

Laura Terway

From: M Sierra <sierra318@gmail.com>
Sent: Monday, April 24, 2017 9:27 AM
To: Laura Terway
Cc: Mark J. Matheson
Subject: Re: Grievance Committee Items to Add to the Record
Attachments: Miranda Sierra Grievance 2017.pdf

Good morning Laura

Please add the attached doc to the CIC Grievance Committee record.

VR

Miranda Sierra

Primary Oregon Address: 507 Cascade St, Oregon City, OR 97045

Email: sierra318@gmail.com

On Fri, Apr 21, 2017 at 4:37 PM, Laura Terway <lterway@orccity.org> wrote:

ShareFile Attachments

Expires October 18, 2017

Change of City Municipal Code and Orego...Law.msg	82.5 KB
CIC Grievance Committee Open Record.msg	462.5 KB
Re CIC Grievance Committee Open Record(1).msg	746.5 KB
Re CIC Grievance Committee Open Record(2).msg	3.8 MB
Re CIC Grievance Committee Open Record.msg	2 MB
Re CIC Grievance Legalities.msg	87 KB

[Download Attachments](#)

Laura Terway uses ShareFile to share documents securely. [Learn More.](#)

Afternoon,

I am assembling the CIC Grievance Committee packet and wanted to confirm I had all of the information you submitted in the record. Please review the attachments and confirm the information is correct or identify any items which should be added or removed by 10am on Monday. Thank you

Laura Terway

Community Development Director



Laura Terway, AICP

Community Development Director

City of Oregon City
PO Box 3040
221 Molalla Avenue, Suite 200

Oregon City, Oregon 97045
Direct - [503.496.1553](tel:503.496.1553)

Office - [503.722.3789](tel:503.722.3789)

Fax [503.722.3880](tel:503.722.3880)

Website: www.orcity.org | webmaps.orcity.org | Follow us on: [Facebook!](#)[Twitter](#)

Think **GREEN** before you print.

Please visit us at 221 Molalla Avenue, Suite 200 between the hours of 8:30am-3:30pm Monday through Friday.

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

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Oregon City Citizen Involvement Committee (CIC) Grievance Filed February 15, 2017
 Citizen Resident: Miranda Sierra

MIRANDA SIERRA
 Barclay Hills Neighborhood Citizen Resident
 507 Cascade St
 Oregon City, OR 97045
sierra318@gmail.com

Oregon City Representative of Barclay Hills Neighborhood Citizen Resident Miranda Sierra
 Mark J Matheson
 Vice Chair Barclay Hills Neighborhood Association (BHNA)
 Citizen Involvement Committee Member - BHNA Representative
mark.matheson@drteamsint.com

IN THE STATE OF OREGON

IN THE COUNTY OF CLACKAMAS

IN THE CITY OF OREGON CITY

MIRANDA SIERRA, an Individual Citizen and Resident of the City of Oregon City, and Citizen Involvement Committee (CIC) Grievance Initiating Party

CIC Grievance Filed February 15, 2017

v.

AMY WILLHITE, Oregon City Citizen Involvement Committee (CIC) Chairperson, OCMC 2.30.040 (A)(2)(Ord. No. 15-1010, § 1(Exh. 1), 9-2-2015)

KARIN MOREY, Oregon City Citizen Involvement Committee (CIC) Vice Chairperson, OCMC 2.30.040 (A)(3)(Ord. No. 15-1010, § 1(Exh. 1), 9-2-2015)

Grievance initiating party (Miranda Sierra) alleges as follows:

INTRODUCTION

1.

I, Miranda Sierra, bring this grievance to the attention of the Citizen Involvement Committee (CIC) in accordance with Oregon City Municipal Code 2.30.060 (Ord. No. 15-1010, § 1(Exh. 1), 9-2-2015). CIC Chairperson Amy Willhite ("Ms Willhite") and CIC Vice Chairperson Karin Morey ("Ms Morey"), are "Public Officials" defined by ORS 244.020 § (15). Ms Willhite and Ms Morey are unpaid volunteers, elected to serve as 'Representatives' of their respective neighborhood associations; furthermore, a quorum of 'CIC Members,' representing their respective

Oregon City Citizen Involvement Committee (CIC) Grievance Filed February 15, 2017

Citizen Resident: Miranda Sierra

neighborhood associations, elected Ms Willhite and Ms Morey to serve the public body as 'Officers' of a City Government (Public Agency), and both were appointed to their positions by the Mayor of Oregon City.

2.

Oregon City's [Public Involvement Plan 05-31-2016](#) condones the use of Social Media as an acceptable method of interacting with Citizen Residents of Oregon City¹

Excerpt from page 10

Print:

- Postcards
- Newsletters
- Article in Trail News

Electronic

- E-mail reminders, e-blasts
- Social Media (e. g. Facebook, Twitter, Instagram, NextDoor, etc.)

Excerpt from page 11

Committee:

Amy Wilhite, CIC Chair
Barbara Renken, CIC Secretary
Karin Morey, CIC Vice-Chair

Example of **Public Involvement Plan** execution courtesy of the Barclay Hills Neighborhood Association (BHNA)



Barclay Hills Neighborhood Meeting

Main Topic of Discussion:

- Steering Committee elections that happen in November
- Recap of the neighborhood BBQ (With special thanks to Grocery Outlet for hot dogs and Frito Lay for all the chips)

Please come to your neighborhood meeting to find out what is going on in your city!

Date of Meeting:
Tuesday, September 13, 2016

Time:
7:00 PM

Location:
St John the Apostle Cemetery
421 Warner Road

You can also join us on Next Door at...
Barclayhills.nextdoor.com

JOIN OUR FACEBOOK GROUP = BARCLAY HILLS NEIGHBORHOOD ASSOCIATION

OREGON CITY

If you receive this card, you are part of Barclay Hills!

¹ City of Oregon City, Citizen Involvement Committee, and Neighborhood Association [Public Involvement Plan 05-31-2016](#)

https://www.orcity.org/sites/default/files/fileattachments/citizen_involvement_council/page/4349/public_involvement_plan_5_31_16.pdf

Example of **Public Involvement Plan** execution courtesy of Oregon City Mayor Dan Holladay
 From the Social Media website NextDoor²
 Posted April 16, 2017



Dan Holladay from Barclay Hills · 5h ago



@Miller

If you bothered to attend or stick around for the NA meeting you would know that the business Mr L ■ is referencing appeared at the last Barclay Hills NA meeting. Notification of that meeting appeared at least twice on this site plus Facebook and the city website.

If you expect someone to knock on your door or call you that's not going to happen.

In Oregon City we value public involvement but that also means you have to participate.

^Oregon City Mayor Dan Holladay "Reaching Out" to my husband Michael Miller³



Staff Sgt. Michael A. Miller, CH-46E Sea Knight crew chief, Marine Medium Helicopter Squadron 161, Marine Aircraft Group 16, 3rd Marine Aircraft Wing, from Marine Corps Air Station Miramar, Calif., watches for the arrival of Marines bearing a litter, April 6. The aircrew set down in a landing zone in Al Ramadi, Iraq, to conduct the casualty evacuation of a Marine wounded in the fighting in the city. Photo by: Sgt. Nathan K. LeForte

Staff Sgt. Michael A Miller, CH-46E Sea Knight crew chief, Marine Medium Helicopter Squadron 161, Marine Aircraft Group 16, 3rd Marine Aircraft Wing from Marine Corps Air Station Miramar, Calif., watches for the arrival of Marines bearing a litter, April 6 The aircrew set down in a landing zone in Al Ramadi, Iraq to conduct the casualty evacuation of a Marine wounded in the fighting in the city. Photo by Sgt. Nathan K Laforte for TIME Magazine

² Social Media Website: <https://nextdoor.com/> edited to protect the name(s) of individual(s) i.e. non-public official(s) *thread created by a former CIC Member - further details provided upon request*

³ Michael Miller and Miranda Sierra are legally married and enjoy raising their 3 minor children in Oregon City

3.

The provisions in Oregon Government Ethics Law restrict some choices, decisions, or actions a public official may make. The restrictions placed on public officials are different than those placed on private citizens because service in a public agency is a public trust and the provisions in ORS Chapter 244 were enacted to provide one safeguard for that trust.⁴

GENERAL ALLEGATIONS

4.

Ms Willhite and Ms Morey have violated a public trust by engaging in rampant malfeasance; both public officials failed to execute certain duties identified in OCMC 2.30.020 (Ord. No. 15-1010, § 1(Exh. 1), 9-2-2015).

5.

Ms Willhite's testimony addressing *Intimidation Methods* at the April 2017 CIC Grievance Committee meeting was a deliberate fabrication⁵

From Public Involvement Plan Endorsed Website NextDoor.com
January 16-18 2017

Neighborhood Involvement - Caufield Neighborhood Association

K [REDACTED] B [REDACTED] - from C [REDACTED] T [REDACTED] 16 Jan

Miranda Sierra from Barclay Hills · 18 Jan

..right!

K [REDACTED] B [REDACTED] - best of luck recruiting neighbors; this city needs all the help it can get

Miranda Sierra

K [REDACTED] thanked you

⁴ State of Oregon | Oregon Government Ethics Commission | A Guide For Public Officials 2008 | What Government Officials Need To Know | Page 4

⁵ Subsequent evidence has been edited to protect the name(s) and location(s) of Oregon City Citizen Resident(s) (non-public officials); furthermore, notations have been added for clarification purposes.

Oregon City Citizen Involvement Committee (CIC) Grievance Filed February 15, 2017
 Citizen Resident: Miranda Sierra

**CIC Officer response immediately following Miranda Sierra comment
 Private Messages from Amy Willhite to Miranda Sierra
 January 18-19 2017**



Amy Willhite (/profile/1129989)

3 months ago

Have I offended you somehow? It feels like your comment "...right" insinuates dishonesty and your next statement to K [REDACTED] is a little off pudding. I'm not sure why you feel this way but please contact me if you have a problem. I strive be open and honest and I have no ulterior motives other than helping people get involved and facilitating open communication between us as citizens and the city. I don't believe we all have to agree with each other on issues but we should be able to talk to each other.

Amy



Amy Willhite (/profile/1129989)

3 months ago

Hi Miranda,

1st. quote: Please realize that statement needs to remain in context. We were talking about neighborhoods posting minutes. The secretary of my neighborhood works very hard to keep our minutes up-to-date online. I was trying to be helpful in sharing how we go about this. This thread was not about CIC.

2nd: You have sent your question to Laura Terway and I'm sure she will answer it. You may also find the information on the city's website as it is in the code.

With respect,

Amy

Resident of Gaffney Lane NA



Amy Willhite (/profile/1129989)

3 months ago

Ms. Durfee oversees posting Neighborhood info to the website. Ms. Terway is the one to contact for CIC. There is a clear process, no conflict.

Amy

**Miranda Sierra Email to City Staff Regarding CIC Chair
 February 7, 2017**

Q6: Are social media websites considered a monitoring tool for the CIC?

On Oregon City Chit Chat [...] teachers reached out to the community [...] I thought we should all be impressed and know what our citizens are doing [...]

Amy Willhite, CIC Chairman (Officer)
 Oregon City Citizen Involvement Committee Meeting
 Monday February 6 2017 | 7 PM | Commission Chambers
http://oregon-city.granicus.com/MediaPlayer.php?view_id=2&clip_id=1867

VR

Miranda A Sierra

Oregon City Citizen Involvement Committee (CIC) Grievance Filed February 15, 2017
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**Subsequent Emails Between Amy Willhite and Miranda Sierra
 February 14, 2017**

Social Media

Amy <awillhit@yahoo.com> ← **CIC CHAIR (OFFILER)** Tue, Feb 14, 2017 at 2:28 PM
 To: M Sierra <sierra318@gmail.com>

No.

Amy

↑
NOTE TIME

On Tuesday, February 14, 2017, 8:45 AM, M Sierra <sierra318@gmail.com> wrote:

Good morning Ms Willhite

Question: Do you use social media as a monitoring tool? →

**SEE FEB 14 2:36 PM
 EMAIL TO
 MIRANDA SIERRA**

VR

Miranda A Sierra

Primary Oregon Address: 507 Cascade St, Oregon City, OR 97045
 Email: sierra318@gmail.com

****IMMEDIATE RESPONSE BY CIC CHAIR SUGGESTS INTIMIDATION⁶ ATTEMPT****

***NEXTDOOR - SOCIAL MEDIA WEBSITE
 LONDED BY OC CIC NA
 PUBLIC INVOLVEMENT PLAN**
 M Sierra <sierra318@gmail.com>



Nextdoor ←

Amy <awillhit@yahoo.com> ← **CIC CHAIR (OFFILER)** Tue, Feb 14, 2017 at 2:36 PM
 To: M Sierra <sierra318@gmail.com>

Good Afternoon Miranda,

↑
NOTE TIME

I noticed that you commented recently on one of my Nextdoor posts, however it says that you are no longer a member of the Barclay Hills Nextdoor Neighborhood. Did you move? I'm curious as to why you were posting with Barclay Hills still listed by your name when your profile shows that you are no longer a member. Can you please clarify this for me?

Thanks,
 Amy

⁶ ORS 166.155 § (2) Intimidation in the second degree is a Class A misdemeanor.


Oregon City Citizen Involvement Committee (CIC) Grievance Filed February 15, 2017
 Citizen Resident: Miranda Sierra

6.

Ms Morey's testimony, at the April 2017 CIC Grievance Committee meeting, made reference to a social media thread regarding a *Canemah Neighborhood Land Use Notice*. In said thread, Ms Morey was asked, multiple times, to clarify her position, and duties as a public official; Ms Morey failed to perform.⁷

Miranda Sierra email to City Staff regarding CIC Vice Chair
 January 18 2017

RE: Nextdoor.com Notice: New development Canemah historic district 9 Jan 2017

CIC VICE CHAIR  Karin Morey from Rivercrest · 4h ago

Enough - don't know what your issue actually is but your posts have nothing to do with what the original post addressed. My CIC position has nothing to do with any of this except in your imagination and the documents you link to do not prove your point or have anything to do with what you post.

Let's agree to disagree and not subject others to anymore of your one-sided battle against the imaginary.

Good evening all


I am a resident of Oregon City; I own Residential and Mixed Use Employment properties in Barclay Hills and Mccloughlin neighborhoods

Question: What is the protocol for filing a grievance against an officer of the Citizen Involvement Committee (CIC)?

Any guidance regarding this matter would be greatly appreciated

VR
 Miranda Sierra

NOTE:
 OREGON CITY
 LAND USE
 THREAD



7.


