

MINUTES

MILWAUKIE CITY COUNCIL WORK SESSION

NOVEMBER 18, 2008

Council President Loomis called the work session to order at 5:30 p.m. in the City Hall Conference Room.

Council Present: Councilors Deborah Barnes, Greg Chaimov, and Susan Stone.

Staff Present: City Manager Mike Swanson, City Attorney Bill Monahan

Board and Commission Interviews

The Council interviewed applicants for the Public Safety Advisory Committee, Citizens Utility Advisory Board, and Design and Landmarks Committee.

Milwaukie Relay for Life

Mary James, American Cancer Society, discussed the Milwaukie Relay for Life that would be held at Milwaukie High School and encouraged participation. The Relay had been held at LaSalle Catholic High School, but they were unable to hold it there this year because the school is getting a new track. They thought it was a perfect opportunity to move the relay to Milwaukie High School. They were hoping to hold the event either July 11 and 12 or July 18 and 19. They were waiting for City Council and School District approval. She was hoping that the City would be a relay sponsor.

Councilor Barnes asked what being a sponsor meant.

Mr. Mason, American Cancer Society, replied that they would look to the City for an in-kind donation. Sponsorship levels started at \$250. All sponsors would have their logo/name printed on all of relay materials and participation t-shirts.

Councilor Stone asked if the participants raised money.

Ms. James said each team consisted of 10-15 people and there was a registration fee, which covered the printing and t-shirt costs. Each person was asked to raise \$150, and most raised more. The relay was a 24-hour event from 10 a.m. Saturday until 10 a.m. on Sunday.

Councilor Barnes suggested coordinating the schedule of the relay and the Milwaukie Daze event to get more people involved.

Mr. Mason said they were behind and should have already had a site selected. There was no objection from them to coordinate, but they needed to have approval and figure out how to plan it as a dual event soon. In order to get sponsors they needed to have the date and location set.

Councilor Stone asked how participants there are.

Ms. James said the goal for this year was to have 25 teams and there are non-participants that came as well. Each event starts with a survivor walk.

Councilor Stone liked the idea of the City supporting the Relay.

Councilor Chaimov agreed it was an effort the City should be supporting. He thought the Mayor would be a good resource to figure out how to coordinate the 2 events as it would likely benefit both.

Councilor Loomis said he had spoken with MHS principal and he supported it.

Municipal Code Republication Project

City Attorney Monahan said there were a number of code provisions that had been accumulating over the past months that required modification to bring them up to compliance with direction that Council had given and errors that had been found and needed to be corrected. The amendments were in Section 2.04 and some relate specifically to the City Council. One issue was they wanted to make it easier for Council to excuse either the City Manager or City Attorney from a meeting. The language of the present code said that the City Council made that determination and they thought it made more sense to delegate that to the City Manager. Also, the code stated that City Department Heads would be required to attend and they wanted to make that discretionary. The code relating to the minutes talked about tape recording all open meetings and that was being done digitally so it made sense to make that up to date. There were some other nuances of record keeping that Ms. DuVal suggested would conform to her practices. Item 2.04.150 Discussion of Business, talked about the Council inviting comments on all matters for Council consideration and it clarified what items would be open for comment from the audience and talked about how the public hearings would be conducted following the regulations of the particular type of hearing. The change gave a little more guidance. Section 2.04.290 Standards and Practices recognized a change of the Oregon Government Standards and Practices Law to be Ethics Law. There would be more changes coming on Ethics, such as Conflict of Interest and other such items.

Ms. DuVal added the Code was first published in 1986 and had not been redone since that time. This effort would clean up obsolete language and make it a better looking code.

Mr. Monahan said if there were other code sections that came to the Council's mind staff would want to cover those in the coming months. He and Ms. DuVal went through the entire Code and identified sections that they felt needed to be revised. If there was code that was troubling to Council he would like to know and they would add those for consideration.

Councilor Stone asked if there was a list of those sections.

Ms. DuVal replied that she would send the list to Council.

Mr. Monahan added it was an all encompassing list. Almost every chapter needed attention.

Ms. DuVal said the Code is updated every 6 months. The November supplement just went out and the whole republication would be done in May and would be an ongoing project.

Councilor Stone asked about 2.04.130 Minutes, about the minutes being available to the public within a reasonable time. She asked if there was a way to define that time frame. Sometimes people get really frustrated that they do not have the minutes.

Ms. DuVal said the language came straight from the Open Meetings Law.

Councilor Stone asked if the Open Meetings Law defined what reasonable mean.

Mr. Monahan said it did not, but said that the City's minutes are available and on-line much quicker than the norm.

