



**DRAFT MINUTES  
CITY COUNCIL STUDY SESSION**

Monday, January 4, 2021

Held Electronically

View on Channel 9 or Channels 180 and 181 (for Charter Communications customers)  
or live stream via [rvtv.sou.edu](http://rvtv.sou.edu) select RVTV Prime.

**The Study Session was called to order 5:30 p.m.**

1. Council Onboarding Presentations and Ceremonial Swearing In

City Recorder swore in:

Mayor Julie Akins  
Councilor Gina DuQuenne  
Councilor Shaun Moran  
Councilor Paula Hyatt

Mayor Akins invited each new elected official to introduced themselves.

DuQuenne spoke that she will do her best to her ability to help the Community move forward.

Hyatt spoke that she is privileged to serve the Community.

Moran echoed the previous statements and spoke that he is looking forward to serve the Community.

City Recorder Melissa Huhtala and City Attorney David Lohman presented Council with a PowerPoint Presentation regarding Public Meeting Law and Oregon Ethics Law (*see attached*).

Items discussed were:

- Public Meeting Law.
- Procedural requirements for a Meeting.
  - It was noted that the City of Ashland requires 72 hours in advance for a meeting to be noticed unless it is an emergency.
- What is a Public Record.
- Preparation for a Meeting.
- Oregon Government Ethics Law.
- Prohibited use of office.
- Conflict of interest.

2. City Manager Recruitment Process

Human Resources Director Tina Gray gave a brief Staff report. Gray went over the options for Council to consider.

Council discussed the recruitment process and options working with RVCOG and LOC.

The Study Session was adjourned at 6:54 PM.

Respectfully submitted by:

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City Recorder Melissa Huhtala

Attest:

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Mayor Akins

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at (541) 488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title I).*

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. The shapes are primarily triangles and polygons, creating a dynamic, layered effect. The text is centered in the white space between these green elements.

**PUBLIC MEETING LAW  
&  
OREGON ETHICS LAW**

# Public Meetings Law

- ▶ Regulated by State of Oregon - Department of Justice
  - ▶ From ORS 192
  - ▶ Attorney General's Public Meetings and Open Records Manual

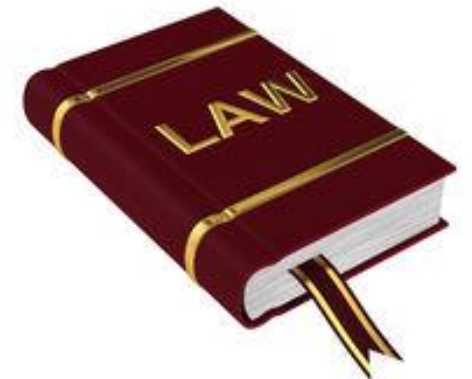


# Who must follow?

- ▶ The City governing body (City Council) and
- ▶ Any committee or sub-group tasked with making decisions or deliberating toward a decision on any matter

# What is the law?

- ▶ ORS 192.620: “The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly.”
- ▶ ‘A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690”
- ▶ Note: Public Participation does not always mean public conversation



# What is a meeting?

- ▶ Any instance where a quorum (4 or more) members are discussing / deliberating toward a decision:
- ▶ This includes:
  - ▶ Standard meetings where a quorum is present (3 or more)
  - ▶ Electronic meetings (Emails, IMs, Texts, Social Media)
  - ▶ Serial Discussions
- ▶ Does NOT include Social Gatherings:  
If possible, staff publishes agenda noting the social nature of event

# Procedural requirements for meetings

- ▶ Public Notice at least 24 hours in advance  
*(Agenda)*
- ▶ Space, Location, Accessibility and Attendance  
*(Meeting location must be accessible to all public)*
- ▶ Voting *(Decisions must be made and recorded)*
- ▶ Records *(Digital Recording / Minutes, Public Records Law)*



# Practical tips

- ▶ Avoid replying to emails when City business information is shared
  - ▶ To request more information on item ask Staff who will prepare for all agency members
- ▶ Avoid conversations (in person or via email) between Councilors where the views of fellow Councilors are shared
- ▶ Avoid sharing opinions on items the Council would need to vote on

# Public records



## ▶ What is a public record?

- ▶ Any document that contains public business information that is prepared, owned, used or retained by a public body regardless of physical form or characteristics
- ▶ All items before the Council are public records
  - ▶ Emails, formal letters, photos, handwritten napkin drawings, etc.
- ▶ Must be available to the public
- ▶ Records used for decision deliberation (i.e. distributed at meeting) = Permanent Retention

# Preparing for the meeting

- ▶ **Agenda & Meeting materials distributed to Council:**
  - ▶ Wednesday before the meeting
  - ▶ **If Possible:**
    - ▶ If you have questions about information provided, ask Staff prior to the meeting.
    - ▶ This allows Staff to address thoughts in advance, and relay information to all Councilors at the meeting.