April 2017 CIC Grievance Committee testimony, in conjunction with written evidence, revealed several ethical and procedural errors:

- A. Ms Morey demonstrated her inability to accurately recognise Citizen Resident(s) to whom she was making accusations against: e.g. "Sierra Miller"

On Mar 6, 2017 9:39 PM, "M Sierra" <sierra318@gmail.com> wrote:

Good evening all

Please note: the information provided by Ms Morey is altered. "Sierra Miller" is incorrect



⁷ Entire email(s) to City Staff, including written questions and comments, provided upon request.

Oregon City Citizen Involvement Committee (CIC) Grievance Filed February 15, 2017
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- B. Ms Morey failed to comply with Chapter 2.30.060 (C)(1) by refusing to participate in recommended mediation.

From: [Karin Morey](#)
 To: [Laura Terway](#)
 Subject: Re: CIC Grievance
 Date: Monday, March 06, 2017 10:06:47 PM

NOTE: Ms Morey DECLINED MEDIATION
 immediately following the MARCH 2017
 CITIZEN INVOLVEMENT COMMITTEE
 MEETING **NO ATTEMPT AT RESOLUTION**

Please note, I decline to participate in mediation and request that the grievance committee proceed with the grievance.

- C. Both Ms Morey and Ms Willhite admitted to 'closing' city related discussions on social media. This failure to encourage public participation directly contradicts the duties identified in OCMC 2.30.020 (A)(B)(C).

2.30.020 - Duties.

The duties of the CIC include, but are not limited to, the following:

- A. Encourage public participation and knowledge of land use in Oregon City.
- B. Encourage public participation in other government activities as they impact neighborhood programs.
- C. Provide information to the City Commission and the public.

feedback

- D. Ms Willhite admitted to using her personal email address to conduct personal **and** CIC business. The following email illustrates the concern raised to city staff a few months prior:

CIC Grievance Protocol

M Sierra <sierra318@gmail.com>
 To: Laura Terway <lterway@orc.org>
 Cc: Tony Konkol <tkonkol@ci.oregon-city.or.us>, wparno@orc.org

Sun, Jan 29, 2017 at 8:23 AM

Good morning all

Q3: Why do CIC Officers, defined by Chapter 2.30.040 of Oregon City Municipal Code, have private email addresses?

Officers

Chair: Amy Willhite from Gaffney Lane Neighborhood Association, awillhit@yahoo.com

Vice Chair: Karin Morey from Rivercrest Neighborhood Association, Karin.morey@gmail.com

Secretary: Barbara Renken from Park Place Neighborhood Association, miniflower@comcast.net

<https://www.orcity.org/bc-cic>

Procedural errors of this nature facilitate maleficence and are in stark contrast to other city outreach program(s).

**Example of SUCCESSFUL Social Media Interaction
By PUBLIC OFFICIAL(s)**

Oregon City Police Department (OCPD) conducts city business via social media website(s) condoned by [Public Involvement Plan 05-31-2016](#). OCPD's Community Outreach Coordinator, Chris Wadsworth, explicitly follows the guidelines described in NextDoor's "Public Agency" policy.⁸



NEXTDOOR

Oregon City Police Department

Community Outreach & Crime Prevention Chris Wadsworth

Chris is an official in Oregon City Police Department. You can see her profile because she has decided to share it with city residents. She cannot view your profile.



Chris Wadsworth

Community Outreach Coordinator
& Crime Prevention

cwadsworth@orc.org

(503) 496-1681 dir
(503) 655-0530 fx

Oregon City Police Department
320 Warner Milne Rd
Oregon City OR 97045

8.

During the April 2017 CIC Grievance Committee Meeting, Oregon City Community Development Director, Mrs Laura Terway, AICP, stated that the CIC is on a par with the Oregon City Planning Commission, in that, many of the same rules and regulations are equitably applied.⁹

- A. ORS 244.050 (1)(k) requires certain 'Public Officials' to file an annual Statement of Economic Interest (SEI).
 - a. I found no evidence to indicate that CIC Officers, identified in Chapter 2.30.040 of the Oregon City Municipal Code, have satisfied this requirement.
- B. Chapter 2.30.060 of Oregon City Municipal Code also FAILS to:
 - a. Require the "Grievance Initiating Party" to attend meetings and hearings associated with the grievance.
 - b. Notify the "Grievance Initiating Party" of the nature of PUBLIC process:

⁸ Nextdoor.com | PUBLIC AGENCIES | <https://nextdoor.com/agencies/>

⁹ CIC Grievance Committee Meeting | April 2017

- i. *I understand that upon receipt of this complaint, the public official subject to this complaint will be notified of the nature of the complaint, my identity, and will be provided copies of this complaint and any enclosures.*¹⁰

9.

Oregon Administrative Rules (OAR) clearly state the need for reliable citizen input. OAR 660-015-0000 § (1) offers guidance to develop a *Citizen Involvement Program* that ensures the opportunity for citizens to be involved in all phases of the planning process. The City of Oregon City adopted municipal code to satisfy this need; proof attached hereto as Exhibit I, Exhibit II, and Exhibit III.

Despite local and state statutes, the CIC continues to operate at without enforceable standards.

- A. I found no evidence to suggest that CIC Officers, identified in Chapter 2.30.040 of OCMC, have been party to anything resembling a standard oversight process:
 - a. Key Performance Indicators (KPI)
 - i. periodic performance evaluations
 - b. Cross Calibration Review (CCR)
 - i. a quantitative review of processes and functions; annual audit
 - c. Plan Do Check Act (PDCA)
 - i. define deficiencies and implement strategies for corrective action

Dated this 24th day of April, 2017.

STATE OF OREGON

County of Clackamas

This instrument was acknowledged before me on April 24th, 2017
by Miranda Sierra

Barney Heywood
Notary Public - State of Oregon

Miranda Sierra

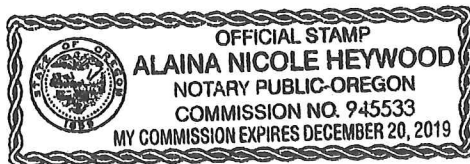
MIRANDA SIERRA

Barclay Hills Neighborhood Citizen Resident

507 Cascade St

Oregon City, OR 97045

sierra318@gmail.com



¹⁰ State of Oregon | OREGON GOVERNMENT ETHICS COMMISSION | Complaint Form
http://www.oregon.gov/OGEC/docs/Form/Fillable_Complaint_Form_8-11.pdf

ORDINANCE NO. 15-1010

**AN ORDINANCE OF THE CITY OF OREGON CITY ADOPTING CHAPTER 2.30
CITIZEN INVOLVEMENT COMMITTEE OF THE OREGON CITY MUNICIPAL CODE**

WHEREAS, the State of Oregon has adopted Statewide Planning Goals including Goal 1: Citizen Involvement to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process (Exhibit 2); and

WHEREAS, the City encourages citizen involvement in all phases of the planning process; and

WHEREAS, the City created a policy establishing a Citizen Involvement Council (CIC) in December of 1977 to provide an active and systematic process for citizen and public agency involvement in the land-use decision making for Oregon City; and

WHEREAS, since establishment, the CIC has proven to be a successful means of communication between the City and citizens; and

WHEREAS, the City Commission wishes to codify the organization to reflect the importance of the group and specify basic rules and duties; and

WHEREAS, Title 2 of the Oregon City Municipal Code codifies numerous other groups; and

WHEREAS, Chapter 2.30 Citizen Involvement Committee shall be added to the Oregon City Municipal Code (Exhibit 1).

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The City hereby adds Chapter 2.30 Citizen Involvement Committee to the Oregon City Municipal Code (Exhibit 1).

Section 2. Bylaws. Upon adoption of this Ordinance, the Citizen Involvement Council Bylaws, dated December 2, 2013, shall no longer be in effect.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 4. Effectiveness. This Ordinance shall take effect 30 days from the date of adoption.

Read for the first time at a regular meeting of the City Commission held on the 19th day of August, and the City Commission finally enacted the foregoing ordinance this 2nd day of September 2015.

DAN HOLLADAY, Mayor

Attested to this 2nd day of September 2015,

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Attachments:

Exhibit 1. Chapter 2.30 of the Oregon City Municipal Code

Exhibit 2. Oregon Statewide Planning Goals and Guidelines: Goal 1

EXHIBIT II


**OREGON
CITY**
Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045

Ph (503) 722-3789 | Fax (503) 722-3880

Chapter 2.30 – Citizen Involvement Committee
2.30.010 - Created.

The citizen involvement committee (CIC) is hereby created for the City of Oregon City. The CIC shall foster public participation and education regarding land use for the citizens of Oregon City on behalf of the City Commission and perform other duties as identified within this chapter.

2.30.020 - Duties.

The duties of the CIC include, but are not limited to, the following:

- A. Encourage public participation and knowledge of land use in Oregon City.
- B. Encourage public participation in other government activities as they impact neighborhood programs.
- C. Provide information to the City Commission and the public.
- D. Address grievances of the CIC and of neighborhood associations.
- E. Assist with requests from the City Commission.

2.30.030 Membership.

- A. The CIC shall consist of one primary member and one alternate member from each City recognized neighborhood association.
- B. Each neighborhood association shall provide a primary and alternate member nomination for appointment by the Mayor. Each primary and alternate member appointed shall have first been nominated by the neighborhood association of which they represent.
- C. Members shall be appointed for two years. Terms of the office shall commence on the first day of the calendar year.
- D. The members shall reside, work in, own property, or own a business within the neighborhood association boundaries which they represent or the land outside of the City limits but inside the Urban Growth Boundary designated to be within the neighborhood association which they represent.
- E. All members shall serve without compensation.
- F. If a member is unable to attend a meeting, it is the member's responsibility to inform the City Liaison prior to the meeting being missed.
- G. Upon failure of any member to attend three consecutive meetings, misconduct or nonperformance of duty, the CIC may recommend termination of that appointment to the City Commission. A CIC member may be removed by the City Commission, after hearing, for misconduct or nonperformance of duty. The alternate member may become the primary member for the remainder of the term and the neighborhood association shall nominate a new member.

2.30.040 – Officers and staffing.

- A. Officers shall include Chairperson, Vice-Chairperson and Secretary.
 - 1. The officers shall be appointed for two years starting in January of each even year. In the event that an officer is unable to complete the specified term, a special election shall be held for the

completion of the term. Members may not serve more than two consecutive terms as a Chair, Vice-Chair or combination thereof. An officer appointment expires if a member is no longer appointed to the CIC.

2. Chairperson. The Chairperson shall preside at all CIC meetings and serve as an ex-officio member on all committees. The Chairperson shall be the official spokesperson for the CIC, representing the majority position of the CIC, unless otherwise delegated in writing with the majority consent of the CIC.
 3. Vice-Chairperson. The Vice-Chairperson, in absence of the Chairperson, shall have general supervisory and directional powers over the CIC. The Vice-Chairperson shall conduct all business delegated to the Chairperson, in his or her absence.
 4. Secretary. The Secretary prepares the minutes and attendance records (as needed) of all meetings and submits the information to the City Liaison.
- B. Staffing of the CIC may include a City Commissioner Liaison and a City Liaison.
1. City Commissioner Liaison. One liaison from the City Commission may be appointed to act as a resource to CIC and attend CIC meetings. The City Commissioner Liaison will be a non-voting member of the CIC.
 2. City Liaison. The Planning Division and the City Manager's Office or their designee shall be responsible for keeping an accurate and legally sufficient record of all proceedings. In addition, the City Liaison shall create and post agendas, maintain a database of CIC members and track the CIC budget. The City Liaison(s) will be a non-voting member of the CIC. Consistent with the City Charter, the City Manager shall retain his/her discretion to suspend staffing when reasonable circumstances warrant.

2.30.050 – Organizational procedures.

- A. The CIC shall hold an official meeting every month. The CIC shall meet at such times and places as may be fixed by the committee. Special meetings may be called in accordance with the public open meetings law by the City Manager or the City Manager's designee.
- B. A majority of the members constitutes a quorum for meetings. Provided a quorum is present, voting matters shall be approved by a simple majority of the voting members present. All primary members who are present and all alternate members who are acting as primary members in the absence of the primary members are allotted one vote each on all motions.
- C. The CIC shall establish goals every two years that are consistent with the adopted Goals and Objectives of the City Commission.
- D. The CIC Chairperson or designee shall report to the City Commission once a year to provide CIC accomplishments.
- E. All meetings shall comply with ORS 192.640 and all CIC business shall comply with all applicable Federal, State, and local laws and regulations.

2.30.060 - Grievances

- A. Upon written submission of a grievance to the CIC, an ad hoc Grievance Committee will be formed to recommend resolution to the CIC for a vote.
- B. The Grievance Committee will consist of five (5) primary or alternate members chosen by the CIC Chairperson through a random lottery of CIC representatives.
 1. Any member who is a party to, or is directly impacted by, the grievance or the recommendation, must recuse themselves from being chosen for this committee.
 2. The CIC Chair will serve as an ex-officio on this committee and will not vote on any recommendation or course of action unless chosen randomly to be on the Grievance Committee.
 3. A committee Chair will be appointed by the Grievance Committee itself.

- C. The task of the Grievance Committee will be to study any grievances directed in writing to the CIC by any of its members, neighborhood associations, or any person considering themselves adversely affected by the CIC. Upon receipt of such complaint the Grievance Committee will proceed in the following manner:
1. First, it will recommend that the parties seek to reconcile their differences through mediation.
 2. If mediation fails, the committee is authorized to conduct such meetings and hearings as may be necessary to determine the facts of the matter in dispute.
 - a. A majority of the committee members will constitute a quorum.
 - b. Committee action will be determined by a majority vote of those present and voting at each committee meeting.
 - c. The committee is to report its progress to the CIC at each CIC meeting.
 - d. The committee shall submit a written report with a recommendation for the resolution of the grievance to the CIC.
 - e. The CIC will hear the recommendation and vote on a final decision.
 - f. The CIC decision is final unless called up for review by the City Commission. The CIC decision is final and may not be appealed to the City Commission.

2.30.070 - Conflict of interest.

A member of the CIC shall not participate in any committee proceeding or action in which any of the following has or will receive a direct or substantial financial interest: the member or his/her spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which he/she is then serving or has served within the previous two years, or any business with which he/she is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting where the action is being taken. The committee shall operate in the general public interest serving the community as a whole.

2.30.080 - Expenditures.

The CIC shall have no authority to make any expenditures on behalf of the city or to obligate the city for payment of sums of money.

EXHIBIT III

Oregon's Statewide Planning Goals & Guidelines

GOAL 1: CITIZEN INVOLVEMENT

OAR 660-015-0000(1)

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.

The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues.

Federal, state and regional agencies, and special- purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.

The citizen involvement program shall incorporate the following components:

1. Citizen Involvement -- To provide for widespread citizen involvement.

The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. As a component, the program for citizen involvement shall include an officially recognized committee for

citizen involvement (CCI) broadly representative of geographic areas and interests related to land use and land-use decisions. Committee members shall be selected by an open, well-publicized public process.