Councilor Chaimov had been dealing with another city in the county recently and was discouraged to find that his expectations were set to high for what he had hoped to find.

Ms. DuVal added when the streaming video goes live the action minutes would be available the following morning.

Councilor Stone said that would be so great. She also commented on Section 2.04.150 Discussion of Business – that was one thing that had frustrated her being on the Council when deliberating about an issue and they had heard the public comment and were in discussion and a question comes up. There could be someone in the audience that could help clarify it, but so many times Council cannot call on them. Did this allow for them to be able to call on people?

Mr. Monahan replied that the presiding officer always had the opportunity to accept additional testimony. He thought what often happened was that Council would be in a public hearing context and the public hearing will be closed and there would be someone who wanted to speak. Once you closed the public hearing it can always be reopened. It was just more tedious. It was a judgment call on Council's part and the code did not take away that ability.

Filing the Council Vacancy

City Attorney Monahan reviewed the process for filling the vacancy. Mr. Swanson asked him to take a look at the options available to the City Council to fill the vacancy that would occur by Jim Bernard's resignation. Chapter 10 of the City Charter guides Council. The Charter was written in a way to promote having a complete City Council to fill all 5 positions and operate as a complete Council. The language states that the City Council will fill a vacancy by a majority vote, shall appoint a qualified person to fill the vacancy until a person is elected to serve the remainder of the unexpired term. If the Council failed to appoint an individual within 30 days after the seat is vacant the City Manager is directed to call for an election, which did not solve the issue of filling the interim mayor position. If Mayor Bernard resigned prior to the first meeting in January the City would be able to have an election in May to fill out the remainder of the term from May until the end of 2010. The interim position was under Council's control. Council could start the process before the vacancy or wait until after the position was vacant. The person that would be appointed was anyone who would be qualified to serve in an elected office. They must be an elector of the State of Oregon and have resided within in the community for the prior 6 months.

Councilor Stone said the appointment to fill that vacancy was done by the Council and they had discretion to appoint someone from the outside of the Council or from within. What happens if someone on Council was appointed?

Mr. Monahan replied if someone was appointed from within Council then that individual vacated his or her seat on the City Council, which then gave 2 positions to have on the May ballot. He made that interpretation because he did not see anything in the City Charter that said that a council member could take

an interim position and retain the rights to their elected position. The Charter seemed to be striving for a full Council to do business.

Councilor Stone asked if it said in the Charter if someone was currently on the Council and was appointed to the Mayor position that they could return.

Mr. Monahan said he did not see anything that said one could return to his or her prior position. There was nothing that said a Councilor could be the Mayor and still retain the rights to his or her elected position.

Councilor Stone said for the sake of a scenario if a couple of people on Council ran for the Mayor spot only one could win so there would be 2 seats vacant?

Mr. Monahan replied running for the position did not require that a person vacate the seat. There were some charters in the state that did, but there was nothing in Milwaukie's Charter that said that. If 2-3 council members chose to run for Mayor the only person that would have to give up his or her seat would be Councilor elected as Mayor. If that happened we would have to start the process over again to fill that vacancy. There was nothing that prohibited someone from being appointed to be the interim mayor

Councilor Loomis asked the Council how they wanted to proceed. Did they want to wait for input from Mayor Bernard?

Mr. Monahan said the Mayor would not be involved in making the decision. It might be a more transparent and clean process if the Mayor were not involved in the discussion

Councilor Stone asked why he would not be involved if the decision was made prior to his resignation.

Mr. Monahan said if he were here he would have the right to participate. He was suggesting it was a more transparent process if he did not. The Charter says the remaining members shall make the appointment.

Councilor Chaimov felt they should start the process and accept applications.

Councilor Barnes said there were several people that contacted her and offered their services as interim mayor. They were very interested, and she thought it was good to appoint someone to fill in until the election so they had a clean vote of Milwaukie residents on the race.

City Attorney Monahan said nothing precluded Council from starting the process to solicit applications. At the meeting following Mayor Bernard's resignation Council could follow the process of requesting applications. Once the position was vacant they could follow the process of having an appointment. Votes of three members of the Council would be necessary. Council could create an application or come up with some guidelines so that someone could write an essay.

Ms. DuVal said there is an application and she can send it out to Council for review.

Mr. Monahan said if Council waited until January at the very first meeting it would follow the process of swearing in Councilors Loomis and Chaimov and then move to accept the resignation of the Mayor. Then Council would elect the Council President because the Charter said that when there is a new duly elected member of council there is a new election of Council President. The Council President would preside in the process to appoint the Mayor.