# Oregon Government Ethics Law

- ▶ ORS Chapter 244
- ▶ Oregon Government Ethics Commission
  - ▶ 503-378-5105
  - ▶ [www.Oregon.gov/ogec](http://www.Oregon.gov/ogec)



## Will cover Rules for:

- ▶ Public Officials
- ▶ Prohibited use of office
- ▶ Gifts
- ▶ Conflicts of interest
- ▶ Violations & Sanctions



**KNOW THE RULES!**

# WHO IS CONSIDERED A public official?

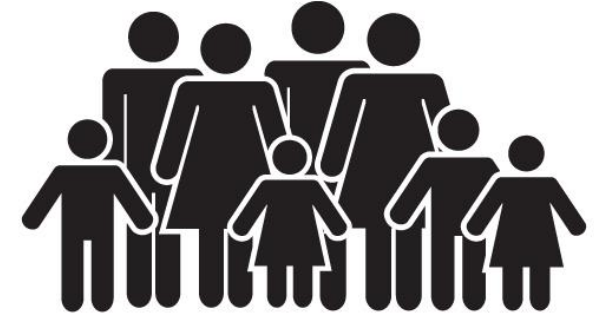
- ▶ ORS 244.020(14): “Any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for their services.”
- ▶ Includes Elected & Appointed Officials, Employees, Members of Boards and Committees and Volunteers



# Prohibited use of office (ORS 244.040(1))

- ▶ A public official may not use or attempt to use official position or office to:
  - ▶ personal gain, financial gain or avoidance of financial detriment
- ▶ Who applies?:
  - ▶ The public official, a relative, or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated
- ▶ Disclaimer:
  - ▶ If the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

# Relative (ORS 244.020(16))

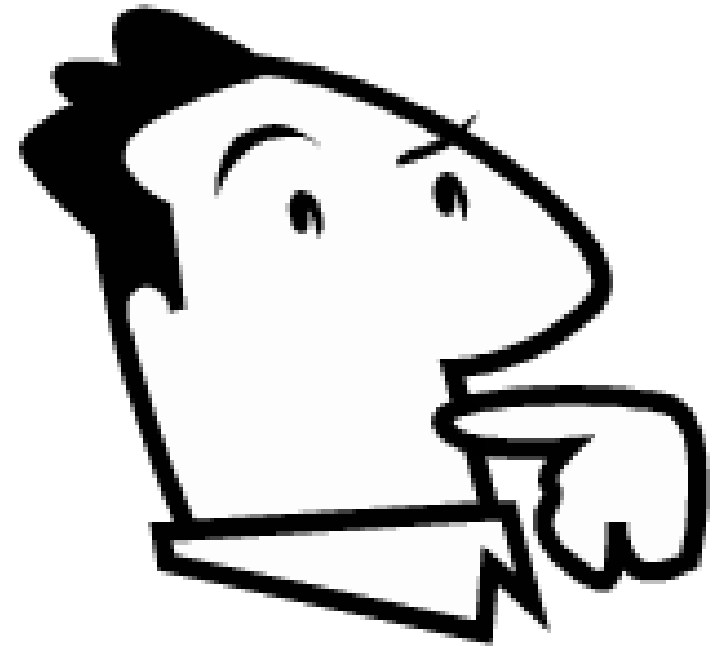


- ▶ Spouse
- ▶ Children of the Public Official or the Public Official's Spouse
- ▶ The following of Public Official or Public Officials Spouse
  - ▶ Brother / Sister, Stepbrother / Stepsister, Parent / Step Parent, Son-in-law / Daughter-in-Law
- ▶ Anyone for whom the public official has a legal support obligation or provides employment benefits
- ▶ Note: Don't forget member of the Public Officials Household (i.e. anyone living with public official irrespective of relationship)



## SIMPLE Question

- ▶ Would I have this opportunity if I was NOT a public official?
- ▶ If NO - Then Don't Do It



## Does not apply to:

- ▶ Compensation or Reimbursement
- ▶ Unsolicited awards
- ▶ Gifts or Honoraria (within limits)

# Gifts (ORS 244.020(7)(a))

- ▶ Something of economic value given a Public Official, Candidate, Relative, or Member of the Household of the public official or candidate
- ▶ Without valuable consideration of equivalent value (i.e. not a trade)
  - ▶ Including: Full or partial forgiveness of indebtedness
- ▶ Which is not extended to others on the same terms or conditions
- ▶ Gifts are limited to \$50 per year, per giver

# The Gift rule:

1. You (your relative or member of household)
2. Cannot ask for, receive, or give
3. Or even hint at getting / giving
4. Gifts over \$50 from any single source in one year
5. IF your source has an interest in your official actions:  
i.e., a decision or vote



# A gift is not limited if it is a:

- ▶ Present from relatives or household members
- ▶ Unsolicited award / token of appreciation with a resale value <\$25
- ▶ Discounted registration at a professional education event
- ▶ Informational material related to your official duties
- ▶ Part of a customary private business practice and not related to your public office
- ▶ Food, beverage, and entertainment when acting in official capacity (i.e. representing City)

# Conflicts of interest

- ▶ Situations that affect your ability to make a decision in an ethical manner



# Conflict of interest

## ORS 244.020(1) Definition:

- ▶ Any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private financial benefit or detriment of the person or the person's relative or any business with which the person or relative of the person is associated.

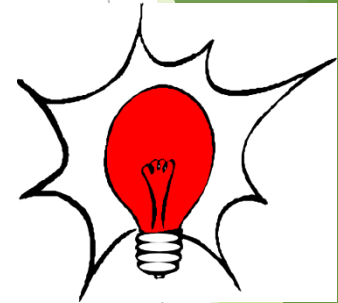
# Two types of conflicts

- ▶ Actual Conflicts

- ▶ Would result in financial benefit or detriment

- ▶ Potential Conflicts

- ▶ Could results in financial benefit or detriment





# How to deal with an actual & potential conflict

## When in doubt: Shout it Out!

- ▶ State the nature of your conflict
- ▶ Do it before voting or discussing the manner
- ▶ Do it on the record
- ▶ Do it each meeting the issue is discussed



# If actual conflict of interest

In addition to Declaring the conflict:

- ▶ No talking and No voting
- ▶ It is recommended you leave the room during agenda item

# sanctions

- ▶ Civil penalty = Up to \$5,000 per violation
- ▶ Forfeiture = twice the amount of financial benefit realized
- ▶ Letters of reprimand, explanation or education