The committee for citizen involvement shall be responsible for assisting the governing body with the development of a program that promotes and enhances citizen involvement in land-use planning, assisting in the implementation of the citizen involvement program, and evaluating the process being used for citizen involvement.

If the governing body wishes to assume the responsibility for development as well as adoption and implementation of the citizen involvement program or to assign such responsibilities to a planning commission, a letter shall be submitted to the Land Conservation and Development Commission for the state Citizen Involvement Advisory Committee's review and recommendation stating the rationale for selecting this option, as well as indicating the mechanism to be used for an evaluation of the citizen involvement program. If the planning commission is to be used in lieu of an independent CCI, its members shall be selected by an open, well-publicized public process.

2. Communication -- To assure effective two-way communication with citizens.

Mechanisms shall be established which provide for effective communication between citizens and elected and appointed officials.

3. Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.

Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.

4. Technical Information -- To assure that technical information is available in an understandable form.

Information necessary to reach policy decisions shall be available in a simplified, understandable form. Assistance shall be provided to interpret and effectively use technical information. A copy of all technical information shall be available at a local public library or other location open to the public.

5. Feedback Mechanisms -- To assure that citizens will receive a response from policy-makers.

Recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy-makers. The rationale used to reach land-use policy

decisions shall be available in the form of a written record.

6. Financial Support -- To insure funding for the citizen involvement program.

Adequate human, financial, and informational resources shall be allocated for the citizen involvement program. These allocations shall be an integral component of the planning budget. The governing body shall be responsible for obtaining and providing these resources.

A. CITIZEN INVOLVEMENT

1. A program for stimulating citizen involvement should be developed using a range of available media (including television, radio, newspapers, mailings and meetings).

2. Universities, colleges, community colleges, secondary and primary educational institutions and other agencies and institutions with interests in land-use planning should provide information on land-use education to citizens, as well as develop and offer courses in land-use education which provide for a diversity of educational backgrounds in land-use planning.

3. In the selection of members for the committee for citizen involvement, the following selection process should be observed: citizens should receive notice they can understand of the opportunity to serve on the CCI; committee appointees should receive official notification of their selection; and committee appointments should be well publicized.

B. COMMUNICATION

Newsletters, mailings, posters, mail-back questionnaires, and other

available media should be used in the citizen involvement program.

C. CITIZEN INFLUENCE

1. Data Collection - The general public through the local citizen involvement programs should have the opportunity to be involved in inventorying, recording, mapping, describing, analyzing and evaluating the elements necessary for the development of the plans.

2. Plan Preparation - The general public, through the local citizen involvement programs, should have the opportunity to participate in developing a body of sound information to identify public goals, develop policy guidelines, and evaluate alternative land conservation and development plans for the preparation of the comprehensive land-use plans.

3. Adoption Process - The general public, through the local citizen involvement programs, should have the opportunity to review and recommend changes to the proposed comprehensive land-use plans prior to the public hearing process to adopt comprehensive land-use plans.

4. Implementation - The general public, through the local citizen involvement programs, should have the opportunity to participate in the development, adoption, and application of legislation that is needed to carry out a comprehensive land-use plan.

The general public, through the local citizen involvement programs, should have the opportunity to review each proposal and application for a land conservation and development action prior to the formal consideration of such proposal and application.

5. Evaluation - The general public, through the local citizen

involvement programs, should have the opportunity to be involved in the evaluation of the comprehensive land use plans.

6. Revision - The general public, through the local citizen involvement programs, should have the opportunity to review and make recommendations on proposed changes in comprehensive land-use plans prior to the public hearing process to formally consider the proposed changes.

D. TECHNICAL INFORMATION

1. Agencies that either evaluate or implement public projects or programs (such as, but not limited to, road, sewer, and water construction, transportation, subdivision studies, and zone changes) should provide assistance to the citizen involvement program. The roles, responsibilities and timeline in the planning process of these agencies should be clearly defined and publicized.

2. Technical information should include, but not be limited to, energy, natural environment, political, legal, economic and social data, and places of cultural significance, as well as those maps and photos necessary for effective planning.

E. FEEDBACK MECHANISM

1. At the onset of the citizen involvement program, the governing body should clearly state the mechanism through which the citizens will receive a response from the policy-makers.

2. A process for quantifying and synthesizing citizens' attitudes should be developed and reported to the general public.

F. FINANCIAL SUPPORT

1. The level of funding and human resources allocated to the citizen involvement program should be sufficient to make citizen involvement an integral part of the planning process.

Laura Terway

From: Mark J. Matheson <mark.matheson@drteamsint.com>
Sent: Tuesday, April 4, 2017 12:47 PM
To: Laura Terway
Cc: Miranda Sierra
Subject: CIC Grievance

Good afternoon Director Terway,

I'll be sending a "recommend action" document to help smooth out some of the rough spots the panel had towards applying the grievance protocols. Moreover it will help the proceedings without influencing panels methodology.

There is a need to clarify that the grievance against the Chair and Vice Chair is not co-sponsored. The Amy Wilhite and Karin Morey narrative had lead the panel to believe that my role was something other than a facilitator. The documents in grievance package specifically states my role in the process. It may have to be reiterated again that the members should read the material and if there are questions that could take longer than 15 minutes to understand, the prudent direction to take is submitted them in writing and well ahead of the meeting. The environment felt more like an episode of Judge Judy than an oversight committee tasked trying to determine what all the fuss is about.

To be more precise the panel didn't seem to fully grasp the difference between the grievance protocols and the methodology within. I was left with a clear impression they didn't recognized the need for collecting, assimilating and determining relevant information and how to turn it into a tangible and unimpeachable recommendation. From my vantage point, they took the protocols as steps and not as the framework. They ignored the bulk of your presentation and we're moving through the steps as fast as possible.

With that said, the committee member that was absent would have introduced a "hiccup" in the process if Mr. Mitchell didnt keep the proceedings open. There is no alternate and no provision in the code mandating a full panel, or an "in case of" provision to handle a situation like last night.

I'll get the recommend action document to you before tomorrow morning.

Thank you

Mark

Laura Terway

From: Mark J. Matheson <mark.matheson@drteamsint.com>
Sent: Friday, April 7, 2017 4:41 PM
To: Laura Terway
Cc: Miranda Sierra
Subject: Grievance Committee

At the last grievance committee meeting there was an emphasis on public input and inviting people to speak at the next meeting. Unfortunately, the only venue available to us is the social network, liek nextdoor.com where anything deemed inappropriate by someone who is managing the site for the City, is immediately taken off.

Example. Miranda Sierra posted the link to Bob LaSalle's editorial. It was removed within 10 minutes. This goes to the heart of the problem being address in the grievance.

Beyond those issues, I would like to use nextdoor.com to encourage people to come to the meeting and provide comments, but I'm not sure where we stand on how to proceed in advertising a request for comments?

Its really something the panel should have sorted out. Is a new dynamic and a new process for most of them. I would like to try to get the framework for a protocol to follow than rush through steps just to get it over with.

Mark

Laura Terway

From: Mark J. Matheson <mark.matheson@drteamsint.com>
Sent: Monday, April 3, 2017 5:12 PM
To: Laura Terway
Subject: Great job

Great job on the procedure, and the work behind. Very impressed.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Laura Terway

From: M Sierra <sierra318@gmail.com>
Sent: Thursday, March 9, 2017 6:36 PM
To: Laura Terway
Cc: Mark J. Matheson
Subject: Re: CIC Grievance Legalities

Good evening Laura,

Posted today on nextdoor.com and presumptively aimed at me:

[Dan Holladay](#) from [Barclay Hills](#) · 47m ago

As I said to Ms Sierra being elected mayor did not void or restrict my right to free speech. [...] I you belive I committed an ethics violation feel free to contact the secretary of state.

As a medical student and wife of a United States Marine Corps Staff Non-commissioned Officer, I had the exclusive opportunity to experience how communities function all over the world; some arguably more efficient than others. That being said, never in my life have I been treated with so much disrespect and willful contempt.

CIC Grievance Chair, Barbara Renken's actions during the grievance committee selection process continue to haunt me. She allowed a recused CIC Officer (CIC Vice Chair Karin Morey) to interrupt the grievance committee selection process with no recourse.

As Oregon City's Community Development Director, you are an asset to this city and your time is valuable. I fear this process may be compromised by the actions (or lack there of) of CIC Officers and senior elected officials.

With your permission, I would like to forward the progress of this case to the State of Oregon | Secretary of State for guidance and support.

Very Respectfully,

Miranda Sierra

Primary Oregon Address: 507 Cascade St, Oregon City, OR 97045

Email: sierra318@gmail.com

On Thu, Mar 9, 2017 at 12:14 AM, M Sierra <sierra318@gmail.com> wrote:
Good morning Laura

For the record: I would love to revisit the '*Community Water Fluoridation*' conversation in a public venue; however, I must question the legality of subjecting individuals not named in this grievance to public review. Comments made by individuals (non-public officers) were made under the assumption of relative privacy within the social media network (nextdoor.com).

With your permission, I am requesting that Ms Morey provide evidence of her legal authority to submit comments (including name and location) of those individuals not named in the grievance to public record. I am deeply concerned that Ms Morey's failure to provide proof of written consent will lead to an unpredictable degree of collateral damage.

Very Respectfully,

Miranda Sierra

Primary Oregon Address: 507 Cascade St, Oregon City, OR 97045

Email: sierra318@gmail.com

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Laura Terway

From: M Sierra <sierra318@gmail.com>
Sent: Monday, April 10, 2017 9:00 AM
To: Laura Terway; Mark J. Matheson
Subject: Re: CIC Grievance Committee Open Record
Attachments: cic chair nextdoor lead and founding member.pdf; k morey a willhite nextdoor april 2017.pdf; nextdoor evidence vs advertising matheson sierra conversation april 2017.pdf; OregonGovernmentEthicsLaw_Guide_4.08.pdf; Bob LaSalle published opinion pamplin media group04102017.pdf

Good morning Laura

Please add the attached pdfs to the record.

NOTE: the Bob LaSalle opinion piece Mr Matheson is referring to was published by Pamplin Media Group in the Clackamas Review & Oregon City News on 04.05.2017 and is fully accessible to members of the public. the attached clipping was sent to my primary address via the United States Postal Service; I reserve the right to protect the name(s) and location(s) of the individual(s) who chose to send this to me

Oregon City Mayor Should Resign Office | 05 April 2017. | Written by Bob La Salle | Clackamas Review | <http://cni.pmgnews.com/cr/28-opinion/352684-231251-oregon-city-mayor-should-resign-office>

VR

Miranda Sierra

Primary Oregon Address: 507 Cascade St, Oregon City, OR 97045

Email: sierra318@gmail.com

On Fri, Apr 7, 2017 at 6:33 AM, M Sierra <sierra318@gmail.com> wrote:

Good morning Laura

Ms. Patti Webb, a resident of Oregon City and member of the Canemah Neighborhood Association (CNA), claims to be adversely affected by numerous individuals associated with this grievance. In addition, she specifically names the CNA Secretary and a CNA CIC Representative as engaging in undesirable activities with direct relation to the social media website nextdoor.com

Laura - your call on if you will allow the attached docs to be added to the record.

VR

Miranda Sierra

Primary Oregon Address: 507 Cascade St, Oregon City, OR 97045

Email: sierra318@gmail.com

On Tue, Apr 4, 2017 at 10:10 AM, M Sierra <sierra318@gmail.com> wrote:

Good morning Laura

Please add this to the record:

CIC Vice Chair, Ms Karin Morey, publically admitted to using social media (nextdoor.com) in direct relation to the Rivercrest Neighborhood Association.

Question from CIC Chair Amy Willhite: "How do you advertise that [annual flower basket sale]?"

Answer from CIC Vice Chair Karin Morey: "Mostly electronically; so it will be on Facebook and NextDoor."

Response from CIC Chair Amy Willhite: "I'd love an invitation."

Oregon City Citizen Involvement Committee Meeting | April 03 2017 | Commission Chambers 7.00 pm | approx 1.35.35 mins into meeting

http://oregon-city.granicus.com/MediaPlayer.php?view_id=6&clip_id=1895

Ms Morey's comment, at the afore mentioned CIC meeting, is directly contrary to her statement(s) in her grievance response:

March 24, 2017

RE: Grievance

To: CIC Grievance Committee

From: **Karin Morey**

3) [...] **NextDoor has no relationship to the City's Neighborhood Associations.**

4) [...] **Again, it has no association with the CIC or Neighborhood Associations.**

VR

Miranda Sierra

Primary Oregon Address: 507 Cascade St, Oregon City, OR 97045

Email: sierra318@gmail.com

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Search

Invite 25



(/news_feed/)

Home (/news_feed/?is=sid...
Inbox (/inbox?is=sidebar)
Neighbors (/directory/?is=si...
Map (/map/?is=sidebar)
Events Calendar (/events/?i...
Invite (/invitation_email/?is...
Recommendations (/recom...

LOCAL

Barclay Hills (/neighborhood_fe...
Local Agencies (/agency/feed/...

CATEGORIES

Classifieds (/classifieds/?is=sid...
Crime & Safety (/crime_and_sa...
Documents (/documents/?is=si...
Free items (/free/?is=sidebar)
General (/general/?is=sidebar)
Lost & Found (/lost_and_found...
Recommendations (/recomme...

GROUPS

+ Add a group... (/groups/?is=s...

Amy Willhite

Lead
Founding member
Gaffney Lane

Send private message

...

Amy's full profile is only visible to her neighbors in Gaffney Lane, one of your nearby neighborhoods.

(/news_feed/)

Home (/news_feed/?is=sid...
Inbox (/inbox?is=sidebar)
Neighbors (/directory/?is=si...
Map (/map/?is=sidebar)
Events Calendar (/events/?i...
Invite (/invitation_email/?is...
Recommendations (/recom...

LOCAL

McLoughlin (/neighborhood_fe...

CATEGORIES

Classifieds (/classifieds/?is=sid...
Crime & Safety (/crime_and_sa...
Documents (/documents/?is=si...
Free items (/free/?is=sidebar)
General (/general/?is=sidebar)
Lost & Found (/lost_and_found...
Recommendations (/recomme...

GROUPS

Browse all 3 groups (/groups/?i...

Search

Invite 25



Post in General (/general/)



South End Road Update (/news_feed/?post=47460900)

Karin Morey (/profile/4167805/) from Rivercrest · 1h ago

<http://www.orcity.org/publicworks/clacka...>

(<http://www.orcity.org/publicworks/clackamas-county-issues-press-release-regarding-south-end-road>)

Shared with Rivercrest + 25 nearby neighborhoods in General

THANK · 1

Amy (/profile/1129989/) thanked Karin (/profile/4167805/)

Karin Morey (/profile/4167805/) closed the discussion 1h ago.



