

**CITY OF SCAPPOOSE  
REGULAR CITY COUNCIL MEETING  
MAY 2, 2011 AT 7:00 P.M.  
33568 EAST COLUMBIA AVE  
SCAPPOOSE, OREGON**

Mayor Burge called the City Council Meeting to order at 7:00 p.m.

**Flag Salute**

**Attendance:**

**City Council Members:**

Scott Burge	Mayor
Jeff Bernhard	Council President
Donna Gedlich	Councilor
Judie Ingham	Councilor
Larry P. Meres	Councilor
Jeff Erickson	Councilor

**Staff:**

Jon Hanken	City Manager
Doug Greisen	Police Chief
Susan Reeves	City Recorder

**Press:**

Cindy Phillips	Legal Counsel	Don Patterson	The Chronicle
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**Excused:** Councilor Mark Reed

**Approval of the Agenda**

Mayor Burge would like to postpone City Manager Hanken's evaluation until the next meeting.

Councilor Ingham moved and Councilor Erickson seconded the motion to approve the agenda as amended. Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye and Councilor Erickson, aye.

**Public Comments**

Michael Klobes, Scappoose, explained the Pow Wow event planning is actually going very well. He explained they were able to get a carnival. He stated if there is anything that Council would like to see please let him know.

Councilor Gedlich explained she would like him to contact the Senior Center to see if they would put a booth up so they can sell their quilts.

Councilor Ingham suggested may be would be an opportunity for the Historical Society to have a booth also.

Michael Klobes talked about Council and staff being involved in a possible "greased pig" event at the Pow Wow.

Councilor Gedlich talked about the "Jail House" being a fun fundraiser at past events.

The Pow Wow will be held July 28 ~ 30, 2011 at Scappoose Veterans Park.

### **Consent Agenda ~ April 18, 2011 City Council meeting minutes**

Councilor Gedlich moved and Councilor Erickson seconded the motion to approve the April 18, 2011 City Council meeting minutes. Motion passed (6-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye and Councilor Erickson, aye.

### **Public Employee Restrictions on Political Campaigning**

Legal Counsel Cindy Phillips explained she is going to go over the 2008 Restrictions on Political Campaigning by Public Employees pamphlet put out by the Secretary of State. (Which Council received a copy of the handout in their packet). She explained she is going to go through a couple of items that are worth mentioning. She explained this information always bears repeating.

Legal Counsel Cindy Phillips explained the most important thing that you need to remember about Restrictions on Political Campaigning by Public Employees is stated under Statutory Provisions on page of 1 of this manual and that is Public Employees may not be involved in promoting or opposing any political committee or any initiative, referendum or recall petition, measure or candidate “while on the job during working hours.” She asked now what does that have to do with you because you are not public employees you are elected officials? She replied well the thing is often times elected officials want staff to do something for you which is actually going to end up being for the purpose of supporting a measure. She stated now can they do that, well it depends. She explained this pamphlet gives lots of scenarios and they are extremely helpful.

Legal Counsel Cindy Phillips discussed the Burt v. Blumenauer case.

Legal Counsel Cindy Phillips explained on page 2 of the handout it gives examples of restrictions on public employees. She explained on page 3 of the hand out covers allowable activities for public employees.

Councilor Gedlich asked if all the employees have a copy of this document and if so has there been consideration of having a workshop or a staff meeting to go over these things.

City Manager Hanken replied the department heads have a copy of this document.

Councilor Gedlich asked City Manager Hanken if he has sent out an official staff memo regarding this issue.

City Manager Hanken replied no, not yet.

Legal Counsel Cindy Phillips went over the handout that covers use of facilities and property. She explained her advice would be if the City is going to have a town hall make sure that all persons involved have the ability to make their points. She explained on page 6 and 7 it covers campaign signs.

Legal Counsel Cindy Phillips explained you really want to stay away from unauthorized expenditures of public funds because she is sure as Council already knows that can incur personal

liability. So you could be inadvertently risking your savings, your house, your financial future by expending public funds in an unauthorized manner.

Legal Counsel Cindy Phillips talked about when a measure becomes a measure. On a referral it becomes a measure when it is referred to the ballot. However an initiative or a referendum is a measure as soon as the prospective petition is filed with the City Recorder. During the signature gathering phase that's when ORS 260.432 applies for initiatives, referendums or recall petitions (covered on page 8 of the manual).

Councilor Gedlich asked if they as councilmember's can sign referendums and not have to worry.

Legal Counsel Cindy Phillips replied yes. She stated remember that elected officials and public employees have a right to engage in political activities, they just can't do it on their working hours. She explained elected officials are not public employees unless they are otherwise employed.

Legal Counsel Cindy Phillips went over how a measure will apply to us as a City as a whole. She explained the City can present factual information about the effects of any measure. The important part about this is that the information has to be factual and it has to be unbiased, it has to present the pros and the cons. (starting on page 19 of the manual). She explained the State Elections Division has a couple of employees that during elections season that is probably all they do is look at information that the city's want to give out and they will review it according to their criteria which is pretty well spelled out on pages 19 through 26 of this pamphlet. Not only is it spelled out there but there are also examples of inadvisable language on pages 38 and 39 and a check list for reviewing draft documents about ballot measures produced by Government Agencies on page 41 of this pamphlet.

Council President Bernhard stated he is curious about the consequences; what if they find it isn't impartial, neutral, and dispassionate; all of the above.

Legal Counsel Cindy Phillips replied if the City put that out that can be an election law violation and what the Secretary of State will do is they will determine how the piece was produced, under who's direction and those are the city employees who will be faced with possible violations of the Elections Law. As you know Elections Laws are punishable by fine and then again as she said earlier you need to be extremely careful that you haven't expended public funds in an unauthorized manner because then those people would also be subject to joint and several personal liability for the expenditures and there's fines associated with that too.

## **Announcements**

Mayor Burge went over the calendar.

## **City Manager Hanken**

City Manager Hanken explained the Havlik Drive/ SE 2<sup>nd</sup> Street ribbon cutting ceremony will be Friday May 6, 2011 at 2:00 p.m. on SE 2<sup>nd</sup> Street by SE Frederick Street.

City Manager Hanken explained he gave Council the memo from the Columbia County Land Development Services Department related to the UGB application and the first public hearing at the Columbia County Planning Commission is scheduled for June 6, 2011.

City Manager Hanken explained there is also a copy of the report from the Columbia County Economic Development Team in terms of actives that have been undertaken since October 1, 2010.

### **Police Chief Greisen**

Chief Greisen explained the flagpole at the Police Department/City Hall has been repainted and the rope has been replaced. He stated it hasn't been done for a long time and it looks really nice.

### **Council**

Councilor Gedlich explained said she read in the paper the Mayors Ball was a real success and she is sorry she couldn't have been there.

Councilor Meres thanked City Manager Hanken and Barbara Hayden for volunteering at the Scappoose Community Club Annual Spring Cleanup Day. He explained it was busy.

Police Chief Greisen explained the expired/non-used prescription drop off day went well.

### **Adjournment**

Mayor Burge adjourned the meeting at 7:53 p.m.

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Scott Burge, Mayor

Attest: \_\_\_\_\_  
Susan M Reeves, CMC, City Recorder