

City of Merrill
CITY OF MERRILL
REGULAR BUSINESS MEETING
Monday January 29, 2018

MEETING CALLES TO ORDER:

The meeting was called to order at 5:58 p.m. by Mayor Carlson

ROLL CALL:

Roll call was taking with the following members of Council being present: Mayor Carlson Councilor Lesh, Councilor Taylor, Councilor Smith, Councilor Carleton via-phone and public works director Greg Matthews.

The **Flag Salute** immediately followed with Mayor Carlson asking Councilor Lesh to lead it.

MAYOR STATEMENT:

Mayor Carlson asked that everyone please turn cell phones on silence. That all meeting are recorded and that when addressing the council to please speak clearly and state your name.

PUBLIC COMMIT:

Mayor Carlson states he sees no public so he sees no reason to read the statement so if any public joins after six he will proceed to read the public commit.

NEW BUSINESS:

• **Establish a Process To Hire City Employees:**

Mayor Carlson stated he had been in contact with many city councilors about this and that he had proposed that two city councilor make a decision and if there a tie he would make the decision of the hiring in order to break the tie. Mayor Carlson said he thinks the consciences are that all the city councilor's want to vote on the hiring for this position. Mayor Carlson stated that he prosing that two city councilor members meet and if there a tie he would break the tie with his discussion and that he would like to include the department head not as voting members but as advisories. Mayor Carlson stated that there is a legal confliction about an in-law relationship between the administrative City Councilor who is in charge of the office and a potential candidate and that he does have a clarification there that it is fine as long as it is disclosed. Councilor Taylor stated and along with talking to Councilor Smith that before in this position did not you exclude yourself from the hiring procedure? Councilor Smith responded with that she has decided that it is her department and that she had called the League of Oregon Cities to she were she stands with this conflict. Councilor Smith continued that the League of Oregon Cities is complete fine with it as long as it disclosed and that Mayor Carlson had called the City Attorney Mika Blain about the hiring and Mika responded that she thinks it fine and that

there is no financial benefit from it to her and that she is going to be a part of it, because that it is her department. Cindy Taylor stated that they would have to vote on it. Councilor Smith stated no because the League of Oregon City says there no problem with it along with the city attorney. Councilor Smith stated that she also learned that there can be as many councilor members as wanted as long as it is posted with no public commits. As far as her being a part of the hiring it already in the city books because the head of the department is already in the hiring process. Councilor Taylor wants to know if there is anything on exclusions if someone is related, because with nepotism it in black and white. Councilor Smith responds with there is no financial benefit to her. Councilor Taylor states it says nothing about financial benefit that if you read the nepotism it states that a public official may not participate in any of the following appointing employing promoting discharging firing or demoting, interview discharging firing or demoting. Interviewing or discussing or debating the employment appointing employing or discharge of a relative and sister in-law is included in that. No one with relations can be involved in the process period and it from the public official guide from Oregon Ethics committee. Councilor smith stated the like she had said she had consulted with the League of Oregon Cities and the City Attorney and she feels comfortable moving along. Cindy Taylor asked if there was a black and white copy from the League of Oregon Cities stating that it was okay for her to participate. Councilor Smith stated that no but that there is one from the city attorney. The Councilor's discussed the hiring procedure and how the voting would work and if the conflicting department head should have a voting decision, also how selecting a candidate is going to work. Councilor Carleton stated that he has reviewed some candidates and he believes there all good candidates and it going to be a hard decision to make. Mayor Carlson proposed that there will be three councilors him and two councilors. Councilor Smith stated after that it will go in front of the whole city council for voting and that head people of the public departments can give their opinions on this but can't vote. Mayor Carlson stated the first screening would be two city councilor members and himself. With the first being five interviews and himself, Councilor Taylor or Councilor Lesh depending on availability and Councilor Smith. Councilor Taylor stated that she does not feel comfortable doing this because she wants to see the black and white from the League of Oregon City for Smith to be involved in voting due to that is a financial gain for Jessica and it just not right and it not ethical. Councilor Taylor also stated that she would like to be able to tell the resident who question her if Jessica did get the position that she read it in black and white and did not just hear it for hearsay for it being okay for Councilor Smith to vote because it going to look bad if she gets the job. Councilor Smith read the attorney statement from the attorney stating "Bill. I think if the relationship if disclosed at should be fine if they are on the hiring committee. There is no direct financial benefit to the person on the hiring committee." to Councilor Carleton. Councilor Carleton stated he fine with letting Councilor Smith because they could always out vote this person. Cindy Lesh stated she would like more information in this before she proceeds. Mayor Carlson stated that as it sits right now and there two votes against and to votes for it and that he has done his research with the city attorney and that he feels comfortable with proceeding. Councilor Smith states that there had been a vote made of three to two and that she would be involved in the interview process. Councilor Taylor stated that she would still like see a copy of the League of Oregon City statement in black and white, which all agreed upon

to provide for her. Councilor Smith stated that the interview process would start the week of the 12th. The job opening is open to until the 2nd February. Mayor Carlson stated that in the next week they will review paper resumes and choose a maximum of four to five candidates and the first interview will go in front of three councilor and the next interview would go in front of the city councilor with department heads having an opinion. To be noted that Councilor Taylor and Councilor Lesh were against letting Councilor Smith Vote, There was a tie between councilor member and Mayor Carlson broke the tie with his judgment and information from the City Attorney and it passed with a 3-2 vote. Also the Councilor Taylor would like a black and white copy of the statement from the Oregon League of Cities on this matter.

Councilor Smith stated to Councilor Carleton there was one other item that former employees Frankie and Iliana De Leon had an outstanding Verizon cellphone bill that is connected to the City of Merrill and that if it need to be removed from the City account if not the City would be responsible to this. Mayor Carlson stated that we would work on this issue and figure it out along with getting financial documentation about these account from Verizon.

• **Consider Department Assignments for City Councilors:**

Mayor Carlson stated that the there are two family relationship with in the office and the water department and that he was wondering if there is any interest in switching Head Departments between City Councilor. Councilor Smith ask if that was a possibility and Public Works director stated that the mayor had the ability to do this. Councilor Smith stated that this is something that could be discussed at the next City Council Meeting next month.

Other: Future agenda items

- Consider moving department's heads around.

Adjourn:

- Councilor Smith made a motion to adjourn the meeting at 6:25 p.m. to adjourn the meeting. Councilor Lesh 2nd the motion all councilor voted in aye and the meeting adjourned at 6:25 p.m.

Respectfully Submitted,

Mayor, Bill Carlson

Date

Jessica Jensen

Date