M Sierra <sierra318@gmail.com>

Grievance Committee

M Sierra <sierra318@gmail.com>

Sat, Apr 8, 2017 at 2:57 PM

To: "Mark J. Matheson" <mark.matheson@drteamsint.com>, Laura Terway <lterway@orc.org>

Good afternoon Laura

Please strike the pdfs Mr Matheson provided showing names and locations of individuals not associated with this grievance. Please add the *updated* pdfs to the record as evidence supporting Mr Matheson's email noting my comments and observation(s) (see attachments)

VR

Miranda Sierra

Primary Oregon Address: 507 Cascade St, Oregon City, OR 97045

Email: sierra318@gmail.com

On Sat, Apr 8, 2017 at 10:46 AM, Mark J. Matheson <mark.matheson@drteamsint.com> wrote:

Good morning,

As per Miranda Sierra observation, this should be added as an example to the core issues behind the grievance.

Mark

----- Original Message -----

Subject:Re: Grievance Committee

Date:2017-04-08 09:59

From:M Sierra <sierra318@gmail.com>

To:"Mark J. Matheson" <mark.matheson@drteamsint.com>

Mark

CIC Vice Chair, Karin Morey continues to post city content on nextdoor.com without regard to this grievance. To add insult to injury, CIC Chair, Amy Willhite (Gaffney Lane LEAD and FOUNDING MEMBER) is thanking the Ms. Morey for it -- see unedited attachments

Please note: I strongly advise against you posting anything on this website while this grievance is still in effect.

Miranda Sierra

On Fri, Apr 7, 2017 at 4:40 PM, Mark J. Matheson <mark.matheson@drteamsint.com> wrote:

At the last grievance committee meeting there was an emphasis on public input and inviting people to speak at the next meeting. Unfortunately, the only venue available to us is the social network, nextdoor.com where anything deemed inappropriate by someone who is managing the site for the City, is immediately taken off.

Example. Miranda Sierra posted the link to Bob LaSalle's editorial. It was removed within 10 minutes. This goes to the heart of the problem being address in the grievance.

Beyond those issues, I would like to use nextdoor.com to encourage people to come to the meeting and provide comments, but I'm not sure where we stand on how to proceed in advertising a request for comments?

Its really something the panel should have sorted out. Is a new dynamic and a new process for most of them. I would like to try to get the framework for a protocol to follow than rush through steps just to get it over with.

Mark

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2 attachments



k morey a willhite nextdoor april 2017.pdf
195K



cic chair nextdoor lead and founding member.pdf
180K

OREGON GOVERNMENT ETHICS LAW

A GUIDE FOR PUBLIC OFFICIALS



Oregon Government Ethics Commission
3218 Pringle Rd. SE, Suite 220
Salem, OR 97302-1544
Telephone: 503-378-5105
Fax: 503-373-1456
Web address: www.oregon.gov/ogec

DISCLAIMER

This guide discusses how the provisions in Chapter 244 of the Oregon Revised Statutes apply to public officials. ORS 244.320 requires this publication to explain in understandable terms the requirements of Oregon Government Ethics law and the Oregon Government Ethics Commission's interpretation of those requirements. Toward that end, the statutory language has been summarized and paraphrased in this guide. Therefore, the discussion in this guide should not be used as a substitute for a review of the specific statutes and rules.

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INTRODUCTION

In 1974, voters approved a statewide ballot measure to create the Oregon Government Ethics Commission (Commission). The measure established laws that are contained in Chapter 244 of the Oregon Revised Statutes (ORS).

When the Commission was established, it was given jurisdiction to implement and enforce the provisions in ORS Chapter 244 related to the conduct of public officials. In addition, the Commission was given jurisdiction for ORS Chapter 171, related to lobbying regulations, and ORS 192.660 concerning executive session provisions of Oregon Public Meetings law.

The Commission has prepared a guide for lobbyists and clients or employers of lobbyists regulated under provision in ORS Chapter 171. This guide for public officials includes a discussion of provisions that may interact with Lobbying Regulations. If you have questions regarding lobbying activity or lobbying expenditure reporting requirements, please refer to our guide on lobbying.

ORS 192.660 lists the specific criteria a governing body must use when convening an executive session. The statutory authority for executive sessions is limited to specific topics or procedures. The guide does not discuss this portion of the Oregon Public Meetings law, but there is a detailed discussion of ORS 192.660 in the Attorney General's Public Records and Meetings Manual.

This guide will discuss how the provisions in ORS Chapter 244 apply to public officials and will summarize Commission procedures. This manual is to be used in conjunction with applicable statutes and rules. It is intended to be a useful guide, but should not be used as a substitute for a review of the specific statutes and rules.

You will find links to the ORS Chapters, Oregon Administrative Rules (OAR), and other publications referenced in this guide, on the Commission's website at www.oregon.gov/ogec. Questions or comments may be submitted to the Commission by email at ogec.mail@state.or.us, by Fax to 503-373-1456 or by telephone to 503-378-5105.

JURISDICTION

The jurisdiction of the Oregon Government Ethics Commission is limited. Other Oregon statutes regulate the activities of elected officials and public employees in a number of areas outside the jurisdiction of this Commission. Some examples are:

- The Elections Division of the Secretary of State's Office regulates campaign finance and campaign activities.
- Criminal activity of any type would fall under the jurisdiction of federal, state or local law enforcement.
- The Commission does not have jurisdiction over the laws that govern public meetings or records as set out in Oregon Public Records and Meetings laws, except for the executive session provisions.
- The Oregon Bureau of Labor and Industries investigates cases involving employment related sexual harassment or discrimination on the basis of race, religion, disability or gender.

There are occasions when a public official engages in conduct that may be viewed as unethical, but that conduct may not be covered by Oregon Government Ethics law. Without an apparent statutory violation, the following are some examples of conduct by public officials that are not addressed:

- An elected official makes promises or claims that are not acted upon.
- Public officials mismanage or exercise poor judgment when administering public money.
- Public officials may be rude or unmannerly.
- Public officials using deception or misrepresenting information or events.

While the behavior described above may not be addressed in Oregon Government Ethics law, public agency policies and procedures may prohibit or redress the behavior. Please contact the Commission staff if you need further clarification regarding how the Oregon Government Ethics law may apply to circumstances you may encounter.

HOW DO I KNOW IF I AM A PUBLIC OFFICIAL?

There are approximately 200,000 public officials in Oregon. You are a public official if you are:

- Elected or appointed to an office or position with a state, county or city government.
- Elected or appointed to an office or position with a special district.
- An employee of a state, county or city agency or special district.
- An unpaid volunteer for a state, county or city agency or special district.
- Anyone serving the State of Oregon or any of its political subdivisions, such as the State Accident Insurance Fund or the Oregon Health Sciences University.

[The actual definition of a public official is found in ORS 244.020(13).]

WHAT PUBLIC OFFICIALS NEED TO KNOW!

The provisions in Oregon Government Ethics law restrict some choices, decisions or actions a public official may make. The restrictions placed on public officials are different than those placed on private citizens because service in a public office is a public trust and the provisions in ORS Chapter 244 were enacted to provide one safeguard for that trust.

Public officials are prohibited from using or attempting to use their positions to gain a financial benefit or to avoid a financial cost for themselves, a relative or their businesses if the opportunity is available only because of the position held by the public official. [ORS 244.040(1)]

ORS 244.020(14) provides a definition for the relative of a public official, which is operative in the application of ORS Chapter 244, except for ORS 244.175 through .179, which addresses nepotism and applies a broader definition of relative. Relative, as defined in ORS 244.020(14), includes the public official's spouse or domestic partner and children, siblings, spouses of siblings or parents of the public official and spouse. If the public official has a legal support obligation for an individual or provides or receives benefits from another individual, they also may be defined as a relative of the public official.

There are conditions that must be met before a public official may accept a gift and in some cases, there are limits on the value of gifts that can be accepted. Certain public officials are required to file reports that disclose some gifts accepted and specific economic interests.

When met with a conflict of interest, a public official must follow specific procedures to disclose the nature of the conflict. There are also restrictions on certain types of employment subsequent to public employment and on nepotism. This guide will address how Oregon Government Ethics law applies to various circumstances that are encountered through public employment and service.

There is one element of Oregon Government Ethics law that a public official should understand as it is one of the keys to knowing how the law may apply in a variety of circumstances. That element is found in the phrase **legislative or administrative interest**, which is defined in ORS 244.020(8) as follows:

Legislative or administrative interest means an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals or other matters subject to the action or vote of a person acting in the capacity of a public official.

There are occasions when members of the general public may have an economic interest in the actions of a governmental agency. When that economic interest is shared by all members of the general public, it is not defined as a legislative or administrative interest. For example, decisions regarding drivers licenses issued to drivers in the state are likely to have the same general economic impact on all applicants from the general public.

Decisions made with regard to tax rates are also likely to have the same general economic impact on all members of the general public. Decisions on the cost of a sport fishing license are likely to have the same general economic impact on all license applicants from the general public.

Whether a person has a legislative or administrative interest in the governmental agency served by the public official determines whether restrictions apply to offers of gifts or other financial benefits. It also determines what reporting requirements will apply to public officials or others who may provide financial benefits to public officials. This guide addresses those restrictions and reporting requirements, but first, we need to understand how the definition of a legislative or administrative interest applies in various circumstances. The following examples are presented to illustrate how the definition of a legislative or administrative interest might apply, but are **not intended to cover all of the circumstances where there is an economic interest distinct from that of the general public**:

- If a business could sell services or products to a governmental agency, that business would have an economic interest in that agency that is distinctly different than the economic interest held by members of the general public.
- If a business could submit bids on a governmental agency's request for proposals, that business would have an economic interest in that agency that is distinctly different than the economic interest held by members of the general public.
- If a business or person, apart from members of the general public, is regulated or licensed by a governmental agency that business or person would have an economic interest in that agency that is distinctly different than the economic interest held by members of the general public.
- If a business or person must apply for a permit from a governmental agency, that business or person would have an economic interest in that agency that is distinctly different than the economic interest held by members of the general public.
- Lobbyists are advocates for legislative outcomes and have an economic interest in governmental agencies that submit or act on proposed legislative action. The lobbyist's interest is distinct from the economic interest of the general public.
- If a lobbyist is employed or retained to advocate for legislative outcomes through contact with legislative or executive officials, the lobbyist and the lobbyist's client or employer has an economic interest that is distinct from the economic interest of the general public.
- Public employees could have an economic interest in the actions of their agency supervisor that is distinct from the economic interest held by the general public.

PUBLIC OFFICIALS CANNOT:

1. Public officials may not use or attempt to use their official position or office to obtain a **personal** financial gain or to avoid a **personal** financial detriment if the opportunity would not otherwise be available but for their holding the official position or office. [ORS 244.040(1)]
2. Public officials may not use or attempt to use their official position or office to obtain a financial gain or to avoid a financial detriment for a public official's **relative** if the opportunity would not otherwise be available but for their holding the official position or office. [ORS 244.040(1)]
3. Public officials may not use or attempt to use their official position or office to obtain financial gain or to avoid a financial detriment for a **member of the public official's household** if the opportunity would not otherwise be available but for their holding the official position or office. [ORS 244.040(1)]
4. Public officials may not use or attempt to use their official position or office to obtain financial gain or to avoid a financial detriment for a **business** with which the public official, relative of the public official or member of the public official's household are associated if the opportunity would not otherwise be available but for their holding their official position or office. [ORS 244.040(1)]
5. A public official, a relative of a public official or a member of the public official's household may **not accept gifts** that exceed \$50 (*This restriction in ORS 244.025 is discussed later.*) from a source* that has a **legislative or administrative interest** in the public official's governmental agency. [ORS 244.040(2)(e)]
6. Public officials and candidates may not accept the payment of expenses for **entertainment** nor can a source offer such paid expenses. [ORS 244.025(4) and see *entertainment defined in OAR 199-005-0025(4)*]
7. Public officials or candidates for public office, or members of their households, may not solicit or accept **honoraria**. [ORS 244.042(1) and ORS 244.042(2)]
8. Public officials may not solicit or accept the offer, pledge or promise of future employment based on any understanding that a vote, official action or judgment would be **influenced by the offer**. [ORS 244.040(3)]
9. Current or former public officials may not use or attempt to use **confidential information** gained through their positions as public officials for financial gain.

* Source of a gift is defined in OAR 199-005-0030 as the person or organization that pays the cost of the gift and receives no reimbursement for the expense from another person or organization.

[ORS 244.040(4) and ORS 244.040(5) and see confidential information defined in OAR 199-005-0035(5)]

10. Public officials may not represent a **private client** for a fee before a governing body when the public official is a member of that same body. *[ORS 244.040(6)]*
11. After complying with the conflict of interest provisions in ORS 244.120, public officials cannot participate in any personnel action taken by the public agency that would impact the employment of a relative or member of the public official's household. *[ORS 244.177]* Exceptions to the provision are:
 - If acting as a reference, making a recommendation or performing ministerial acts that are normal functions of the position held.
 - If the personnel action involves a relative or member of the household who is an unpaid volunteer.
 - Members of the Oregon Legislative Assembly may employ relatives on their personal staff.

