**John Day City Council Meeting**

**Tuesday, December 20, 2022**

**316 S. Canyon Boulevard**

**7:00 PM Council Meeting**

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**Suggested Public Meeting Process per League of Oregon Cities**

1. The Mayor will begin an agenda item
2. Staff and/or the presenter will provide context
3. City Council will deliberate
   1. City Council may ask questions of Staff and/or the presenter
4. The Mayor may solicit public comment
   1. Members of the public will then be invited to the podium to speak for no more than 3 minutes on the topic. Members of the public must address the Mayor in their comments
   2. The Mayor may then direct comments towards other members of Council or City Staff
5. The Mayor will request a motion on the topic if applicable
6. **OPEN AND NOTE ATTENDANCE**
7. **APPEARANCE OF INTERESTED CITIZENS** – At this time we will welcome the public and ask if there is anything they would like to add to tonight’s agenda.
8. **APPROVAL OF PRIOR MINUTES**

**ACTION ITEMS**

1. **RESOLUTION NO. 22-900-21, A RESOLUTION OF CITY OF JOHN DAY AUTHORIZING \_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_ TO PERFORM CERTAIN CITY MANAGER DUTIES AND RESPONSIBILITIES**

Attachments:

4a. Resolution No. 22-900-21

4b. Ketchum resignation letter

4c. List of potential interim city administrators

**OTHER BUSINESS**

1. **OTHER BUSINESS & UPCOMING MEETINGS**

Other Business:

1. Topics for next meeting
2. December 29th, City Council Meeting – Fire Hall, 6:00 PM
3. January 10th, City Council Meeting – Fire Hall, 7:00 PM
   * Includes the swearing in of the new councilors and mayor
4. January 27th, City Council Meeting – Fire Hall, 7:00 PM
   * Audit report and supplemental budget

**TO:** John Day City Council

**FROM:** Corum Ketchum, Community Development Director

**DATE:**  December 20, 2022

**SUBJECT:** Agenda Item #4: Resolution No. 22-900-21, A Resolution of City of John Day Authorizing \_\_\_\_\_\_\_\_ (and His or Her Designee(s)) to Perform Certain City Manager Duties and Responsibilities

Attachments:

4a. Resolution No. 22-900-21

4b. Ketchum resignation letter

4c. List of potential interim city administrators

**BACKGROUND**

The city attorney prepared Resolution No. 22-900-21 (attachment 4a) following my resignation as the community development director (attachment 4b).

A 30-day action plan is also included below for necessary items that the new council will need to address in January and February.

The current council remains in place until the new Mayor and councilors are sworn in on January 10th.

**INTERIM CITY MANAGER AUTHORIZING RESOLUTION**

I was hired as the City’s community development director on March 8, 2022. On June 15, I accepted a six-month appointment as the interim (pro tem) city manager. The agreement ended on December 14. Effective December 15, I was reinstated as the community development director and my pay was restored to my prior compensation level.

The city attorney drafted Resolution No. 22-900-21 to allow the council to authorize and otherwise appoint an interim city manager since the position became vacant on December 15. The duties of the position are described in Exhibit A to the agreement.

During a phone call on December 16, Patty Mulvihill, Director, League of Oregon Cities, offered three immediate ways the League can assist the city:

1. Identify a point of contact at CIS to help with any issues the city may be facing, or any issues the city may be concerned about (from risk management to employment law matters).  The point of contact for this is Kirk Mylander.  Kirk is the CIS General Counsel.  You can reach Kirk at (503) 577-1426 or [kmylander@cisoregon.org](mailto:kmylander@cisoregon.org).

1. Identify persons who have advised the LOC that they may be contacted to serve as potential interim city administrators/managers. LOC doesn’t have a lot of options for the city, and can’t guarantee that they don’t have other interim gigs at the moment, but provided the attached list that contains four names of persons who have indicated they are open to providing interim city administrator work (attachment 4c).

