

**CITY OF JOHN DAY  
CITY COUNCIL MINUTES  
JOHN DAY, OREGON**

**May 10, 2016**

**Adjourned Meeting**

**COUNCILORS PRESENT:**

Steve Schuette, Council President  
Paul Smith, Councilor  
Louis Provencher, Councilor  
Gregg Haberly, Councilor  
Donn Willey, Councilor

**COUNCILORS ABSENT:**

Ron Lundbom, Mayor  
Lisa Weigum, Councilor

**STAFF PRESENT:**

Peggy Gray, City Manager  
Richard Gray, Police Chief  
Valerie Luttrell, Dispatch Manager  
Lance Woodcock, Public Works Director

**GUESTS PRESENT:**

Lara Petitchlerc-Stokes, PO Box 226, Baker City  
Gary Miller, Mt. Vernon  
Cammie Haney, 401 SE Hillcrest Rd., John Day  
Julie Speakman, Prairie City  
Don Speakman, Prairie City  
Dawn Gray, 204 Valley View, John Day  
Monte Legg, 57586 Cayuse Lane, Mt. Vernon  
Damon Rand, 450 East Main St., John Day  
Rebekah Rand, PO Box 521, Canyon City  
Angel Carpenter, Blue Mountain Eagle

**Agenda Item No. 1 – Open and Note Attendance**

The John Day City Council meeting opened at 7:00 p.m. Council President Steve Schuette noted that all Councilors were present with the exception of Mayor Lundbom and Councilor Lisa Weigum who were absent and excused.

**Agenda Item No. 2 – Approval of City Council Minutes of April 12, 2016 and April 21, 2016 Executive Session**

The minutes of the April 12, 2016 adjourned meeting and the April 21, 2016 Executive Session minutes were included in the agenda packets and were presented for the Council's approval.

**Councilor Donn Willey made a motion to approve the minutes of April 12, 2016 and April 21, 2016 Executive Session as presented. Councilor Gregg Haberly seconded the motion, the motion passed unanimously.**

**Agenda Item No. 3 - Appearance of Interested Citizens**

Council President Steve Schuette welcomed those in attendance and asked everyone to please sign in. Communications Manager Lara Petitcherc-Stokes and District 6 Board Member Gary Miller of Oregon Trail Electric Co-op (OTEC) were in attendance and asked to be placed on the agenda to update the City Council on the OTEC projects and investments that they have been working on.

**Agenda Item No. 4 – Award Employee Recognition Certificates**

Council President Schuette presented the following awards:

- Monte Legg of the John Day Public Works Department an employee recognition certificate for 15 years of dedicated service to the City of John Day Public Works Department;
- Camillia Haney in recognition for 10 years of dedicated service to the City of John Day 911 Emergency Communications Center;
- Sergeant Damon Rand in recognition for 10 years of dedicated service to the City of John Day Police Department.
- Golden Stork Award to Don Speakman of the 911 Emergency Communications Center for his commendable work in aiding in the emergency delivery of a baby boy on April 20, 2016.

At this time Council President Schuette introduced Communications Manager Lara Petitcherc-Stokes and District 6 OTEC Board Member Gary Miller. Lara presented the City of John Day a franchise check in the amount of \$26,185.05.

Lara was also present to provide an update on the projects and the investments they have been working on in the Grant County service territory. The 2016 capital budget includes \$364,000 in system distribution improvements; \$69,000 of which has been earmarked for Malheur Lumber and a group of approximately 5 – 6 small businesses. Lara explained that currently OTEC has a line that feeds to the Malheur Lumber mill from the John Day substation that provides electrical service not only to the lumber mill but also moves onto serve Holliday Park, Fox Valley and over into Long Creek. The new distribution project will run a dedicated circuit feed from Malheur Lumber and the group of small businesses which will greatly improve the reliability of service and reduce line exposure for everyone involved.

Since her last report in October 2015; they have been making strides to assist the people who have been impacted by the wildfires. The OTEC board unanimously voted to amend the tariff for all the people who were involved in the wild fires in Baker County and the Canyon Creek Wild Fire to be exempt from any rates and fees related to reestablishment of their electrical services. This waiver of the rules is retroactive to the start date of the wild fires and it is valid for 24 months which began on August 12, 2015. The caveats are that the members must take electrical service from the same location that existed prior to the wild fire; exemption is not transferable to a new owner of the property.

In December 2015, OTEC visited with the Old West Federal Credit Union and presented a \$5,000 check issued by the National Rural Utilities Cooperative Finance Corporation in support of the Grant County Wild Fire Relief fund. Additionally, CoBank and Umatilla Electric also chipped in and deposited \$7,500 each to that fund. Year to date OTEC has donated \$2,272.50 in charitable contributions to Grant County.

On March 19<sup>th</sup> Lara informed the Council that OTEC assisted John Day/Canyon City Parks & Recreation District to lift and install a large wooden structure, sculptured and donated by local artist Ken Justice.

OTEC has awarded four scholarship awards of \$5,000 each to Grant County students whose parents are members of OTEC.

**Agenda Item No. 5 – Discuss Developing a Policy clarifying the meaning of “Representatives of the New Media.”**

City Manager Gray informed the Council that she received a message from City Attorney Jeremy Green inquiring if the John Day City Council is interested in developing a policy clarifying the meaning of “representatives of the news media.”