PUBLIC OFFICIALS CAN:

1. Public officials may accept any part of their official **compensation package** from their public employer. *[ORS 244.040(2)(a) and see compensation package defined in OAR199-005-0035(3)]*
2. Public officials may solicit and accept **honorarium, a certificate, plaque, commemorative token or other items** with a value of less than \$50. *[ORS 244.040(2)(b) and ORS 244.042(3)(a)]*
3. Public officials and candidates may solicit and accept **honoraria** for services related to the public official's private profession, occupation, avocation or expertise. *[ORS 244.042(3)(b)]*
4. Public officials may request and accept the **reimbursement of expenses** from their public employer for expenses incurred while on official business. *[ORS 244.040(2)(c) and see reimbursed expenses defined in OAR199-005-0035(4)]*
5. Public officials may accept unsolicited **awards for professional achievement**. *[ORS 244.040(2)(d)]*
6. A public official, a relative of a public official or a member of the public official's household may accept **gifts** from a source when it is reasonable to believe that the **source does not have a legislative or administrative interest** in the public official's governmental agency. *[ORS 244.040(2)(f)]*
7. When it is reasonable to believe that the **source has a legislative or administrative interest** in a public official's governmental agency, the public official, a relative of a public official or a member of the public official's household may accept gifts when the aggregate value in one calendar year from a single source does not exceed \$50. This prohibition also applies to candidates for a position with a governmental agency. *[ORS 244.025(1)]* Sources are also prohibited from offering gifts exceeding \$50. *[ORS 244.025(2) and ORS 244.025(3)]*
8. Public officials **may accept gifts** when the item or event is a specific exception from the definition of "gift" as described in ORS 244.020(5)(b). *[ORS 244.040(2)(g)]* Those events or items that are excluded from the definition of a "gift" are identified in the gift section of this guide.
9. Public officials may accept contributions to their **legal expense trust fund** established under ORS 244.209. *[ORS 244.020(2)(h)]*

GIFTS

A gift is something given to a public official, a relative of the public official or a member of the public official's household when there is no payment, or payment is for a discounted price, and the opportunity (gift) is not available to others who are not public officials on the same terms or conditions. [ORS 244.020(5)(a)]

The following are **NOT GIFTS** and may be accepted:

- Campaign contributions as defined in ORS 260.005. [ORS 244.020(5)(b)(A)]
- Contributions to a legal expense trust fund established under ORS 244.209. [ORS 244.020(5)(b)(G)]
- Gifts from relatives or members of the public official's household. [ORS 244.020(5)(b)(B)]
- Unsolicited gifts with a resale value of less than \$25 and in the form of items similar to a token, plaque, trophy and desk or wall mementos. [ORS 244.020(5)(b)(C) and see resale value discussed in OAR199-005-0010]
- Publications, subscriptions or other informational material related to the public official's duties. [ORS 244.020(5)(b)(D)]
- Waivers or discounts for registration or materials related to continuing education to satisfy a professional licensing requirement. [ORS 244.020(5)(b)(J)]
- Entertainment for a public official, a relative of the public official or a member of the public official's household that is incidental to the main purpose of the event. [ORS 244.020(5)(b)(M) and see "incidental" defined in OAR199-005-0025(3)]
- Entertainment for a public official, a relative of the public official or a member of the public official's household when the public official is acting in an official capacity and representing a governing agency for a ceremonial purpose. [ORS 244.020(5)(b)(N) and see "ceremonial" defined in OAR199-005-0025(5)]
- Food, beverage and admission for a public official, a member of the public official's household or staff when the public official is scheduled to speak or answer questions at an organization's reception, meal or meeting. [ORS 244.020(5)(b)(E) and see this exception discussed in OAR199-005-0015]
- Food and beverage consumed at a reception where the food and beverage is an incidental part of the reception and there was no admission charged. [ORS 244.020(5)(b)(L) and OAR199-005-0025(3)]

- When public officials travel together inside the state to an event bearing a relationship to the office held and the public official appears in an official capacity, a public official may accept the travel related expenses paid by the accompanying public official. *[ORS 244.020(5)(b)(K)]*
- Food, lodging or travel expenses if a public official is scheduled to speak, make a presentation, participate on a panel or represent a government agency at a convention, fact-finding trip or other meeting. The paid expenses for this exception can only be accepted from another government agency, Native American Tribe, an organization to which a public body pays membership dues or certain tax-exempt not-for-profit organizations. *[ORS 244.020(5)(b)(F) and see definition of terms for this exception in OAR 199-005-0020]*
- Food, lodging or travel expenses for a public official, a relative of the public official or a member of the public official's household or staff may be accepted when the public official is representing the government agency or special district at one of the following: *[ORS 244.020(5)(b)(H) and see definition of terms for this exception in OAR 199-005-0020]*
 - Officially sanctioned trade promotion or fact-finding mission;
 - Officially designated negotiation or economic development activity when receipt has been approved in advance.
- Food and beverage when acting in an official capacity in the following circumstances: *[ORS 244.020(5)(b)(I)]*
 - In association with a financial transaction or business agreement between a government agency and another public body or a private entity, including such actions as a review, approval or execution of documents or closing a borrowing or investment transaction;
 - When the office of the Treasurer is engaged in business related to proposed investment or borrowing;
 - When the office of the Treasurer is meeting with a governance, advisory or policy making body of an entity in which the Treasurer's office has invested money.

GIFTS: A DISCUSSION

In understanding issues related to gifts, the operative definition of a “gift” should be used when deciding if Oregon Government Ethics law would apply to a gift offered to a public official. The following is a paraphrase of the definition taken from ORS 244.020(5)(a):

A gift is something **given** to a public official, a relative of the public official or a member of the public official’s household and the recipient either makes no payment or makes payment at a discounted price. The opportunity for the gift is one that is **not available to members of the general public**, who are not public officials, **under the same terms and conditions as** those that apply to the gift offered to **the public official**, the relative or a member of the household.

There is another provision in Oregon Government Ethics law that must be included in any gift discussion. ORS 244.040(1) prohibits public officials from using or attempting to use their official positions to gain a financial benefit or to avoid a financial cost if the opportunity is one that would not otherwise be available but for a public official holding the official position.

There may be occasions when a financial benefit that is available to a public official could meet the definition of gift, but if a public official accepts the financial benefit a violation of ORS 244.040(1) could occur because acceptance would represent the prohibited use of an official position to gain a financial benefit.

It is important to remember that there is a distinction between how the law addresses a financial benefit as a gift in contrast to a financial benefit gained through the use of an official position. The following examples are offered to illustrate, in part, that distinction:

- A salesperson from a software company offers to take a county’s information technology manager out to lunch. The meal would be a gift and, if accepted, the value would be included in the aggregate value of gifts, which cannot exceed \$50 in one calendar year. [ORS 244.025(1) and (2)]
- A city recorder has overseen the installation and implementation of a new software program to manage the city’s financial records. The software distributor asks the city recorder to participate as a trainer at an event the distributor has planned for public employees who work for different city governments. The distributor has offered to compensate the city recorder and pay expenses for food, lodging and travel. If the city recorder accepted this offer, it could constitute the use of the official position to gain a financial benefit because the opportunity for the compensation and paid expenses would not be available but for being the city recorder.
- A city manager attends a conference on salaried time and is reimbursed for expenses by the city. When the city manager checks out of the hotel, she is offered a coupon for two nights of free lodging at any of the hotel chain’s nationwide hotels.

If accepted and used for personal lodging, it could constitute the use of an official position to gain a financial benefit because the opportunity for two nights of free lodging would not be available but for the city sending and paying the travel expenses for the city manager to attend the conference.

- A state employee is sent by his agency to attend a two-day training conference and is reimbursed for his expenses. The salaried employee attends during his regular working hours. A salesperson for a company that sells products to the state agency is near the registration table for the conference and offers a collection of gifts valued at over \$100 to all registrants. If accepted, the gifts could constitute the use of an official position to gain a financial benefit because the opportunity to accept the gifts would not be available but for the state agency paying to send the employee to the conference.
- During the same conference, the state employee is going out to dinner after the conference adjourns for the day. While passing through the hotel lobby, he stops to speak with the salesperson who offered the gifts during the conference registration. The salesperson asks to join the state employee for dinner and offers to pay for the meal. Since the employee is on personal time, if accepted, the value of the meal would be included in the aggregate value of gifts, which cannot exceed \$50 in one calendar year. [ORS 244.025(1) and (2)]
- A city mayor goes out to lunch in a local city restaurant. During lunch a well known developer approaches the mayor and offers to pay for the mayor's meal. The value of the meal, if accepted, would be included in the aggregate value of gifts from a source, which cannot exceed \$50 in one calendar year. [ORS 244.025(1) and (2)]

In the preceding examples the sources of the financial benefits have a legislative or administrative interest in the governmental agencies represented by the public officials. That is important to remember because if there were no legislative or administrative interest the public officials would not be prohibited from accepting the offers. [ORS 244.040(2)(f)]

QUESTION: As a public official, if I, my relative or a member of my household is met with an opportunity to obtain a financial benefit, how do we decide if the opportunity should be avoided or accepted?

To answer this question the following questions are offered to suggest how an opportunity for financial benefit should be examined:

- Does the source of a financial benefit have a legislative or administrative interest in my governmental agency?

If the answer is no, then accepting the financial benefit would not be prohibited. [ORS 244.040(2)(f)]

If yes, then it may be an opportunity that should be avoided [ORS 244.040(1)] or if accepted, be aware of the conditions and restrictions that may apply. [ORS 244.020(5)(b), ORS 244.025 and ORS 244.042]

- Would the opportunity for this financial benefit be available if you did not hold your position as a public official?

If no, then it may be an opportunity prohibited by ORS 244.040(1), unless it is one of the exceptions described in ORS 244.040(2).

- Is the financial benefit defined as a gift?

If yes, then it may be an opportunity you could accept, but be sure you know the conditions and restrictions that may apply. [ORS 244.020(5)(b), ORS 244.025 and ORS 244.042]

WHAT DO PUBLIC OFFICIALS REPORT?

There are approximately 5,000 Oregon public officials who must file disclosure forms with the Oregon Government Ethics Commission. Currently, the report forms are provided to the public officials by the Commission. Beginning in 2010, public officials will file their reports electronically.

There are two report forms that must be filed by public officials who hold positions specified in Oregon Government Ethics law:

1. **Annual Verified Statement of Economic Interest forms** (SEI) filed by April 15 of each calendar year. [ORS 244.050]
2. **Quarterly Public Official Disclosure forms** (QPOD) filed on January 15, April 15, July 15 and October 15. [ORS 244.105].

The **public officials who are required to file reports are specified in ORS 244.050**. Please refer to that section of the law to see if your specific position requires you to file these forms. Generally:

- State public officials who hold elected or appointed executive, legislative or judicial positions are required to file. Additionally, those who have been appointed to positions on certain boards or commissions must file.
- In counties, elected officials, such as commissioners, assessors, surveyors, treasurers and sheriffs must file, in addition to planning commission members and the county's principal administrator.
- In cities, all elected officials, the city manager or principal administrator, municipal judges and planning commission members file reports.
- Administrative and financial officers in school districts, education service districts and community college districts must file.
- Some members of the board of directors for certain special districts must file.
- Candidates for some elected public offices are also required to file the annual and quarterly forms.

The Commission staff has identified the groups of positions that are required to file reports. Each group of officials has a person who acts as the Commission's contact person. The current name and address of each public official filer is obtained from the contact person.

The forms to be completed and filed by the specific public officials are sent either directly to the public official or in some cases, to the contact person for distribution.

The governing body to which you are elected or the public agency with which you are employed should advise you of your reporting requirements. You should also receive information as to the procedures your governing body or public agency follows in assisting you to meet the reporting requirements.

The reporting requirement is the personal responsibility of each public official. Please ensure that you comply and file timely, as the civil penalties for late filing are \$10 for each of the first 14 days and \$50 for each day thereafter. [ORS 244.350(4)(c)]

Annual Verified Statement of Economic Interest Form:

When the forms are distributed, instructions and definitions will be included to assist the filer in completing the forms. The form, which is due on April 15 of each calendar year, requests information that pertains to the previous calendar year. Public officials holding a position on April 15 that requires them to file, must complete the form. The following is a brief description of the information requested in the form:

- Name and address of each business in which a position as officer or director was held by the filer or member of the household. [ORS 244.060(1)]
- Name and address of each business through which the filer or member of the household did business. [ORS 244.060(2)]
- Name and address of the five most significant sources of income for the public official and members of the household, identifying the source and type of income and the name of the person who received it. [ORS 244.060(3)]
- Ownership interests held by the public official or members of the household in real property, except for the principal residence, located within the geographic boundaries of the governmental agency in which the public official position is held or sought. [ORS 244.060(4)(a)]
- Names of each member of the household 18 years or older. [ORS 244.060(5)]
- Names of each relative over 18 years of age who is not a member of the household. [ORS 244.060(6)]

The following information is required if the information requested relates to an individual or business that has been or could reasonably be expected to do business with the filer's governmental agency or has a legislative or administrative interest in the filer's governmental agency:

- Name of each person the filer has owed \$1,000 or more, including the date of the loan and interest rate. Debts on retail contracts or with regulated financial institutions are excluded. [ORS 244.070(1)]

- Business name, address and nature of beneficial interest over \$1,000, or investment held by the filer or a member of the household in stocks or securities over \$1,000. Exemptions include mutual funds, blind trusts, deposits in financial institutions, credit union shares and the cash value of life insurance policies. [ORS 244.070(2)]
- Name of each person from whom the filer received a fee of over \$1,000 for services, unless disclosure is prohibited by a professional code of ethics. [ORS 244.070(3)]
- Name of each lobbyist associated with any business the filer or a member of the household is associated, unless the association is through stock held in publicly traded corporations. [ORS 244.090]

Quarterly Public Official Disclosure:

These forms are available on the Commission website or from the public entity. Instructions and definitions will be included to assist the filer in completing the forms. The forms are filed on the 15th day of the month that follows each calendar quarter. The information requested pertains to the previous calendar quarter. The following is a brief description of the information requested on the form:

- Identify any organization or unit of government that paid over \$50 in food, lodging and travel expenses for the filer to participate in a convention, meeting, mission or trip as described in ORS 244.020(5)(b)(F). Include the date and nature of the event and the sum of expenses paid. [ORS 244.100(1)(a)] The source of the paid expenses is required to provide a written notice as to the value of this event. [ORS 244.100(2)(a)]
- Provide the name and address of any person who paid over \$50 in expenses for the filer to participate in a mission, negotiations or economic development activities as described in ORS 244.020(5)(b)(H). Include the date and nature of the event and the sum of expenses paid. [ORS 244.100(1)(b)]
- List all honoraria received by the filer or members of the household that exceeded \$15. [ORS 244.100(1)(c)] Note that honoraria may not be accepted if it is valued at more than \$50. [ORS 244.042] The source of the paid expenses is required to provide a written notice as to the value of this event. [ORS 244.100(2)(b)]
- List each source of income over \$1,000 for the filer or a member of the household if the source has a legislative or administrative interest in the governmental agency of the filer. [ORS 244.100(1)(d)]

The Quarterly Public Official Disclosure forms must be filed even if the public official has no activity to report.

CONFLICTS OF INTEREST

Oregon Government Ethics law defines **actual conflict of interest** [ORS 244.020(1)] and **potential conflict of interest**. [ORS 244.020(11)] In brief, a public official is met with a conflict of interest when participating in official action which could result in a financial benefit or detriment to the public official, a relative of the public official or a business with which either are associated.

The difference between an actual conflict of interest and a potential conflict of interest is determined by the words “would” and “could.” An **actual** conflict of interest occurs when the action taken by a public official **would** affect the financial interest of the official, the official's relative or a business with which the official or a relative of the official is associated. A **potential** conflict of interest exists when the action taken by the public official **could** have a financial impact on that official, a relative of that official or a business with which the official or the relative of that official is associated.

What if I am met with a conflict of interest?

