



CITY OF OREGON CITY

CITY COMMISSION WORK SESSION

MINUTES

Commission Chambers, 625 Center Street, Oregon City
Tuesday, October 13, 2020 at 6:00 PM

The public is strongly encouraged to relay concerns and comments to the Commission in one of three ways:

- *Email at any time up to 12 p.m. the day of the meeting to recorderteam@orc.org.*
- *Phone call (Monday – Friday, 8 am – 5 pm) to 503-496-1505, all messages will be relayed and/or citizens can sign-up to be called during the meeting to provide over-the-phone testimony.*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045.*

CONVENE WORK SESSION AND ROLL CALL

Commission President Rachel Lyles Smith called the meeting to order at 6:01 PM.

PRESENT 4 – Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Rocky Smith, Jr.

ABSENT 1 – Mayor Dan Holladay

STAFFERS 11 – City Manager Tony Konkol, Asst. City Attorney Carrie Richter, City Recorder Kattie Riggs, Community Development Director Laura Terway, Public Works Director John Lewis, Parks & Recreation Director Kendall Reid, Interim Finance Director Ryan Bredehoeft, Interim Asst. Finance Director Erin Wilkie, Human Resource Director Patrick Foiles, Police Chief Jim Band and Library Director Greg Williams.

FUTURE AGENDA ITEMS

The Commission's adopted goals and available staff resources shall be considered when recommending future agenda items. The Commission may add an item to a future agenda with consensus of the Commission.

1. List of Future Work Session Agenda Items

Tony Konkol, City Manager, provided an overview of the staff report. There were no additional items added for future work sessions.

Commissioner O'Donnell asked that two months of future work sessions be drafted for review by the Commission. Mr. Konkol indicated this could be done.

There were further discussions on the timing of some of the agenda items.

DISCUSSION ITEMS

2. Update on Senate Bill 1573 and Associated Court Decisions

Laura Terway, Community Development Director, provided the background for this update on the status of City of Corvallis v. State of Oregon case and its impact on voter approved annexation in the City.

Carrie Richter, Assistant City Attorney, provided a brief overview of the Memo written and included in the agenda packet.

Benton County Trial Court found that Senate Bill 1573 was constitutional. The City of Corvallis and the League of Oregon Cities appealed to the Court of Appeals and lost. The Court of Appeals upheld the decision by the Benton County Trial Court. Ms. Richter provided examples of annexations that would require voter approval, such as outside the Urban Growth Boundary and those that would not, such as emergency annexations (sewer failure).

Commissioner O'Donnell asked what intermural meant in this context mentioned in the memo. Ms. Richter explained that intermural references the City's home rule for those things that are within the City boundary. Extramural pertains to outside that boundary, including annexations, and those are subject to state rule.

Commissioner O'Donnell asked if Ms. Richter had reviewed the information submitted by James Nicita regarding Mr. Kabeiseman's Memo. Ms. Richter explained details of the City of Corvallis appeal and subsequent denial, which was in part due to not verifying the original intent of their annexation process. Ms. Richter also expressed that home rule does not supersede state law.

Commissioner O'Donnell wanted to hear from the League of Oregon Cities attorney's regarding this issue and see if other cities would consider a collective effort in engaging the court on this issue. Ms. Richter had spoken with their counsel who indicated they have not seen any interest from other cities in pursuing this.

The Commissioners had further discussion regarding home rule and their feeling that due to the age of Oregon City (being the first city in Oregon), that should have some bearing on their home rule status regarding annexations and whether it would be worthwhile to pursue with the courts or amend the City Charter to allow annexations legally.

Ms. Terway asked the Commission as to information on the City website regarding annexation and there was consensus to discuss this at a future work session.

3. Legal Expense Summary and Breakdown

Mr. Konkol provided an overview of the staff report and gave background and costs of having a contracted city attorney versus having a city attorney on staff. Mr. Konkol broke out the different areas of City work that incurs legal costs (planning, litigation, etc).

