflict of Interest

18 Murray said because there are Councilors and Harbor Commissioners who have businesses in the
19 harbor, conflict of interest could apply to tonight’s discussion. There are two types of conflict of
20 interest: “actual” and “potential”. For Commissions, which make recommendations to the Council,
21 the conflict of interest is only potential. She said that conflict of interest is always tied to money, so
22 when you’re in a meeting, think about whether or not the outcome of the discussion could affect
23 your pocketbook (or your family’s); if it does, make a statement before participating in the
24 discussion. For Councilors, she said the potential for conflict of interest could rise to actual conflict
25 of interest; then the Councilor(s) could not participate in the discussion or vote. The Ethics
26 Commission can grant a “class exception”; if the class has been defined (e.g., moorage holders or
27 harbor business owners), then the Councilor or Commissioner could participate. The Director of the
28 Ethics Commission has determined a class exception would exist in this case for both moorage
29 holders and harbor business owners. Mayor Connors asked if anyone wanted to declare an actual
30 or potential conflict of interest. Commissioner L. Robison and Councilor Zimmerman both stated
31 they have a business at the harbor as well as being moorage holders; Councilor Goddard stated
32 she has a business at the harbor.
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34 III. HARBOR ORD. #252 – Moorage Use Permits/Berth Assignments

35 There was lengthy discussion on the best way to handle moorage situations where a boat owner
36 replaces one boat with a boat of smaller size. Current requirements include: 1) if the new boat
37 doesn’t meet the size requirements for the assigned slip, the owner goes to the end of the waiting
38 list, and 2) if a boat is sold, the moorage slip isn’t included with the sale and the new owner goes
39 to the end of the waiting list, unless the exception is applied for and approved. The Council and
40 Commissioners were split on whether this is fair. It was also noted that there have been multiple
41 exceptions, and that shouldn’t be happening. Mayor Connors felt commercial and charter boats
42 should be given a higher priority than recreational fishermen because they bring more money to
43 the community, but others felt equality should be achieved before deciding to give preferential
44 treatment to a class of moorage holders. The legality of such preferential treatment was
45 questioned. Not reaching a consensus, Mayor Connors said the Council would take up the matter
46 and decide what to do. She thanked the Harbor Commissioners for their input.
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48 IV. PROPOSED ORD. #292, AMENDING HARBOR ORDINANCE – Review City Attorney Comments

49 The City Attorney’s comments were reviewed up to Section 8.120; there were no objections to the
50 recommended actions. The Harbor Commission will review the remainder of the document at their
51 August 29 regular meeting and forward recommendations to the Council for review at the
52 September 18 Council meeting. (Copy of draft ordinance attached to original of these minutes.)
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1 V. ADJOURN

2 There being no further business, the meeting was adjourned at 6:58 PM.

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Emma LuMaye, Recording Secretary

Carol Connors, Mayor