A public official must announce or disclose the nature of a conflict of interest. The way the disclosure is made depends on the position held. The following public officials must use the methods described:

Legislative Assembly:

Members must announce the nature of the conflict of interest in a manner pursuant to the rules of the house in which they serve. The Oregon Attorney General has determined that only the Legislative Assembly may investigate and sanction its members for violations of conflict of interest disclosure rules in ORS 244.120(1)(a). [49 Op. Atty. Gen. 167 (1999) issued on February 24, 1999]

Judges:

Judges must remove themselves from cases giving rise to the conflict of interest or advise the parties of the nature of the conflict of interest. [ORS 244.120(1)(b)]

Public Employees:

Public officials who are appointed, employed or volunteer must provide a written notice to the person who appointed or employed them. The notice must describe the nature of the conflict of interest with which they are met. [ORS 244.120(1)(c)]

Elected Officials or Appointed Members of Boards and Commissions:

Except for members of the Legislative Assembly, these public officials must publicly announce the nature of the conflict of interest before participating in any official action on the issue giving rise to the conflict of interest. [ORS 244.120(2)(a) and ORS 244.120(2)(b)]

- Potential Conflict of Interest: Following the public announcement, the public official may participate in official action on the issue that gave rise to the conflict of interest.
- Actual Conflict of Interest: Following the public announcement, the public official must refrain from further participation in official action on the issue that gave rise to the conflict of interest. [ORS 244.120(2)(b)(A)]

If a public official is met with an actual conflict of interest and the public official's vote is necessary to meet the minimum number of votes required for official action, the public official may vote. The public official must make the required announcement and refrain from any discussion, but may participate in the vote required for official action by the governing body. [ORS 244.120(2)(b)(B)] These circumstances do not often occur. This provision does not apply in situations where there are insufficient votes because of a member's absence when the governing body is convened. Rather, it applies in circumstances where members who must refrain due to actual conflicts of interest make it impossible for the governing body to take official action even when all members are present.

The following circumstances may exempt a public official from the requirement to make a public announcement or give a written notice describing the nature of a conflict of interest:

- If the conflict of interest arises from a membership or interest held in a particular business, industry, occupation or other class that was a prerequisite for holding the public official position. [ORS 244.020(11)(a)]
- If the financial impact of the official action would impact the public official, relative or business of the public official to the same degree as other members of an identifiable group or "class". [ORS 244.020(11)(b)]
- If the conflict of interest arises from a position or membership in a nonprofit corporation that is tax-exempt under 501(c) of the Internal Revenue Code. [ORS 244.020(11)(c)]

How is the announcement of the nature of a conflict of interest recorded?

- The public body that is served by the public official will record the disclosure of the nature of the conflict of interest in the public record. [ORS 244.130(1)]

Is a public official required to make an announcement of the nature of a conflict of interest each time the issue giving rise to the conflict of interest is discussed or acted upon?

- The announcement needs to be made on each occasion the conflict of interest is met. For example, an elected member of the city council would have to make the

public announcement one time during a meeting of the city council. If the matter giving rise to the conflict of interest is raised at another meeting, the disclosure must be made again at that meeting. An employee in a city planning department would have to give a separate written notice on each occasion they participate in official action on a matter that gives rise to a conflict of interest.

If a public official failed to announce the nature of a conflict of interest and participated in official action, is the official action voided?

- No. Any official action that is taken may not be voided by any court solely by reason of the failure of the public official to disclose an actual or potential conflict of interest. [ORS 244.130(2)]

THE RETURN TO PRIVATE LIFE

What are the restrictions on employment after I resign, retire or leave my public official position?

- ORS 244.040(1) prohibits public officials from using their official positions or offices to create a new employment opportunity; however, most former public officials may enter the private work force with few restrictions.
- Oregon Government Ethics law restricts the subsequent employment of certain public officials. The restrictions apply to positions listed below:

ORS 244.045(1)

State Agencies:

Director of Department of Consumer and Business Services
Administrator of Division of Finance and Corporate Securities
Administrator of Insurance Division
Administrator of Oregon Liquor Control Commission
Director of Oregon State Lottery
Public Utility Commissioner

1. One year restriction on gaining financial benefits from a private employer in the activity, occupation or industry that was regulated by the agency for which the public official was the Director, Administrator or Commissioner.
2. Two year restriction on lobbying or appearing as a representative before the agency on behalf of the activity, occupation or industry regulated by the agency for which the public official was the Director, Administrator or Commissioner.
3. Two year restriction on disclosing confidential information gained as the Director, Administrator or Commissioner for the agency.

ORS 244.045(2)

Oregon Department of Justice:

Deputy Attorney General
Assistant Attorney General

1. Restricted for two years from lobbying or appearing before an agency that they represented while with the Department of Justice.

ORS 244.045(3)

Office of the Treasurer:

State Treasurer
Chief Deputy State Treasurer

1. Restricted for one year from accepting financial benefit from a private entity with which there was negotiation or contract awarding \$25,000 in one year by the State Treasurer or Oregon Investment Council.
2. Restricted for one year from accepting financial benefit from a private entity with which there was investment of \$50,000 in one year by the State Treasurer or Oregon Investment Council.
3. Restricted for one year from being a lobbyist for an investment institution, manager or consultant or from appearing as a representative of an investment institution, manager or consultant before the office of State Treasurer or Oregon Investment Council.

ORS 244.045(4)

Public Officials who invested public funds:

1. Restricted for two years from being a lobbyist or appearing before the agency, board or commission for which public funds were invested.
2. Restricted for two years from influencing or trying to influence the agency, board or commission.
3. Restricted for two years from disclosing confidential information gained through employment.

ORS 244.047

Public Officials who authorized a public contract:

1. A public official who authorized or had a significant role in a contract while acting in an official capacity may not have a direct, beneficial, financial interest in the public contract for two years after leaving the official position.
2. A member of a board, commission, council, bureau, committee or other governing body who has participated in the authorization of a public contract may not have a direct, beneficial, financial interest in the public contract for two years after leaving the official position.

OAR 199-005-0035(6) indicates that "authorized by" means that public official performed a significant role in the selection of a contractor or the execution of the contract. A significant role can include recommending

approval of a contract, serving on a selection committee or team, having the final authorizing authority or signing a contract.

ORS 244.045(5)

Department of State Police

Supervising programs related to Native American tribal gaming
Supervising programs related to Oregon State Lottery

1. Restricted for one year from accepting employment from or gaining financial benefit related to gaming from the Lottery or a Native American Tribe.
2. Restricted for one year from gaining financial benefit from a private employer who sells gaming equipment or services.
3. Restricted for one year from trying to influence the Department of State Police or from disclosing confidential information.

Exceptions include subsequent employment with the state police, appointment as an Oregon State Lottery Commissioner, Tribal Gaming Commissioner or lottery game retailer, or personal gaming activities.

ORS 244.045(6)

Legislative Assembly

Representative
Senator

After a legislator's membership in the Legislative Assembly ends, a legislator may not become a compensated lobbyist until adjournment of the next regularly scheduled session of the Legislative Assembly following the end of membership in the Legislative Assembly. *[Note: In 2008 and 2010, the first special sessions are considered to be regular sessions.]*

OREGON GOVERNMENT ETHICS COMMISSION

The Governor appoints all seven members of the Commission and each appointee is confirmed by the Senate. The commissioners are recommended and appointed as follows:

- 1 Recommended by the Senate Democrat leadership
- 1 Recommended by the Senate Republican leadership
- 1 Recommended by the House Democrat leadership
- 1 Recommended by the House Republican leadership
- 3 Recommended by the Governor

No more than four commissioners with the same political party affiliation may be appointed to the Commission to serve at the same time. The commissioners are limited to one four year term, but if an appointee fills an unfinished term they can be reappointed to a subsequent four year term.

The commission members select a chairperson and vice chairperson annually. The commission is administered by an executive director, who is selected by the Commission and legal counsel is provided by the Oregon Department of Justice.

Training:

The Commission has designated training as one of its highest priorities. It has one staff position to provide training on the laws and regulations under its jurisdiction to public officials and lobbyists. Training is provided by making presentations at training events, posting informational links on the website, creating topical handouts and offering guidance when inquiries are received.

Advice:

All members of the Commission staff are cross-trained in the laws and regulations under the Commission's jurisdictions. Questions regarding the Commission's laws, regulations and procedures are a welcome daily occurrence. Timely and accurate answers are a primary objective of the staff. Guidance and information is provided either informally or in written formal opinions. The following are available:

- Telephone inquiries are answered immediately or as soon as possible.
- E-mail inquiries are answered with return e-mail or telephone call as soon as possible.
- Letter inquiries are answered by letter as soon as possible.
- Written opinions on specific circumstances can also be requested.

Requests for written opinions must describe the specific facts and circumstances that provide the basis for questions about how the Oregon Government Ethics law may apply. The written opinions will be in one of the following formats, as requested:

Staff Advice

ORS 244.284 provides for informal staff advice, which may be offered in several forms, such as orally, by e-mail or by letter. In a letter of advice, the facts are restated as presented in the request and the relevant laws or regulations are applied. The answer will conclude whether a particular action by a public official comports with the law. The Commission may consider whether an action by a public official that may be subject to penalty was taken in reliance on staff advice.

Staff Advisory Opinion

ORS 244.282 authorizes the executive director to issue a staff advisory opinion upon receipt of a written request. The opinion is issued in a letter that restates the facts presented in the written request and identifies the relevant statutes. The letter will discuss how the law applies to the questions asked or raised by the facts presented in the request. The Commission must respond to any request for a staff advisory opinion within 30 days, unless the executive director extends the deadline by an additional 30 days. The Commission shall consider whether an action by a public official that may be subject to penalty, was taken in reliance on this staff advisory opinion.

Commission Advisory Opinion

ORS 244.280 authorizes the Commission to prepare and adopt by vote a Commission Advisory Opinion. This formal written opinion also restates the facts presented in a written request for a formal opinion by the Commission. The opinion will identify the relevant statutes and discuss how the law applies to the questions asked or raised by the fact circumstances provided in the request. These formal advisory opinions are reviewed by legal counsel before the Commission adopts them. The Commission must respond to any request for an advisory opinion within 60 days, unless the Commission extends the deadline by an additional 60 days.

The Commission may not impose a penalty on a public official for any good faith action taken by relying on a Commission Advisory Opinion, unless it is determined that the person who requested the opinion omitted or misstated material facts in the opinion request.

Compliance:

The Commission has a program manager who oversees the management and administration of the various reports that are filed with the Commission. There are approximately 2,000 lobbyists and employers of lobbyists who file quarterly lobbying activity expense reports. Each of the nearly 1,000 lobbyists must file or renew their lobbying registrations every two years. There are approximately 5,000 public officials who must file

the Quarterly Public Official Disclosure form after each calendar quarter and an Annual Verified Statement of Economic Interest form each April 15.

Investigations:

Investigations are initiated through a complaint procedure. [ORS 244.260] Any person may file a signed, written complaint alleging that there has been a violation of Oregon Government Ethics law. The complaint must state the person's reason for believing that a violation occurred and must include any evidence relating to the alleged violation. The executive director reviews the complaint and if additional information is needed, the complainant is asked to provide that information.

If there is reason to believe that there has been a violation of Oregon Government Ethics law, the Commission may also initiate an investigation on its own motion. Before approving such a motion, the public official against whom the action may be taken is notified and given an opportunity to appear before the Commission at the meeting when the matter is discussed.

When a complaint is accepted, the public official against whom the allegations are made is referred to as the respondent. The respondent is notified of the complaint and provided with the information received in the complaint and the identity of the complainant. Whether based on a complaint or a motion by the Commission, the initial stage of the Commission procedure is called the Preliminary Review Phase. The time allowed for this phase is limited to 135 days and the Commission must act on the complaint within that period.

If there is a pending criminal matter related to the same circumstances or actions to be addressed in the Preliminary Review, the time period is suspended until the criminal matter is concluded.

There may be a variety of reasons for a respondent to ask for additional time before the Commission determines whether there is cause to investigate the issues raised by the complaint. With the consent of the Commission, a respondent may request a waiver of the 135 day time limit. If a complaint is made against a candidate within 61 days of an election, the candidate may request a delay.

During the Preliminary Review Phase, the Commissioners and staff can make no public comment on the matter other than acknowledge receipt of the complaint. It is maintained as a confidential matter until the Commission ends the Preliminary Review Phase. Under most circumstances, the Commission will end the Preliminary Review Phase by either dismissing the complaint or finding cause to conduct an investigation. The Commission meets in executive session to conduct deliberations and vote on the finding of cause or to dismiss. After the close of the Preliminary Review Phase, the case file is open to public disclosure.

If the complaint is dismissed the matter is concluded and both the respondent and complainant are notified. If cause is found to investigate, then an Investigatory Phase begins. This phase is limited to 180 days.

During each phase, information and documents are solicited from the complainant, respondent, and other witnesses and sources that are identified. Before the end of the 180 day period, the Commission will consider the results of the investigation. Normally, the Commission will either dismiss the complaint or make a preliminary finding that a violation of Oregon Government Ethics law was committed by the respondent. The preliminary finding of a violation is based on what the Commission considers to be sufficient evidence to support such a finding.

If a preliminary finding of violation is made, the respondent will be offered the opportunity to request a contested case hearing. At any time, the respondent is also encouraged to negotiate a settlement with the executive director, who represents the Commission in such negotiations. Most cases before the Commission are resolved through a negotiated settlement, with the terms of the agreement described in a Stipulated Final Order.

The Commission has a variety of sanctions available after making a finding that a violation occurred. Sanctions range from letters of reprimand to civil penalties and forfeitures. The maximum civil penalty that can be imposed for each violation is \$5,000. Any financial gain that a respondent realized from the violation is subject to a forfeiture of twice the gain. Any monetary sanctions imposed and paid are deposited into the State of Oregon General Fund.

Legal Expense Trust Fund

The Oregon Government Ethics Commission can authorize a public official to establish a trust fund to be used to defray expenses incurred when mounting a legal defense in any civil, criminal or other legal proceeding that relates to or arises from the course and scope of duties of the person as a public official. *[ORS 244.205]*

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Oregon City mayor should resign office

Oregon City Mayor Dan Holladay needs to resign. I'm offering the following information to back up that statement.

1. Much of this is information many of the citizens would not normally be aware of.

2. The mayor has stated he supports buying local whenever possible, yet during his mayoral campaign he:

3. Hired a lawyer in Canby to send me a letter threatening to sue me if I won the election for Oregon City mayor.

4. I'm sure Oregon City has some very competent attorneys.

5. Bought his political signs from a company in Clackamas. Oregon City has several very competitive sign companies, which I used for my campaign.

6. Bought materials from Parr Lumber Company. Are there any Parr Lumber locations in Oregon City? I couldn't find any. But there's lots of lumber at Home Depot!

7. On Dec. 16, 2014, at the Transportation Advisory Committee meeting, mayor-elect Holladay was scheduled to attend. He called to say he would be about 30 minutes late but never showed up. Thanks for your consideration of others, Dan. A gaff before he even took the oath of office!