1. Director Mulvihill shared information training services the LOC can provide.  LOC can provide training opportunities for the city of John Day elected and appointed officials on the topics described below. They are happy to come to John Day if it is desired.  Additionally, all of these topics will be taught, free of charge, in Island City on January 19 or in Vale on January 31.  If you would like to register yourself, or any member of the current or incoming council, for these trainings, you can do so by visiting this website:  [LOC Training Calendar :: League of Oregon Cities (orcities.org)](https://www.orcities.org/education/training/loc-training-calendar/details/elected-essentials)

* **How to Achieve a High Functioning City Council.**  Attendees will learn the healthy habits of highly functioning city councils, including: the roles, responsibilities, and authorities of various city officials; the difference between a group and a team; and, important communication techniques.
* **What City Officials Need to Know About Oregon’s Public Records Law.**  Attendees will learn what is considered and is *not* considered a public record, gain an understanding of the state’s retention schedule, and develop an appreciation for the requirements related to the inspection and disclosure of public records, including to legal challenges related to the denial of access to public records.
* **Public Meetings in Oregon – What the Law Says & Best Practices.**  Attendees will learn what constitutes a meeting for purposes of the state’s Public Meeting Law, the legal requirements associated with public meetings, serial meetings, executive sessions, and free speech implications of public participation during meetings.  Additionally, the segment will conclude with providing attendees some best practice tips that may help in city council meetings running smoothly.
* **Understanding Your Legal Obligations Under Oregon’s Ethics Laws.**Attendees will learn about the requirements of Oregon’s Ethics laws, and how they are applicable to the work they do on behalf of their city.  Specific subject matters covered include:  prohibited use of office; conflicts of interest; gifts; nepotism; outside employment; and, statements of economic interest.
* **Social Media – Implications for Public Officials.**Attendees will learn about the benefits and risks of social media for public officials.  Important topics include common do’s and don’ts, legal implications, and examples.
* **Legal Powers & Impediments Affecting Elected Officials.**Attendees will learn the common mistakes elected officials make that result in them being sued, identify ways that cities can utilize CityCounty Insurance Services to assist them in employment law matters, and identify ways to keep your city safe from legal exposures.

**30-DAY ACTION PLAN**

The resolution captures the appropriate authorizations, but there are several specific functions the council and/or interim city manager appointee will need to address early on as part of the incoming council’s transition plan.

These are all actions that will need to take place in January:

* Prepare and administer the oath of office for newly elected officials, with certified affidavits
* Make new committee assignments, per
* Prepare and adopt any resolutions to change water/sewer rates and/or SDC fees
* Assign the "Jurisdictional Coordinator" role in the Oregon Government Ethics Commission's Electronic Filing System (EFS). After the new officers are sworn in on January 10, update the EFS database to reflect the following:
  + Ken Boethin's term as planning commissioner ends on 1/10/2023 (he does not want to be reappointed)
  + Remove Shannon Adair, Ron Lundbom, and Heather Rookstool (vacate their positions) in the system effective 1/10/2023
  + Assign Heather to Ron's position as Mayor
  + Assign Ron Phillips and Sherrie Rininger to Shannon and Chris Labhart's positions
  + Enter the information for the new councilor they appoint (if they succeed in establishing someone
* Hire a planning official or contract with a firm for professional planning services, then complete all the current planning applications on file at city hall before their 120-day deadlines
* Update PAPA Online in the Oregon Department of Land Conservation website with an assignment for a new planning official effective 01/01/2023
* Notify LaDonn McElligot of the new POCs for the USDA treatment plant financing
* Notify Business Oregon loan officers of the new signatories on the City's loan and grant agreements; all will need to sign new signature cards.
* Update signature cards for the bank accounts with new signers
* Authorize signers for cash accounts
* Prepare and submit the quarterly progress reports for the City's grants
* Complete the grant disbursement requests *before* issuing payments to the contractors to ensure the City receives the funding before issuing payments
* Assign a new POC and prepare and submit quarterly grant reports to DAS for the CSFRF grant
* Complete the payment requests for the City's contractors once grant reimbursements are approved.
* January 18 presentation to School District 3 board of directors on scope of SCA project and right-of-way / construction easements needed to complete the project
* Don’t forget to pay the employees that are left

**RECOMMENDATION**

1. Determine who (individual or committee) will act as the interim city manager to fill in the blanks in the resolution and ensure the council can complete the actions in the 30-day plan.
2. Pass Resolution No. 22-900-21.

**TO:** John Day City Council

**FROM:** Corum Ketchum, Community Development Director

**DATE:**  December 20, 2022

**SUBJECT:** Agenda Item #2: Other Business and Upcoming Meetings

**OTHER BUSINESS**

1. Topics for next meeting
   * + Legislative hearings for code amendments
     + Treatment plant update and RFPs
     + Street improvement amendments

**UPCOMING MEETINGS**

* December 29th, City Council Meeting – Fire Hall, 6:00 PM
* January 10th, City Council Meeting – Fire Hall, 7:00 PM
  + Includes the swearing in of the new councilors and mayor
* January 27th, City Council Meeting – Fire Hall, 7:00 PM
  + Audit report and supplemental budget