Commissioner O'Donnell asked about why the current legal expenses were so high regarding urban renewal and Mr. Konkol outlined two current litigations that have been costly to the City.

Mr. Konkol described in detail some of the planning and land use legal situations that incur high legal expenses.

Mr. O'Donnell and Mr. Konkol discussed specifics of when to seek legal counsel.

Commissioner O'Donnell asked as to when a human resources attorney would be used, and Patrick Foiles, the City's Human Resources Director, outlined the different labor situations where attorneys would be consulted.

The Commissioners discussed the evolution of the reporting structure of the city attorney position answering to the City Manager and having contracted legal services versus an attorney as a paid City employee in terms of benefit packages. There was also discussion regarding other legal resources the City utilizes (City/County Insurance and the League of Oregon Cities). The Commissioners continue to look for ways to drive down legal costs.

CITY MANAGER'S REPORT

Commissioner McGriff asked the City Manager about the recap from the closing of the Emergency Operations Center after the wildfires. Was there feedback discussed internally with City staff, was there things the City could have done better.

Mr. Konkol and Chief Jim Band indicated a wrap-up report was being formulated at the county level with other entities.

COMMISSION COMMITTEE REPORTS

A. Beaver Creek Employment Area Blue Ribbon Committee - Commissioner Frank O'Donnell

B. Brownfield Grant Committee - Mayor Dan Holladay

C. Citizen Involvement Committee Liaison - Commissioner Rachel Lyles Smith

Commissioner Lyles Smith provided an update on the Citizen Involvement Committee meeting that took place on 10/5/2020. She mentioned all of the neighborhoods are struggling during this virtual environment and several are unable to meet. The recent wildfires also contributed to the situation.

D. Clackamas County Coordinating Committee (C4) - Mayor Dan Holladay and Commissioner Rachel Lyles Smith

Commissioner Lyles Smith mentioned the tolling project and letters of comment for the project. The other topic was support of regional transit and connecting the cities through-out the region. Commissioner Lyles Smith was concerned about the bike and pedestrian information regarding the possibility of it being on the Arch Bridge between Oregon City and West Linn or an alternate bridge to be constructed. This is something ODOT (Oregon Department of Transportation) is heading. Commissioner Lyles Smith and John Lewis, Public Works Director, explained further Metro's role in the project.

E. Clackamas Heritage Partners - Commissioner Rocky Smith, Jr.

F. Downtown Oregon City Association Board - Commissioner Denyse McGriff

Commissioner McGriff stated the Downtown Oregon City Association was coordinating a low-key elevator kiosk ribbon cutting. They are looking at how to move forward with the current COVID restrictions. There was a charity marble drop event upcoming.

G. Metro Policy Advisory Committee (MPAC) - Commissioner Rachel Lyles Smith

Commissioner Lyles Smith reported on the Metro Park Bond that had passed on the May 2020 ballot and the City would be hearing from the oversight committee to establish an agreement. The Housing Authority ballot measure had also passed, and they were establishing an oversight committee as well.

Commissioner McGriff encouraged coordination with Clackamas County on any housing projects and expenditures.

H. Oregon Governor's Willamette Falls Locks Commission - Mayor Dan Holladay

I. South Fork Water Board (SFWB) - Mayor Dan Holladay, Commissioners Frank O'Donnell and Rocky Smith, Jr.

Commissioner O'Donnell looked forward to working with Wyatt Parno in his new position with the SFWB.

J. Willamette Falls and Landings Heritage Area - Commissioner Denyse McGriff

Commissioner McGriff mentioned the virtual event coming up and the subcommittee for diversity, equity, and inclusion.

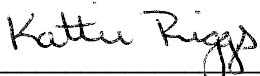
K. Willamette Falls Legacy Project Liaisons - Mayor Dan Holladay and Commissioner Frank O'Donnell

Commissioner O'Donnell mentioned the dates for the next tentative meeting.

ADJOURNMENT

Commission President Lyles Smith adjourned the meeting at 8:07 PM.

Respectfully submitted,



Kattie Riggs, City Recorder