8. On Jan. 5, 2015, during a meeting with David Frasher (then city manager) Tony Konkol (then community development director), and several others he totally lost control and was rude, obnoxious and loud. Hardly mayoral demeanor.

9. On Jan. 14, 2015, Mayor Holladay was first on the agenda for the Natural Resources Committee, but never showed up. He apparently doesn't have control of his own schedule. He even missed a meeting with the Boy Scouts!

10. On Jan. 21, 2015, during a City Commission meeting he refused to let Christine Kosinski testify on behalf of the Hamlet of Beaver Creek until she



BOB
LaSALLE

had written permission from the hamlet. This shows a total lack of knowledge of what has been going on in City Commission meetings for the last several years. She has represented them many times. You'd think that someone who wants to be mayor would do some homework. Or was this just a rude attempt to assert his authority?

On Feb. 10, 2015, during a City Commission work session the mayor announced, about halfway through the meeting, that they would no longer accept statements from the public during work sessions. The least he could have done is announce that policy would take effect at the next work session. That would have been the correct and polite thing to do. Talk about having blinders on and not caring about citizen involvement, this is it.

On March 2, 2015, during a Citizen Involvement Council (CIC) meeting Mayor Holladay walked out of the meeting in a storm of uncontrolled anger. Is this the action of a person we want representing the city? I think not.

On May 20, 2015, during a discussion of the train station, Mayor Holladay was adamantly opposed to spending any more money, but when it came up for a vote he very dramatically voted yes. So much for standing up for your convictions.

On July 15, 2015, during an Urban Renewal Commission meeting, the mayor was rude to a staff member when asked for specifics of an issue being discussed. There is no excuse for a mayor being rude in public.

On Aug. 19, 2015, during a City Commission meeting the mayor was openly

rude to a citizen after testimony on a development on Beaver Creek Road. Again, no excuse for being rude, but this mayor seems to make a habit of it.

On Oct. 13, 2015, during a special meeting of the City Commission, City Manager David Frasher's employment was terminated. That whole thing was handled in the most unprofessional manner I can imagine. No leadership or personnel management classes I have ever attended would condone such action. I could go into more details of that, but enough said.

On May 26, 2016, Mayor Holladay walked out of the Regional Wastewater Treatment Capacity Advisory Committee meeting because the vote didn't go his way. Absolutely childlike behavior that left Oregon City with no representation. Perhaps when attending meetings he should have adult supervision. The mayor is sure giving Oregon City a name, just not a very good one.

On Oct. 3, 2016, during a Clackamas County Commission meeting, Holladay charged the County Commission with political coup, stated "Everything about this stinks," stated there is no reasonable leader in Clackamas County and threatened Commissioner Savitski he is making such public comments?

At a Sept. 22, 2016, debate Holladay said that Measure 3-407 was unconstitutional. "Even though that measure passed, we believe it doesn't have any force in law," stated Holladay. Why does he think he has the authority to go against the will of the voters?

On Feb. 21, 2017, the Transportation Advisory Committee (TAC) voted unanimously to appoint Paul Edgar to sit on the committee, from a choice of three candidates. On March 1, 2017, Mayor Holladay, against the wishes of the TAC, appointed another person to that position.

On March 13, 2017, the Planning Commission voted to have me become a member of the commission. On April 5 the mayor will appoint someone else to that position.

Has any mayor in recent history so flagrantly gone against the wishes of committees or commissions? This is just another example of Dan Holladay's poor decision making skills. These are two good examples why qualified people won't volunteer to help the city.

Countless times the mayor has been seen, during City Commission meetings, talking to other commissioners while someone was offering testimony. Obviously not listening and very rude.

While mayor of Oregon City he decided to run for the Clackamas County chair position, a very nicely paid position. He then had the audacity to say if he was elected as Clackamas County chair he would retain his position as mayor. Now who could say, at any given meeting of the Oregon City Commission or the Clackamas County Board of Commissioners, who he might be representing?

Mayor Dan Holladay, from before he was even sworn in, has been displaying rude and thoughtless actions which only harms the reputation of Oregon City. His totally inexperienced, untrained, and bullish leadership tactics do not reflect well on Oregon City. Perhaps a class on tact would help.

I'm sure he won't have the honor to do so, but for the examples stated above, and many not stated, I am asking that Dan Holladay resign as mayor of Oregon City. Enough is enough. He is an embarrassment to our city, has caused bad feelings between Oregon City and Clackamas County, can't control his temper, is rude to anyone who disagrees with him, and shows very poor leadership qualities.

Bob La Salle is a citizen of Oregon City.

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E-MAIL ADDRESSES:
editor@clackamasreview.com
publishing@clackamasreview.com
production@clackamasreview.com
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Laura Terway

From: Paul Edgar <pauloedgar@q.com>
Sent: Wednesday, April 5, 2017 12:34 PM
To: Laura Terway
Cc: Paul Edgar; Mark J. Matheson; Patti Webb; Howard Post - Canemah; M Sierra; Barbara Renken - Park Place Friends
Subject: Re: Good Luck on the Grievance Hearing Tonight

To all, myself and other in Canemah have felt the impact of the Grievance Process and some of the same players.

An effort was also made to take-over the editorial Canemah Nextdoor Lead position, by merging it with another neighborhood and it had the appearance of Dennis Anderson and Amy Willhite involvement.

We have also seen it in Nextdoor posting, comments and repercussions , where I was asked as the "Lead" of Canemah Nextdoor - if I felt that the comments made by Patti Webb and Dan Holladay were out of line and I said NO, they were protected by the 1st Amendment.

But than, a chorus of others entered into the discussion and created a debate, that selectively resulted in Patti Webb getting effectively "Black Balled" from Canemah Nextdoor, over my objections.

It is not that Patti Webb has not said things that I would not say, but she was perfectly within her rights, to say what she has posted on Canemah Nextdoor, in my opinion.

Everyone watches and we all know their are responsible guidelines and words that just should not be used within this Public Forum of Nextdoor.

But there are those in the editorial police and the CIC, that want to control this and it is more than subjective interpretation, as a result have put their finger prints on that process here too.

My suggestion is that this may well require some additional follow-up.

Where there is smoke, there might well have been some fire and it might point to some of the same players exerting their perceived abilities on the Nextdoor Platform and the CIC.

Paul Edgar, Lead of Canemah Nextdoor

Good morning all

Mr Paul Edgar - many thanks for reaching out; I greatly appreciate your support!

The CIC Grievance Committee has granted continuance and will keep the record open until further notice. I've been advised to keep all contact in writing (also I've been advised not to attend the grievance proceedings until the committee issues an official summons)

The record is OPEN - letters, recommendations, testimony, ect.. is still being added and will be available to the public via the appropriate channels. I've given Mrs Laura Terway, AICP (OC Community Development Director) the green light to allow correspondence, between her and I, to be a matter of public record as well.

Please feel free to contact me (or Mrs Laura Terway) with any additional guidance, questions, or concerns; at your convenience, of course :)

Very Respectfully,

Miranda A Sierra

Primary Oregon Address: 507 Cascade St, Oregon City, OR 97045

Email: sierra318@gmail.com

CONTACT INFO for OC Community Development Director

Mrs Laura Terway, AICP

City of Oregon City

[503.496.1553](tel:503.496.1553)

lterway@orccity.org

On Mon, Apr 3, 2017 at 12:43 PM, Paul Edgar <pauloedgar@q.com> wrote:

I wish I could be at the Grievance Hearing tonight, but I have family obligations.

Please ask for a continuance of the process and get in communications with Patti Webb and Howard Post of Canemah.

When I talked with them yesterday they did not know about this.

Paul Edgar

--

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Laura Terway

From: Mark J. Matheson <mark.matheson@drteamsint.com>
Sent: Tuesday, April 18, 2017 9:20 AM
To: Laura Terway
Subject: Re: oops
Attachments: RecommendAction.pdf

Yes, the last document I sent should be added and is part of grievance. I'm sending the document again. Yes, remove the attached emails for from the record because they're not directly part of the grievance. Does that clarify any confusion?

On 2017-04-18 09:00, Laura Terway wrote:

Good Morning,

Can you clarify that the document you submitted should be included in the existing Grievance before the CIC? I assume because a grievance application was not submitted that it is not a separate grievance for processing by the CIC and because you did not indicate such, it is not a separate grievance directed to the City Manager or Commission. Lastly, please clarify that the attached emails should be removed from the grievance record and replaced with the attached PDF. Thank you

Laura Terway, AICP, Community Development Director

City of Oregon City

503.496.1553

From: Mark J. Matheson [mailto:mark.matheson@drteamsint.com]
Sent: Monday, April 17, 2017 10:08 AM
To: Laura Terway
Cc: Miranda Sierra
Subject: oops

My mistake, I didnt clear the Draft classification for the document.

--

Mark J. Matheson, Founder and CEO

The Advantage Group, LLC Nw
www.drteamsint.com
503.953.0250

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From: Mark J. Matheson
Vice Chair Barclay Hills Neighborhood Association
CIC Member - Primary Representative BHNA
855 Molalla Ave.
Oregon City, Oregon 97045

April 17, 2017

To: Director Laura Terway, AICP
Community Development Director
221 Molalla Ave
Oregon City, Oregon 97045

Re: Recommended Action Document

Good afternoon Director Terway,

A "recommend action" document will help smooth out some of the rough spots the panel had towards applying the grievance protocols. Moreover it will help the proceedings without influencing panels methodology.

There is a need to clarify that the grievance **is not co-sponsored**. The Amy Willhite and Karin Morey narratives lead the panel to believe that my role was something other than a facilitator. The documents in grievance package specifically states my role in the process. It may have to be reiterated again that the members should read the material, and if there are questions that could take longer than 15 minutes to understand, the action to take is submitting a set of questions in writing ahead of the meeting.

To be more precise the panel didn't seem to fully grasp the difference between the grievance protocols and the methodology within. I had the clear impression they didn't recognized the need for collecting, assimilating and determining relevant information and turning their findings it into a tangible and unimpeachable recommendation. With that said, the committee member that was absent would have introduced a "hiccup" in the process if Mr. Mitchell hadn't kept the proceedings open. There is no alternate and no provision in the municipal code mandating a full panel, or a "in case of" provision to handle absenteeism. An inquiry might suggest an alternate to serve on the panel as a precaution.

Any type of CIC subcommittee can play a tremendous role as the City's only bilateral channel into its neighborhoods, and would maintain avenues for public participation. Since its adoptions into the municipal code the membership hasn't made any attempt to review their performance or make an effort to operate in the spirit of its mission. From my vantage point the grievance committee is the example for publically encouraging people to voice their perspectives, and used to improve the CIC mobility into the neighborhoods. It shouldn't be mistaken as representing special interest or seen as punitive process. If the panel will note, the grievance is not asking, demanding or implying that anyone should be removed from their position. As course of due process, if an individual's only recourse in objecting to an issue is following a procedure an agency provides, they can't be subjected to be penalized for taking the only course of action they have.

Overview

This document is not intended to direct the grievance committee in how to proceed towards a recommendation to the CIC, and subsequently to the City Commission. It is not intended to serve as definitive statements and shall not be taken as answers to the verbalized questions. The narratives are from multiple perspectives and within the capacity of a facilitator to hopefully frame the conversations around the core elements published in the grievance. As it might be viewed by the public or the panel, the grievance is not intended to be a punitive process. It should be looked at as the only method a member of a Neighborhood Association has when they have a specific problem. The issue came to the Barclay Hills Neighborhood Association, and without any response from the other officers, it became my responsibility to shepherd the complaint to the CIC. If the grievance is treated in any other manner than a case study, then the recommended action is redefining the committees purpose to serve a oversight function making recommending procedural improvements.

Recommended Action #1 - General

At the root of the grievance is the method of sharing information, what information is being shared, and who determines what information is shared. Moreover why some information is being censored and who is making those decisions. Typically an oversight process of managing a social media adds authenticity, and the recommended action is officially accepting a social policy and assigning a standing oversight committee to manage its administrative responsibilities. As the grievance committee chair concurred with the Director of Community Development, the proceedings can serve as a platform for making improvements. In the context of the grievance I needed to clarify the environment and emphasize that the proceedings are not adversarial, nor stem from a misunderstanding. The embodiment of the grievance is a confluence of procedural mistakes, blurred professional boundaries between public and personal, and insisting on officials follow rules of ethical behavior.

Recommended Action #2 - General

After convening the committee, there was a general understanding they had the authority to determine their methodology, make inquiries and review public documents. It was expected they would take advantage of the time between CIC meetings to help understand the narrative behind the grievance. The fact that a member characterized the documents as a misunderstanding is compelling enough to reinforce reviewing the material and approach the proceedings as an opportunity and not as an instrument for punishment.

Filing a grievance should be avoided, and only used as the last possibility to resolve a problem. The fact of the matter is if the committee referenced the documents, the Vice Chair shared her intentions immediately after a CIC meeting and was not going to participate in the proceedings. The response should have triggered an immediate reaction by the committee to explore other alternative methods of gathering information. A recommended action may suggest avoiding the impression people are under some sort of punitive action or personal attack. From the committee's reaction, the bewilderment was around understanding why a grievance was filed. My personal perspective is it's the only avenue a member has to voice a problem and a method of getting it resolved outside from using code enforcement.

Based on the performance of the proceedings, a recommendation requires a two part reply. The first is immediately submitting questions in writing, and allowing the time between meetings to formulate an answer. Time needs to be given to review any supplemental information and the opportunity to evaluate its relevance. The allotted time during the grievance committee meeting can be used to follow up on any lingering questions rather than attempting to understand the complaint or debating its merits within 15 minutes.

The second part of the recommendation introduces a subcommittee under the CIC to develop an operational protocol for the grievance committee proceedings. Grievances come in all shapes and sizes, but it's probable they'll be more frequently used. Moreover, the process is the only remaining channel the public has to voice an issue. A municipal code is a function or the byproduct of policies and procedures illustrated in the Public Improvement Plan, and only referenced when an action strays beyond its primary mission. It shouldn't be the first resource to resolve an internal policy issue.

Recommended Action #3 - Clarity in institutionalizing intimidation methods in public policy to repel public discussion

The **institutionalization** characterization comes from the fact the City of Oregon City has specifically endorsed the CIC to use nextdoor.com as an information outlet to serve and speak on the behalf of the public interest. The complaint involves the administrative arm of the organization, who are ultimately responsible for its wellbeing. The **intimidation** characterization stems from the response a person felt was inappropriate, restricting their rights, and unbecoming of an official. Moreover, an inquiry would discover the behavior exhibited within the social network and in public is frequently used to dead end conversations, manage a topic, make suggestive comments, or directly question a person's intent or character. The term "**public policy**" addresses the issue that as volunteer officials their role's aren't relinquished by suddenly making a verbal or written declaration proclaiming an individual right.

