



COUNCIL WORK SESSION

Wednesday, May 3, 2023

APPROVED MINUTES

MEMBERS PRESENT

Mayor Rick Scholl
Council President Jessica Chilton
Councilor Patrick Birkle
Councilor Mark Gundersen
Councilor Brandon Sundeen

STAFF PRESENT

John Walsh, City Administrator
Kathy Payne, City Recorder
Lisa Scholl, City Recorder
Crystal King, Communications Officer
Rachael Barry, Government Affairs Specialist

Brenda Herren-Kenaga, Reference Librarian
Gloria Butsch, Finance Director
Bill Monahan, Contracted City Attorney
Tina Curry, Contracted Event Coordinator

OTHERS

Steve Topaz	Brady Preheim	Margaret Magruder	Adam St. Pierre
Steve Toschi	Eddie Dunton	Diane Dillard	Arthur Lewskowich
Jennifer Massey	Brian Pixley	Mary "Robin" Loper	Mark Pacheco
Uncle Abu	Mercedes Massey	Tyler Miller	

CALL WORK SESSION TO ORDER – 2:00 p.m.

VISITOR COMMENTS - *Limited to three (3) minutes per speaker*

- ◆ Tina Curry. Informed Council of a free family-friendly science performance event planned to take place in the Plaza at 4:30 p.m. on May 13. This event has been performed in several other cities in Oregon, and Tourism requested the event. She listed the event information on the Columbia County Events page and requested that the Council share the event information. There were several paragraphs of information in the Budget Report regarding Tourism that were incorrect and were undergoing correction.
- ◆ Diane Dillard, 124 N. 2nd Street. She encouraged the City Council to support and endorse the Ballot Measure 5-290 regarding a levy dedicated to increased law enforcement. She has been a long-term member of emergency planning associations and expressed the need for 24-hour law enforcement availability for community protection, and explained how this levy would support that goal.
- ◆ Betsy Johnson. Diane Dillard read a letter which supported Ballot Measure 5-290 from Betsy Johnson who was absent. She encouraged public entities to work together.

- ◆ Robin Loper, a school district nurse who has lived in the community for many years. She encouraged support for Ballot Measure 5-290 as this measure would fund seven new patrol deputies for Columbia County Sheriff's Office, and expressed the need for more law enforcement Officers as crime has been on the rise and citizens needed more support. She was in favor of the project to establish a Public Safety Fund to give local law enforcement tools and facilities to effectively do their jobs, and she felt measure 5-290 was the next step to facilitate that support.
- ◆ Ty Miller. Resident and City Council Member of Scappoose. He gave testimony in support of Measure 5-290. He served as a Reserve Deputy under the Columbia County Sheriff's Office between 2011 and 2017. He described incidents where he personally served to protect the safety of residents and had assisted in taking shooters into custody. He expressed a need for more law enforcement officers and explained the benefits to the community. He described another incident which occurred after his time of service, explaining that having more deputies available would have allowed them to respond sooner. The number of Oregon State Troopers available in the county has declined since the time he was in service, and they used to rely on that backup which now no longer exists.
- ◆ Brady Preheim. The proposed Code of Conduct for Boards and Commissioners was a good idea; however, it was too late to implement as there were already employees and officials who had violated the statutes of the proposed Code. He noted that the Mayor had been vocal in opposing the proposed Code. The Sheriff had not attended the first time the levy was discussed and noted it had been voted on previously. He expressed concern that the Sheriff's Office paid less than the City Police, and that officers who had been terminated by the City had then been employed at the County Sheriff's Office and postulated that they were unfit for service. He mentioned an Animal Control Officer who had been charged with Assault of a Minor. He alleged that there had been lies regarding how the Jail Levy money was spent, and that the JOCAC Committee had not met for two years. He expressed concern about compliance with conditions of current levies as well as the proposed levy, and over the possible lack of support received from the Sheriff's Office regarding calls from St. Helens when they have been funded in part by the City.
- ◆ Steve Topaz. Asked the City Council to support the school levy, and hoped someone would bring up the topic.
- ◆ Jennifer Massey. Referenced a letter she sent previously to the Council, noting that it contained a lot of data and links she hoped the Council would look into. She had previously asked the Sheriff to provide a breakdown of calls received and responded to but had not received a response to her request. She suggested that the Council ask the Sheriff if there has been direct conversation with the surrounding school district superintendents within Columbia County regarding whether there were plans to put SROs (School Resource Officers) in the schools and wondered whether they would achieve 24-hour coverage in that case. She expressed concern over the older demographics who were on a fixed income bearing the burden of the proposed levy and possible future levies. She did not see the value of the proposed levy for citizens of St. Helens.

- ◆ Steve Toschi. Clarified that he is concerned about the Code of Conduct. This arose following him going to The Chronicle for public comment and debate regarding homelessness and the corresponding City regulations. It had been discussed briefly by the Council and a strangely worded pledge arose thereafter which was taken only by Boards and Commission Members. The pledge included wordage about the Board or Council members making independent judgements, which he noted should be always the case, and that there was possibility of reprimand if someone else felt that they had not made independent judgements, which he felt was an attempt to control independent speech or judgements. He also expressed concern over wordage regarding avoiding relationships and actions that give the appearance of compromising objectivity, independence, and honesty. He was concerned that this arbitrarily limited the relationships people were allowed to have in the city and imposed too much control over other's behavior and independence and violated the Constitutional right of Freedom of Association. He reminded Council that he had sent a redline email and encouraged them to read it.

Mayor Scholl stated he did not receive the email Mr. Toschi sent. He emphasized that public officials are representing the City, and that the pledge provided good quality standards and values to live by on behalf of those they represent.

