

CITY COUNCIL SPECIAL MEETING  
DRAFT MINUTES

Thursday, May 13, 2021

Held Electronically; View on Channel 9 or Channels 180 and 181 (Charter Communications) or live stream via [rytv.sou.edu](http://rytv.sou.edu) select RVTV Prime.

Written and oral testimony will be accepted for public input. For written testimony, email [public-testimony@ashland.or.us](mailto:public-testimony@ashland.or.us) using the subject line: May 13 Business Meeting Testimony.

For oral testimony, fill out a Speaker Request Form at [ashland.or.us/speakerrequest](http://ashland.or.us/speakerrequest) and return it to the City Recorder. The deadline for submitting written testimony or speaker request forms will be on Monday, May 13 at 10 a.m. and must comply with Council Rules to be accepted.

Note: Items on the Agenda not considered due to time constraints are automatically continued to the next regularly scheduled Council meeting [AMC 2.04.030.E.]

**6:00 PM SPECIAL COUNCIL MEETING**

**\*WRITTEN PUBLIC TESTIMONY SEE ATTACHED\***

**I. CALL TO ORDER**

Mayor Akins called the Special Council Meeting to order at 6:00 PM.

**II. ROLL CALL**

**Councilors' Hyatt, Graham, DuQuenne, Moran, Seffinger and Jensen were present.**

Mayor Akins moved Item IV. to Item III.

Mayor Akins spoke regarding the Code of Conduct urging us to not criticize and to be kind with our words. She spoke that there are times that she could have been more careful with her words and apologized for any harmful feelings that have come as a result. She spoke that we all will continue on to grow and do our best.

DuQuenne spoke that it was not her intention to make anyone feel bad, criticized or uncomfortable in her email. She spoke that she is a direct person and it is important to get things done. She spoke that she could have used her words more carefully.

**III. CITY COUNCIL CODE OF CONDUCT**

**Jensen/Hyatt moved that this Council by Resolution adopt a Code of Conduct as presented in the Council Communication with this meeting. Further moved that the adopted Code of Conduct be prominently displayed and linked on the City of Ashland website and also included in the City Council Handbook and be permanently attached to every Council Communication Packet for every Council Business Meeting. Discussion:** Jensen spoke that the ICMA past President Pat Martel advised the City of Ashland to adopt such a code. Portland, Gresham, Corvallis and Grants Pass are some that have a Code of Conduct in place. He spoke that a Code of Conduct simply amplifies existing expectations and offers specific sanctions for breaches of conduct. He spoke that in conjunction with two other Councilors bringing forward

this for adoption by Resolution; this Code of Conduct is to include all City Council and the Mayor. He spoke that meeting decorum, rules and respect are essential elements to have for an effective civic governance. Hyatt spoke in agreement with Jensen. She spoke that this is an important document to have. She spoke that that this would help us with new Council and Mayor in dialog moving forward positively.

Mayor Akins questioned if this would supersede the current Council Rules. City Attorney David Lohman spoke that he will look into this to be sure but does not think there is a conflict.

Graham spoke regarding the AMC. She spoke in hopes that Council moves in a positive direction even when disagree with one another.

Moran asked for clarification regarding AMC 2.04.080 criticism.

Council discussed policy and ways to do better for citizens.

**Roll Call Vote: Hyatt, Moran, Graham, Seffinger, DuQuenne and Jensen: YES. Motion passed unanimously.**

**Graham/Jensen moved to direct Staff to conduct a Mayor and Council training to ensure members of the body are aware of their responsibilities regarding behavior and communication as elected officials. Topics to be covered include Council and Mayor responsibilities in a Council Manager form of government, rules of elected officials, City Manager & Staff council rules, ethics requirements & and any other topics the City Manager thinks will assist this body in completing its work in a productive manner.**

**Discussion:** Graham spoke of the importance of shared understanding and for all to work together especially with the shift of structure and to make sure we are all on the same page.

Jensen spoke in support of the motion. He spoke that it is important to have the motions re-read before voting. Hyatt spoke in appreciation of the motion. Seffinger spoke to the importance of how things are run especially in a state of transition. DuQuenne asked for the motion to be read again. She requested that if this is passed that this be implemented for all Councilors ahead of us.

**Roll Call Vote: Moran, Jensen, DuQuenne, Hyatt, Seffinger and Graham: YES. Motion passed unanimously.**

#### **IV. CITY MANAGER RECRUITMENT**

Mayor Akins gave a brief report on how to get started with the process.

Hyatt spoke regarding that bringing this special meeting forward was no light matter. She spoke that having two recruitment firms choosing not to work with Ashland and that we need to look internally with all for a successful recruitment. She moved to

**Hyatt/Jensen moved to direct the Human Resources Staff and Legal Team to formally suspend the City Manager recruitment process and take no further action on this item until after August 1<sup>st</sup>; thus giving Council opportunity to review the process, revise if necessary and then re-engage. Discussion:**

Hyatt spoke that she would like to look at other ideas and ensure a successful recruitment. She spoke we cannot afford a 3<sup>rd</sup> firm to step away. Reputation is important. Review/Revise/Re-engage. Jensen spoke that the City has had 2 firms walk away from the recruitment process; having 1 walk away is rare and having 2 should alarm all. He spoke that as a Municipal Governing Body we are not functioning with enough collaboration, respect for Staff, Contractors and each other to allow quality candidates to apply. He spoke that during this failed recruitment process he fears actions by members of this Council may have exposed the City to legal and financial jeopardy. He spoke that until there is clarity on any legal and financial vulnerabilities and how Council operates it is prudent to suspend the recruitment process. Mayor Akins questioned if this motion precludes bringing a transition person to assist

this process. Hyatt explained it is to take a breath and look at the goals and reassess the goals if necessary.