It's unfair to ask the public to reconcile the differences when a person is speaking as an official and when they're not. The State of Oregon adopted a "better to be safe than sorry" policy by defining a list of questions to make it easy for everyone to understand. A gesture of full disclosure by adding a title shouldn't be confused with the actions of representing people. The phrase "**repel public discussion**" references impact on the community.

A standard methodology under the State of Oregon Governmental Ethics Laws uses the question of whether or not a person is generally considered an official if

- Elected or appointed to an office or position with a state, county or city government.
- Elected or appointed to an office or position with a special district.
- An employee of a state, county or city agency or special district.
- An unpaid ,volunteer for a state, county or city agency or special district.
- Anyone serving the State of Oregon or any of its political subdivisions, such as the State Accident Insurance Fund or the Oregon Health Sciences University.

*information extracted from online document

Suffice to say the State of Oregon has concluded that its unreasonable, and obviously difficult to separate a person from their obligations as an official. In the context of the complaint, an acceptable understanding is an official's obligated to disclosed their position. An inquiry was expected to give the grievance committee the opportunity to review the dialog on social media and determine a recommendation of adopting protocols for managing information, and removing a possibility for impropriety.

The screenshot of the online inquiries was a sample of interactions officials have had, and can't be viewed as anything more than hostile, counterproductive to the City's policies, and in stark contrast with Oregon State Ethic Laws. Beyond the content, it was meant as an example towards identify a problem and not to single out individuals. It is evident by anyone who has spent time in the same room as Amy Willhite and Karin Morey that they have strong opinions. They're compelled to monitor people's activities and they don't have a problem interceding when they believe someone has crossed the line. Their comments could be discounted as a private citizen's opinion if it wasn't for their position as official's.

The recommended action is exploring the dialog and conducting some interviews to provide the committee options in managing the flow of information. It may include an inventory of considerations towards a full disclosure protocol, and suggest a comprehensive performance review. Regardless of any committee review, it goes without saying that any destructive pattern of communication is contrary to encouraging participation. Above all else, the administrative arm is responsible for promoting a dialog and input from the membership and the community. A recommended action may include a determination to adopt formal policy and the empowerment to organize town hall meetings.

Recommended Action #4 - Clarity in willful dereliction of duty in public oversight and accountability in outreach programs

In the overview description, the term willful dereliction, in the broadest context is commonly used to describe an action that is contrary to a general understanding. It can apply in any scenario where officials refuses to acknowledge an obvious problem or responsibility, or is placid in their response. Without an ongoing process of evaluating CIC performance, the responsibility falls on the Chair and Vice Chair for the overall health and well being of the membership. An inquiry would have obviously highlighted the disconnect between the policy promoted to the public and the random restriction being placed on its membership. Through an inquiry, submitting questions or reviewing public policy the committee may discover the general disconnect between its public policy and applying the policy. In the context of the complaint, its attempting to address a lack of overall maintenance, focus, and responsibility. The lack of commitment to supplemental guidelines and publications may have a detrimental impact on the CIC primary mission, which is encouraging public participation in governing their community. The recommended action mirrors Recommended Action #2, and requires a two part reply. The first is immediately submitting questions in writing, and allowing the time between meetings to formulate the replies. Time needs to be given to review any supplemental information and the opportunity to evaluate its relevance. The allotted time during the grievance committee meeting can be used to follow up on any lingering questions rather than attempting to understand the complaint or its merits within 15 minutes.

The second part of the recommendation could introduce a subcommittee under the CIC and develop operational protocol for the grievance committee proceedings. Grievances will come in all shapes and sizes, but it's probable they'll be more frequently used to resolve a conflict. Moreover, the process of using the CIC is the only remaining pathway the public has to voice an issue in a civilized manner, and it should be embraced as a public service. A inquiry may clarify that a municipal code is a function or the byproduct of policies and procedures illustrated in the Public Improvement Plan. A grievance, not unlike code enforcement, should only be triggered when an action strays beyond a policy or protocol, and the circumstances have become unreasonable. The position of Chair and Vice Chair are obligated to manage the program, evaluate their performance, and recommend adjustment to meet the programs objectives. A recommended action of "checks and balances" would reinforce an experienced official to safeguard against undue influence, while publically assuring the membership it's servicing the interest of the neighborhoods associations.

Recommended Action #5 - Clarity in misused resources, full faith and credit, policies and official monitoring tools

The CIC has an important role as authenticators for the City and fostering independent dialog for our neighborhoods to express, share and gather their perspectives. Reviewing the material with respect to public dialog might show how officials injected themselves into public forum dramatically changes a response and who responds. The grievance focuses on a lack of restraint compromising the memberships authenticity, and is less about a person's individual freedoms. The general understanding behind the grievance description is basic. An official's personal or bias opinions on any subject is secondary to their responsibility as a facilitator. How they exercise their authority typical determines whether an official follows a democratic or an autocratic method of governing.

The exhibits attempted to spur an inquiry into preferential treatment as a form of influence peddling. The casual manner officials use their positions and the justifications that follow demonstrates an underlying problem from a blurred full disclosure policy. In the example, the official failed to acknowledge that the City has a sidewalk replacement program, or the option to fix the sidewalk themselves, or follow a standard practice of providing the names of 2 other local contractors.

It calls into question the purpose of spending the resources in adopting the CIC into the municipal code and saddling it with the task of representing land use issues under very restrictive conditions. For example the recent annexation was a land use issue, and as per the municipal code the CIC should have made a independent recommendation directly to the City Commission. The members could have funneled the information to the associations and provide a recommendation as part of the public record. The insult to injury occurred when the official asked for comments from neighborhoods. Terms like, "talking out of both sides of your mouth", "bait and switch", "they're going to do whatever they want anyway" all play a part in diminishing the

credibility of public programs. It also hurts the members ability to meet its "other duties" to encourage participation, and is the definition of being counterproductive. The full faith and credit, misuse of resources and monitoring tools comes into play when a public consensus is touted when only .3 percent of a neighborhood had any input.

As a reminder,

Oregon City Municipal Code Chapter 2.30 – Citizen Involvement Committee

2.30.010 - Created.

The citizen involvement committee (CIC) is hereby created for the City of Oregon City. The CIC shall foster public participation and education regarding land use for the citizens of Oregon City on behalf of the City Commission and perform other duties as identified within this chapter.

Which is followed by

2.30.020 - Duties.

The duties of the CIC include, but are not limited to, the following:

- A. Encourage public participation and knowledge of land use in Oregon City.
- B. Encourage public participation in other government activities as they impact neighborhood programs.
- C. Provide information to the City Commission and the public.
- D. Address grievances of the CIC and of neighborhood associations.
- E. Assist with requests from the City Commission.

A recommended action calls for the committee to take the time to convene a general review and place a value on how well the CIC is improving participation. The committee may come to a conclusion that suspending the flow of information on social media as a viable alternative to terminating the service. Recommending a standing committee to manage the site, but not its content might be more beneficial than the content being flagged as inappropriate by an unknown group of monitors. The entire methodology lends itself to be manipulated, and misrepresenting the public record. It goes without saying a recommendation includes the association's adopt a similar method of maintaining an open dialog but has a low threshold for frivolous conversations and school yard behavior.

Recommended Action #6 - Clarity in engaging in deceptive and misleading communications to deflect or dismiss direct inquiries and concerns

The clarify description may sound more dastardly in the context of manipulating political systems for personal profit than being the narrative to describe casual conversations as private citizens turning into a conflict with an official. Constitutional rights are extended to everyone, nevertheless after accepting a public position, personal opinions shouldn't dominate an issue. Insisting on ethical behavior doesn't reduce an officials personal opinion, it serves as an assurance that the needs of the community are being met above their ambitions.

Intentionally or unintentionally the description encapsulates the "cause and effect" when officials don't declare their positions from their personal opinions, interest, or priorities. In the context of social media, the confusion of what information is official and what isn't becomes a problem because of the lack of accountability. The topic typically gets lost over amplified misinformation, and it generates petty conversations about personal intentions, character, and the right to post an opinion at all. What's important gets lost and what's unimportant becomes the focus.

Take for instance the Director of Community Development strongly encouraging public input but the fact is the committee hasn't attempted to use nextdoor.com to collect or publish information. The question is why not? A reasonable conclusion is it would cause a problem in the community, or be viewed as embarrassing in some way. A recommended action is considering that it's an information outlet and to be transparent. This may require adopting protocols for members to follow before distributing information and how to manage the dialog. An inquiry may highlight the tendency to censor information on nextdoor.com and show that replying on a topic exposes an individual to undue personal scrutiny. It could be eliminated by proactively moderating the tone of the conversation and leave the merits of the content to regulate the conversation.

The recommended action calls for reviewing enough of the online dialog to identify if the environment promotes or restricts an issue, and if the CIC could benefit from committing resources to maintain an oversight subcommittee. The action may include implementing a reporting mechanism and more transparent protocols in its public social media policy. Its reasonable that the NA's have an autonomy to manage their issues, nevertheless it's been suggested to use social media for sampling public opinion on any issue, and promoting official events. The recommend action may include implementing the necessary safeguards,

protocols and reporting mechanisms to make the effort a reasonable reflection on what our neighbors are thinking and empowering the members to be involved in their neighborhoods.

In the context of the grievance the Chair / Vice Chair are ultimately responsible for the wellbeing of the CIC authenticity. In reviewing the dialog on social network and the material in the grievance there is a level entitlement that often supersedes City policy, but rigidly applied to other members. The inequality has a tendency to boil over onto the social network and in public meetings. It's a reasonable action to consider the benefit of having an open dialog versus alienating people from participating by enforcing any type of hierarchy or entitlement.

Recommended Action #7 - Clarity in code enforcement to resolve official policy inquires and disputes

The last exhibit wasn't intended to throw any dispersion on the Director of Community Development or call into question the need for a code enforcement program. It was meant to emphasize how easy code enforcement is used as a cure-all remedy, and to bring the Public Involvement Plan front and center. Historically code enforcement is the last step to be recommended and its counterproductive to the goals, missions, and vision members are being asked to promote. If a code violation looms in the background for members, and it's the only solution they can provide their neighborhoods, the recommended action may include evaluating the supplemental material against the CIC performance to define better guidelines.

It's reasonable to consider that the idea of a pervasive code enforcement influencing public policy is counterproductive, and worth reviewing the scope of the program. Code enforcement is a land use issue and would be within the scope of the CIC to conduct a public review. An inquiry may find that the anonymous complaint leads to abuse, conflicts between neighbors can become bitter feuds, and in practice can't be applied to every situation. A recommendation may include justification for additional resources towards conflict resolution training, workshops and more outreach programs. A recommended action might suggest identifying the difference between subjecting a neighbor to a punitive process and empowering the members to be neighborhood ambassadors and use the skills they've learned. The committee may discover as a industry, abuses in code enforcement has increased, and may come to a determination that more effort in the Public Improvement Plan may help the CIC meet its expectations.

In the context of the grievance, the Chair / Vice Chair position are the administrative arm for the CIC and the grievance material suggests more can be done to improve community relations. The Director of Community Development has faithfully respected the boundaries between the programs oversight and direction, and continues to urge the CIC to regulate itself. Ultimately the wellbeing and overall health of the CIC is the Chair and Vice Chair responsibility and within reason, they have the flexibility to manage the day-to-day needs of its members. It's not unreasonable for the community to be left with an impression the CIC contributes very little towards their neighborhoods and are rubberstamping projects. Without a reflective leadership to evaluate the overall performance, and make the determination if the program is honoring their mission, vision, and goals, it limits the members to being bystanders and stenographer.

If the CIC purpose is representing each neighborhoods interest, and gateways for sharing information, then introducing code enforcement is counterproductive. In practical terms it restricts a members from turning a sidewalk trip hazard a neighbor can't afford to fix into organizing neighbors helping neighbors. Seems the choice is obvious, and a recommended action may suggest a change in understanding or clarification of the roles that foster participation and encourages more contribution from its members and the neighborhood associations.



MEMORANDUM

To: Citizen Involvement Committee – Grievance Committee
From : Laura Terway, Community Development Director
Re : Grievance
Date : April 24, 2017

Effective public participation is essential to building a sense of community and an effective government... The [Citizen Involvement Committee] and the [Neighborhood Associations] are essential to a healthy, thriving community. They provide the grassroots, participatory forums for residents to participate in civic affairs and are important to furthering good government in Oregon City. From public safety to land use, sustainability to parks and open spaces, our CIC and NAs help shape how Oregon City works for all of us.

Citizen Involvement Committee and Neighborhood Association Public Involvement Plan

Public participation such as asking questions on behalf of your neighbors, providing citizen insight on a topic, attending a public meeting, or volunteering on a City committee create a framework for a thoughtful community which best serves our citizens. The City is committed to supporting a genuine two-way dialogue between the City and the public which is based upon support and participation. The City created the Citizen Involvement Committee (CIC) is to foster public participation and education for the citizens of Oregon City. We value all of those whom have taken the time out of their busy lives to engage in their community.

Documentation in the grievance record filed in February of this year appears to ask questions or make assumptions about the City's role on social media. This memorandum is intended to clarify how the City interacts with the public on social media.

Social Media Accounts

- The City has social media accounts on Facebook, Twitter and Nextdoor.com. The City has not posted, commented or used the general City Nextdoor.com account other than establishing it.
- The Library has individual accounts on Facebook, Twitter, and Instagram.



- The Police Department has individual accounts on Instagram, Twitter, Facebook, YouTube, as well as a separate Nextdoor.com account. The law enforcement Nextdoor.com account is very active in providing information to the public.
- Other than our own postings, the City does not currently, and has not in the past, monitored social media directly or indirectly. No known requests have been made asking a social media website to remove content.

Authorization to Post on Social Media

- No City committee member may speak for or act on behalf of the City unless authorized to do so by the City and the group which they represent.
- No citizen or committee member has been authorized to speak on behalf of the CIC.
- The only entities authorized to post on behalf of the City's social media accounts are City employees.
- I have asked the Amy Willhite, as a citizen, to post information on Nextdoor.com a handful of times for the City. Each time the request was for her to post a copy of the content that the City posted on our social media accounts. The purpose of the postings was generally to advertise for openings on City groups or City events. Now that I am aware that the City has a Nextdoor.com account, I will no longer ask anyone from outside the City to post on Nextdoor.com.
- I am not aware of any other instance which a committee member or citizen was asked to post on any social media account on behalf of the City.
- The City's social media policy may be found at <http://www.oregoncity.org/cityrecorder/web-20-and-social-media-policy>.

Authority Over Neighborhood Associations

- The neighborhood associations are an important source of public input and the City values their work. However, it is important to note that the neighborhood associations are separate entities and not a part of the City. The City does not control the operations of neighborhood associations.

Please feel free to contact me directly with any additional questions or concerns.