7314-6

Consensus was Council would like to interview applicants at the December 16 Work Session.

Council President Loomis adjourned the work session at 6:45 p.m.

Pat DuVal

Pat DuVal, City Recorder

WORK SESSION

AGENDA
WORK SESSION
MILWAUKIE CITY COUNCIL

NOVEMBER 18, 2008

MILWAUKIE CITY HALL

Second Floor Conference Room
10722 SE Main Street

A light dinner will be served.

WORK SESSION – 5:30 p.m.

Discussion Items:

	<u>Time</u>	<u>Topic</u>	<u>Presenter</u>
1.	5:30 p.m.	Board and Commission Interviews	Mayor and Council
2.	5:45 p.m.	Milwaukie Relay for Life	Mary James, Cancer Society
3.	6:00 p.m.	Municipal Code Republication Project	Bill Monahan / Pat DuVal
4.	6:15 p.m.	Filling the Council Vacancy	Bill Monahan
5	6:45 p.m.	Adjourn	

EXECUTIVE SESSION

Executive Session: The Milwaukie City Council may go into Executive Session pursuant to ORS 192.660(2). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

Public Notice

- The Council may vote in work session on non-legislative issues.
- The time listed for each discussion item is approximate. The actual time at which each item is considered may change due to the length of time devoted to the one previous to it.
- For assistance/service per the Americans with Disabilities Act (ADA) please dial TDD (503) 786-7555.
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

CITY OF MILWAUKIE APPOINTED ADVISORY BOARD APPLICATION

Name: Margaret Anderson Date: 10/10/08

Street address: 10080 SE 54th Ct

Mailing address if different than home address: _____

Business Phone: 971-206-2036 Home Phone: 503-387-3996 Cell Phone: 503-320-6577

E-mail address: pepi1948@mac.com

How long have you been a Milwaukie resident? 1 1/2 years Lived in Portland since 1975

Are any members of your household currently serving on a City of Milwaukie Advisory Board or Commission? If so, which one. N/A

Are you a registered voter in Milwaukie? Yes

How did you hear about the position? Neighborhood Association

Occupation: Registered Nurse-Consultant Employer: Marquis Companies, Inc.

Employer's Address: 4560 SE International Way, Suite 100 Milwaukie, OR 97222

Phone: 971-206-5100

Please list any prior civic or professional activities. See comments in Special Training Statement

Why have you applied for this position? To be more aware of issues in my community and to bring issues to the committee that will support safety in the community in which I live. Sustained livability can only be obtained through cooperative efforts of community and the governmental agencies we support.

What special training, skills, or experience have you had that would be pertinent to this application? I have a wealth of life experiences that contribute to an openness to listen and assimilate information in a constructive non-biased way that can contribute to a big picture view of what is best for the community I live in. I have been an administrator in management positions as well as nursing leadership in my field in long term care. I have participated in organizations at the leadership level as my children were growing up such as Little League, PTA, church youth groups as well as planning groups within the company I work for. I am currently the project manager for implementation of a medical records system for our company that will provide electronic medical records for 24 of our SNF and ALF facilities.

Board(s) or Commission(s) in which you are interested. Milwaukie PSAC

Please complete this form fully so City Council can evaluate your application. Thank you for the extra time and effort. Please return to City Recorder's Office, 10722 SE Main Street, Milwaukie, OR 97222, or fax to 653-2444. If you need additional information, please call 786-7502.

Received by City _____
Interviewed _____
Commission _____

Information Sent _____
Appointed _____
Term Expires _____

**CITY OF MILWAUKIE
APPOINTED ADVISORY BOARD APPLICATION**

Name: John Chilson

Date: 11/6/08

Street address: 1730 SE Windy Lane, Oak Grove, OR 97267

Mailing address if different than home address: N/A

Business Phone: 503-539-4440 / Home Phone: 971-221-8186

E-mail address: jmchilson@gmail.com

How long have you been a Milwaukie resident? Resident of Oak Grove since 2004.

Are any members of your household currently serving on a City of Milwaukie Advisory Board or Commission? If so, which one. N/A

Are you a registered voter in Milwaukie? Registered in Clackamas county.

How did you hear about the position? The Pilot, then the city website.

Occupation: Senior Account Executive

Employer: Mobility Public Relations

Employer's Address: 15800 Boones Ferry Road, Lake Oswego, OR 97035

Please list any prior civic or professional activities. I'm a former editor of BUILDERnews magazine, a B2B residential and commercial builder trade publication; Former communications director for Berkeley-based Build It Green, a non-profit that promotes sustainable building; and I blog about Oregon history on my personal blog, Lost Oregon (www.lostoregon.com).