DuQuenne questioned City Attorney David Lohman if the first recruiter left because they were not licensed to work in the State of Oregon. Lohman spoke that he was unsure if that was the case. Mayor Akins spoke that she spoke to the recruiter and confirmed that they were not registered for the State of Oregon. DuQuenne spoke that so many things have already been in place and would not want to delay the process.

Hyatt spoke that the information provided in an email from Peckham & McKenney that stated reasons why not moving forward with the City which included: New Mayor/Council going through growing pains, failed Fire Chief recruitment, high turnover in a variety of roles, different viewpoints on candidate qualifications and the financial situation in the City needs to be addressed.

Moran questioned why evaluate for 3 more months when we already have the information we need. Hyatt spoke that it is unique that 2 contractors walked away from the City. She spoke that it is important to take a look at how we are doing things.

Seffinger spoke that she in February she indicated that Council wasn't ready yet to make this discussion and trust needs to be built.

Moran spoke this is about the voters of Ashland not the Council. He spoke that he is not in support of delays and wants to move forward on the City Manager selection process.

Graham spoke that it is necessary to draw the candidate pool that we need and for people to look at the Operations of the governing body knowing that if hired they would be treated in a respectfully and appropriately. She spoke that if we have not built that confidence we will not get a diverse pool of applicants.

Seffinger spoke to the importance in Council working together so the Citizens get what they want.

DuQuenne spoke in agreement with Moran in regards that Council put in the position to do what the people in Ashland wants and it is principals before personality. She spoke to the importance to do what is right for the City of Ashland and get things done.

Jensen spoke that there is comfort that we currently have an excellent City Manager so a delay will not hurt the City.

**Roll Call Vote: Graham, Hyatt, Jensen, DuQuenne, Seffinger: YES. Moran: NO. Motion passed 5-1.**

## **V. ADJOURNMENT**

**The Special meeting was adjourned at 6:53 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).*

## **Public Testimony May 13, 2021**

**#1**

Esteemed Councilors,

I am writing tonight in support of at least the MINIMUM qualifications for candidates for the position of city manager as approved on 2/16/21, and preferably a higher standard, if possible. Please agree on that and move forward with the recruitment process. There must be no diminution of those qualifications. They are appropriate as written.

This hire will be one of the most consequential in the history of the city. As we embark on this new system of government, we must have a candidate who has impeccable qualifications and experience. Make no mistake, to err at this juncture could be disastrous to the future of our city.

Regarding the code of conduct, I urge you to censure Councilor Stephen Jensen in response to egregious and inappropriate comments in the local press attempting to discourage citizens from attempting to contribute to the public discourse.

"AMC Section 2.04.080 (D) The Mayor and Council members should strive not to criticize any person in a public meeting or in public electronic mail messages."

This must be interpreted as criticism of any person, whether that person is named or not, including the public in general, and to include an opinion essay in our local news outlets.

Councilor Jensen is a public official, and as such he MUST be willing to accept input from his constituents. To not do so is undemocratic, and a dereliction of his responsibilities as a Councilor.

He can express those opinions as a private citizen in any private venue, but not in his role as councilor in public. He has violated the code of conduct.

Since I will be unable to present this testimony in person, please instruct the Recorder to read this submission aloud at the meeting so that it will become an aural part of the public record to be included in the video record.

Thank you for your consideration.

*Dean Silver*  
*Ashland*

## #2

I would like to voice my support for Mayor Akins, and Counselors DuQuenne and Moran. I want to thank them for staying true to their pre-election statements and commitments, the reason many of us voted for them. I appreciate that they take their oath of office seriously.

Regarding the minimum qualifications for the City Manager position, I thought the direction given to HR staff was very clear and in keeping with what constituents wanted when they voted overwhelmingly for the change in the charter.

Christine Dodson

## #3

Full Name: **Nancy K Boyer**

Phone: **5414882989**

Email: [boyerbeware@yahoo.com](mailto:boyerbeware@yahoo.com)

Subject: **Special Mtng May 13-2021**

Message: **We are going thru difficult times ,from many fronts both.Nationally and locally . Citizens are more aware, ..more then ever the structural deficit we are facing ,repeated requests for more money, without means to repay!! This is causing some anger ,confusion among all of us esp with social media and the avenues some appear to have via Sneak Previews and DailyTidings/MailTribune.. ! FYI in OCT of 2007, the paper " City of Ashland will spend \$37,000 for a therapist , in order for councilors to learn to work together and restore some civility to their interactions, The Medford Mail Tribune, reports. A divided, combative Ashland City Council... This has since been deleted from the papers files , but not from the minds of we Ashlanders who paid the 37k.!! .... I'm hoping this mtng is not being held to censure some. without censuring all. as I feell at this time the social media too, has has become combative and divided, and to do so at this time would deter further o ur goals of having a City Council to look up to, and help in a way to remove us from this huge deficit that looms over all of us !! Respectfully ,Nancy K Boyer**