City Attorney Jeremy Green stated that Oregon’s Public Meetings Law authorizes city governing bodies to hold executive sessions in certain limited situations. Oregon law expressly provides that representatives of the news media must be allowed to attend nearly all executive sessions. With the rise of alternative news sources, online news media, and blogging, a few of you have recently asked who is a representative of the news media?

Unfortunately, the term “representatives of the news media” is not defined under Oregon’s Public Meetings Law. Further, there is no recent court case or Oregon Attorney General (“AG”) opinion defining the term. In 1979, the AG interpreted the term to include “news-gathering representatives of institutionalized news media that ordinarily report activities of the body.” According to the AG, this interpretation should be broadened to include representatives who “ordinarily report to the general public on matters of the nature under consideration by the body.” Thus, an individual may be a representative of the news media even if he or she does not work for traditional print media.

Several local governments in Oregon have faced non-traditional media representatives asking to attend executive sessions. In 2008, the Lake Oswego City Council denied a blogger from sitting in on an executive session. This widely reported incident prompted the city to pass a resolution establishing eligibility criteria for representatives of the news media. Several cities in Oregon have since followed suit (e.g., West Linn, Newport, Prineville, and Tigard).

Ultimately, the decision to allow or prohibit an individual from attending an executive session (as a representative of the news media) will be more defensible if based upon criteria established in a policy or resolution.

City Manager Gray stated City Attorney Jeremy Green wanted to know if the City of John Day is interested in working on a policy clarifying the meaning of “representatives of the news media.” The cost would be shared with the other cities that agree to work on the policy.

**It was the consensus of the John Day City Council to move forward with a policy clarifying the meaning of “representative of the news media” and bring the policy back to the Council for further review and adoption.**

**Agenda Item No. 6 – Discuss for Adoption Resolution No. 16-754-01, a Resolution to declare account uncollectible and take off the books as receivable**

Resolution No. 16-754-01 is a resolution to declare an account uncollectible. City Manager Gray explained that when this account was set up; the City failed to collect a deposit from the renter when he set up his account. As such, the landlord thought he should not be responsible for the remaining balance. To that end, it was decided it was in the best interest of the City to turn the balance of the account over for collection.

**Councilor Donn Willey moved to adopt Resolution No. 16-754-01. Councilor Gregg Haberly seconded the motion, the motion passed unanimously.**

**Agenda Item No. 7 – Enter into Executive Session under ORS 192.660(2)(a) to consider the employment of a public officer, employee, staff member or individual agent**

Council President Schuette stated the City of John Day will now meet in executive session. The executive session is held pursuant to ORS 192.660(2)(a) for this session, to consider the employment of a public officer, employee, staff member or individual agent.

Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, we will return to open session and welcome the audience back into the room.

Council President Schuette asked for a motion from the Council to move into executive session under ORS 192.660(2)(a).

**Councilor Donn Willey made a motion to move into executive session under ORS 192.660(2)(a). Councilor Gregg Haberly seconded the motion, the motion passed unanimously and the council moved into executive session at 7:17 p.m.**

Those attending the executive session included Council President Steve Schuette, Councilors Donn Willey, Gregg Haberly, Paul Smith and Louis Provencher, City Manager Gray and Angel Carpenter representing the Blue Mountain Eagle.

**Councilor Donn Willey made a motion to move out of executive session and enter back into regular session. Councilor Gregg Haberly seconded the motion, the motion passed unanimously. The John Day City Council moved out of executive session at 7:55 p.m.**

**Agenda Item No. 7 – Other Business and Upcoming Meetings**

1. The LOC Bulletins were included in the council packets and given to the City Council.
2. City Manager Gray informed the Council the League of Oregon Cities is hosting a LOC Regional Meeting in John Day on May 19, 2016 beginning at 11:30 a.m. at the Outpost Pizza Pub and Grill.

3. Included in the council packets was Ordinance No. 16-168-01, an ordinance establishing criminal history record check policies concerning applicants for employment, appointed volunteers etc. During the city manager’s recruitment process, we discovered that the City can only do a LEADS, purpose code E check on the city manager applicant if the city has passed an ordinance that directs the Police Department to run criminal history checks on non-PD city employment applicants. City Manager Gray explained that since we do not have an ordinance that states this we need to adopt one as soon as possible. Ordinance No. 16-168-01 will be placed on the May 24, 2016 council agenda for discussion and adoption.
4. City Manager Gray informed the Council we are having the final OAC meeting for the new fire station on Thursday, May 12, 2016 at 10:30 a.m. Ribbon cutting ceremony and open house has been scheduled for Saturday, June 4<sup>th</sup> at 4:00 p.m.
5. City Manager Gray informed the Council that negotiations with the Grant County Peace Officers Association are scheduled to begin on May 24<sup>th</sup> and 25<sup>th</sup>.
6. The April 2016 financial reports were given to the City Council.

**Adjourn**

**There being no further business before the Council, Councilor Donn Willey made a motion to adjourn the meeting. Councilor Gregg Haberly seconded the motion, the motion passed unanimously. The meeting was adjourned at 8:02 p.m.**

Respectfully Submitted:

Peggy Gray  
City Manager

ACCEPTED BY THE CITY COUNCIL, MAY 24, 2016

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Mayor Ron Lundbom