Why have you applied for this position? Although I'm not a resident of Milwaukie, my family and I spend about 80% of our time in Milwaukie [the other 20% Sellwood and Portland]. We consider our town [though we are officially in an unincorporated part of Clackamas county]. I'm very interested [and excited] about the changes in Milwaukie and the revitalization of the downtown area [and was very disappointed in the Hartwell's closure]. I'm interested in where Milwaukie has been and where it's going.

What special training, skills, or experience have you had that would be pertinent to this application? My work on BUILDERNews has given me a look at what challenges builders face when trying to get a structure approved. On the other hand, my work with Build it Green enabled me to talk to architects, builders and homeowners on their challenges and let me see up-close how the design was incorporated into the finished product. I also am passionate about the history

of the area and blog about it at Lost Oregon. I can also bring writing and editing skills to the table if needed.

Board(s) or Commission(s) in which you are interested: Design and Landmarks Commission.

Please complete this form fully so City Council can evaluate your application. Thank you for the extra time and effort. Please return to City Recorder's Office, 10722 SE Main Street, Milwaukie, OR 97222, or fax to 653-2444. If you need additional information, please call 786-7502.

Received by City _____
Interviewed _____
Commission _____

Information Sent _____
Appointed _____
Term Expires _____

CITY OF MILWAUKIE
APPOINTED ADVISORY BOARD APPLICATION

Name: Mysty Dionne Date: 10/22/08

Street address: 3726 SE Jackson Street

Mailing address if different than home address: _____

Business Phone: 503-654-7765 Home Phone: 503-344-6439

E-mail address: mysty@OakLodgeWater.org

How long have you been a Milwaukie resident? 6 years

Are any members of your household currently serving on a City of Milwaukie Advisory Board or Commission? If so, which one. NO.

Are you a registered voter in Milwaukie? yes

How did you hear about the position? web page

Occupation: Office Specialist 1 Employer: Oak Lodge Water District

Employer's Address: 14496 SE River Road Phone: 503-654-7765
Milwaukie, OR 97267

Please list any prior civic or professional activities. I'm currently the secretary to George Payne who is the chair person for the Pacific Northwest AWWA Public Official Committee.

Why have you applied for this position? I have a strong interest in local government, with a strong desire to serve my community.

What special training, skills, or experience have you had that would be pertinent to this application? With my present position at OLWD it has allowed me to learn a great deal about the water/sanitation industry as well as public works. I would like the opportunity to expand my knowledge and share what I have gained with others.

Board(s) or Commission(s) in which you are interested. Citizens Utility Advisory Board

Please complete this form fully so City Council can evaluate your application. Thank you for the extra time and effort. Please return to City Recorder's Office, 10722 SE Main Street, Milwaukie, OR 97222, or fax to 653-2444. If you need additional information, please call 786-7502.

Received by City _____
Interviewed _____
Commission _____

Information Sent _____
Appointed _____
Term Expires _____

**CITY OF MILWAUKIE
APPOINTED ADVISORY BOARD APPLICATION**

Name: Ron Passmore

Date: 10-06-08

Street address: 12649 SE 23rd Ave

Mailing address if different than home address:

Business Phone:503-242-1932

Home Phone:503-342-6283

E-mail address: ronandkelly@comcast.net

How long have you been a Milwaukie resident? 26 months

Are any members of your household currently serving on a City of Milwaukie Advisory Board or Commission? If so, which one. N/A

Are you a registered voter in Milwaukie? Yes

How did you hear about the position? Greg Chaimov

Occupation: Parts/Service director

Employer:Clarke's Discount Inc.

Employer's Address: 19530 SW Shaw Aloha Oregon

Phone: 503-649-7755

Please list any prior civic or professional activities. I have worked as a volunteer with several homeless shelters/kitchens in the state of Washington. Also, I have volunteered at retirement and disabled persons homes.

Why have you applied for this position.

I am interested in the betterment of our community. Amongst other things, I am very interested in pedestrian safety on our streets. Side roads are being used for shortcuts by drivers. This compomises the saftey of our neighborhoods, specifically areas with relatively few traffic devices.

What special training, skills, or experience have you had that would be pertinent to this application? I have extensive human relations, and management skills that may be useful to this committee

Board(s) or Commission(s) in which you are interested. Public safety advisory

Please complete this form fully so City Council can evaluate your application. Thank you for the extra time and effort. Please return to City Recorder's Office, 10722 SE Main Street, Milwaukie, OR 97222, or fax to 653-2444. If you need additional information, please call 786-7502.

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