

MINUTES
Warrenton City Commission
Special Work Session – January 19, 2021
4:00 p.m.
Warrenton City Hall - Commission Chambers
225 S. Main
Warrenton, OR 97146

Mayor Balensifer called the work session to order at 4:01 p.m.

City Commissioners Present: Mayor Henry Balensifer, Mark Baldwin, Rick Newton, Gerald Poe, and Tom Dyer (via Zoom)

Staff Present: City Manager Linda Engbretson, Legal Counsel Ashley Driscoll (via Zoom), and City Recorder Dawne Shaw

Mayor Balensifer noted the three documents he has been working on – the Commission Rules, Rules of Procedure, and Policies and Procedures for Citizen Boards. He stated each will need to be adopted by resolution.

Mayor Balensifer began with the review of the Commission Rules. He began with Chapter 1 and noted he worked with legal counsel; he noted the text highlighted in blue (Section B) will be excised, and later down the road we will form a charter review committee to update the charter. He continued his review of the rules. There was brief discussion on the ability to serve on the commission if you have a felony conviction; Legal Counsel Ashley Driscoll clarified, if you are eligible to vote, you are an eligible elector. Mayor Balensifer reiterated the need to update the City Charter. Ms. Driscoll stated LOC puts out a model charter that many cities use and noted Warrenton's charter is very different. There was consensus on Chapter 1, and on referring section B to a charter review committee in the future.

The review of the Commission Rules continued: Chapter 2 – Mayor Balensifer reviewed the marked edits; no further changes were noted; Chapter 3 – no changes, other than marked edits; Chapter 4 – Mayor Balensifer briefly discussed the suspension of rules (section A). He continued his review and noted section C-9, and stated legal counsel prefers to not put it in the rules, however he likes it in the rules. Ms. Driscoll stated she prefers it as policy; she briefly spoke about first amendment rights. She noted her concerns and stated she would not put it in the rules; she would not want something so broad. She stated she would prefer to send an email if an issue comes up. After further discussion, Mayor Balensifer and Ms. Driscoll agreed on a wording change to state that commissioners should refrain from sharing confidential information with employees who have resigned to avoid discipline or to avoid termination, or who were terminated about their time employed with the city and/or their supervisors. Ms. Driscoll also suggested a training on ethics laws/public records laws/public meeting laws that is given by their office. She stated she is concerned about putting some of this into the commission rules as the information changes all the time. Mayor Balensifer noted they will come back to this later in the

review and asked if there were any objections to the changes in section C-9; there were none.

He continued with the review: Conferences and Seminars - there were no changes.

Breach of Confidentiality - Ms. Driscoll noted a correction to the wording of the second paragraph - should state “tort liability *coverage*.” No other changes noted. Threats of Legal Action – Mayor Balensifer noted this is not enforceable in every instance but is important to state. Discussion continued; concerns were noted about not restricting speech in a personal capacity; this would only apply to their role as a commissioner. Ms. Driscoll recommended this as the *procedure* for threats of legal action. After further discussion, section 4-G will be reworded and brought back. Government Ethics Requirements and Reporting – no changes other than the outlined edits. Ethical Conduct and Fair Treatment – Mayor Balensifer reviewed the outlined edits and clarified the section on conflict of interest. Expenses, Compensation and Reimbursement – no additional changes. General Conduct – Mayor Balensifer reviewed the outlined edits; no additional changes were noted. Legal Advice - no further edits were noted. Appointed Boards – section 5-A may need to be clarified. Liaison to Boards, Commissions and Committees – no further changes. Mayor Balensifer stated Chapter 5 is removed. He referred to the letter Ms. Driscoll recently sent to the Commission related to employee issues and suggested adding it as an appendix; there were no objections.

Mayor Balensifer reviewed the Rules of Procedure – Ms. Engbretson asked about A-2 on page 4 – executive sessions regarding the city manager; Ms. Driscoll clarified. Mayor Balensifer stated he will remove the “or terminate” language. Mayor Balensifer continued his review of the rules. Ms. Driscoll had questions on Chapter 2, Section VIII - Removal from Meetings/Boards; Mayor Balensifer noted he and Ms. Driscoll will discuss and bring back. He continued with the review of Chapter 3, noting that Section VIII- Voting - items C and D will be removed. Chapter 3, Section VIII- Decorum - it was determined items J and K will be removed. Mayor Balensifer stated he would like to have this manual on the dais for reference by the board chairs.

Policies and Procedures for Citizen Boards – Mayor Balensifer discussed Chapter 3; he clarified the “when in doubt” language in 3.1- Constituency Defined, noting that inquiries should be submitted through their chairperson to the City Commission via the *City Manager* - not the Mayor. Review continued; after discussion, section 4.7 - Dress Code will be excised. No further changes were noted.

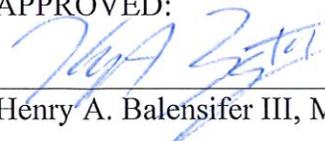
Ms. Engbretson stated other area managers would like a joint work session for an overview on the enterprise zone. The County has the virtual work session scheduled for February 10, at 5:30 p.m.

At 6:02 p.m. Mayor Balensifer adjourned the work session and announced they will now meet in executive session under authority of ORS 192.660(2)(d); *conduct deliberations with persons designated by the governing body to carry on labor negotiations*, and ORS 192.660(2)(f); *to consider information or records that are exempt by law from public inspection*. He stated the Commission is not expected to go into regular session to take action on any item considered in the executive session.

At 6:38 p.m., Mayor Balensifer reconvened the work session to discuss dates for the commission goal setting retreat; consensus was for February 13, 2021.

There being no further business, Mayor Balensifer adjourned the work session at 6:40 p.m.

APPROVED:


Henry A. Balensifer III, Mayor

ATTEST:


Dawne Shaw, CMC, City Recorder