- ◆ Adam St. Pierre. Discussed that the City already pays for 24-hour coverage, and felt it was dual-taxation and a replication for a tax they already turned down. He urged Council not to endorse Measure 5-290.

Mayor Scholl acknowledged that they have received six letters in opposition to the Measure 5-290, and one letter in favor.

DISCUSSION TOPICS

1. **Semi-Annual Communications Report – *Communications Officer Crystal King***

Communications Officer Crystal King's report covered the period between November 2022 through April 2023. The main measurables included in the report were press releases, social media posts, contacts or requests from media including local media, and newsletters. She also reported on outreach done at community events, coordination with other departments to inform the public on City operations, staff training, and upcoming projects. Ms. King discussed First Amendment Rights and case law as it pertains to social media platforms and reminded public officials that when they use social media or other communications in any way that is identifiable as a government entity, they may be subject to Public Records Request, and individual or City liability. She answered clarifying questions from Councilors about the case law that directed social media policies.

2. **Presentation on Columbia County Sheriff's Levy – *Sheriff Pixley***

Sheriff Pixley reported that in the 20 years he has been working for the Columbia County Sheriff's Office they have been consistently underfunded, and understaffed which has resulted in slower response times and spotty patrol coverage. Half the county's residents live in the city limits where they have had 40 officers patrolling, but the other half of the county residents within an area of 640 square miles have only had eight patrolling Sheriff Deputies. There are over 630 calls per officer per year, but Sheriff deputies respond to over 1600 calls per year, and they are overburdened. He asked for support of the levy to fund seven more deputies, including vehicles and equipment, to increase safety and response times in the county. Sheriff Pixley presented details of the proposed levy, explaining how the funds would be used and the positive impact those funds would have on their ability to serve the community and reduce costs. He noted that the Cities of Scappoose, Rainier, and Clatskanie have already pledged their support. He also

emphasized the importance of safety and a feeling of security for residents, families, business owners, and employees. He urged the Council to create a resolution or letter to gain public support. Sheriff Pixley answered clarifying questions from Councilors about school resource officers, providing 24-hour coverage, and increasing law enforcement presence on the water.

Councilors discussed the levy. Concerns included compression in the urban renewal district, the impact of the levy on other jurisdictions, feedback in opposition to the levy, and budget implications. Several Councilors indicated they wanted more information before making a decision. However, all Councilors supported the levy. Sheriff Pixley confirmed he would send budgeting information and a breakdown of data on calls.

3. Finance FY 2022/23 3rd Quarter Report – Finance Director Gloria Butsch

Finance Director Gloria Butsch presented her Financial Report to the Council. She acknowledged there was an error reflected in the budget for Tourism on page three and explained the correction. She noted that the Public Safety Utility Fee would be discussed at the upcoming Budget Committee meeting. Additionally, a copy of the Q&A would be given to the Council and Budget Committee members for review prior to the meeting. She also confirmed that an audit would be completed after the budget was approved.

4. Review Proposed Code of Conduct for City Boards, Committees, and Commissions

The Councilors discussed the need for the proposed Code of Conduct. Misinformation about HB 3115 was being spread, which was detrimental to the community and created extra work for staff. It was important to clarify for all board, committee, and commission members that when speaking for the City, they are subject to Public Records Requests. The Council and staff discussed removing members for violating the Code. The City had a clear, objective, voter-approved process for removal of Councilors for various reasons included in the charter. Additionally, there was a Code of Ethics in place which Council, City Employees, and all boards or committees are required to sign. Staff provided details about the process for removing a board, committee or commission member and suggested that removal only take place after an opportunity was provided to present an explanation or otherwise address the issue. They also discussed the City's efforts to remove social media posts with inaccuracies and respond to emails and phone calls staff received which were based on misinformation.

Councilor Birkle noted that the Planning Commission agenda did include discussion on HB 3115 following the last Council meeting. He understood that there would be additional conversation or recommendations, that their role was done, and it was now in the Council's hands.

Councilors discussed the need to communicate directly and work with the Planning Commission. The Council already had the Planning Commission's recommendation, but case law was still developing.

Councilor Sundeen felt like the proposed Code should be reviewed by other boards and commissions before a final decision is made by Council, and acknowledged the good the board and committee members do in the community. He expressed concern that the Code could discourage volunteers who want to serve and help in the community, and noted it seemed a bit extreme.

Council President Chilton suggested a joint meeting with the Council and Planning Commission to let them know how they are expected to work together in the future and discuss how they will be moving forward with HB 3115.

Councilors discussed Facebook posts by the Planning Commission Chair, one which stated the Planning Commission had selected places for people to camp but did not clearly indicate that those sites had not yet been officially approved, and an inflammatory post that appeared to be pointed at the Mayor. It was agreed that the Code of Conduct should address posts like those made by the Planning Commission Chair. However, Councilors were divided as to whether the boards and commission should provide input on the language in the Code.

5. Report from City Administrator John Walsh

City Administrator John Walsh gave his Report, which included an update on the anticipated decrease in tax revenues, the City's investment in communications, upcoming events, new development projects, and Staff's work on HB 3115. He planned to give more of his report at the next Budget Committee meeting. He answered clarifying questions from Councilors about funding additional police and library staff and noted the upcoming Executive Session had been cancelled.

City Recorder Payne asked if they had received a letter or resolution regarding the Sheriff's levy. Mayor Scholl had received a statement of support, but he did not like how it was drawn up.

ADJOURN – 4:39 p.m.

EXECUTIVE SESSION – Cancelled

Respectfully submitted by Lisa Scholl, Deputy City Recorder

ATTEST:

/s/ Kathy Payne

Kathy Payne, City Recorder

/s/ Rick Scholl

Rick Scholl, Mayor