



CITY OF OREGON CITY

CITY COMMISSION WORK SESSION

MINUTES

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Tuesday, October 10, 2023 at 6:00 PM

CONVENE WORK SESSION AND ROLL CALL

Mayor McGriff convened the meeting at 6:07 PM.

PRESENT: 4 - Commissioner Adam Marl, Commissioner Frank O'Donnell, Commissioner Rocky Smith, Mayor Denyse McGriff

ABSENT: 1 - Commissioner Mike Mitchell

STAFFERS: 5 - City Manager Tony Konkol, City Recorder Jakob Wiley, Human Resources Director Patrick Folies, Police Chief Shaun Davis

FUTURE AGENDA ITEMS

1. List of Future Work Session Agenda Items

Tony Konkol, City Manager, reported that there would be a discussion of the Clackamas Park Master Plan on the following Wednesday. In November, the Commission would hold a joint work session with the City of West Linn, followed by a Destination Marketing Organization Discussion, an update regarding the Willamette Falls Shared Use Path, and a discussion of Code Enforcement Changes.

The items to be discussed with the City of West Linn included I-205, houselessness, and recent information from the Governor's office.

DISCUSSION ITEMS

2. City Commission Employment Issues Training

Dian Rubanoff, the City's labor attorney from Peck, Rubanoff & Hatfield, was present to provide training on employment issues relevant to elected officials. The topics included discrimination claims; protected status and protected activity; Oregon's Fair Workplace Act and elected officials; the First Amendment and whistleblower protections; just cause and progressive discipline; due process and name clearing; and public records and confidentiality.

Mayor McGriff observed that elected officials in Oregon had recently been made mandatory reporters in cases of harassment and similar offences.

There was discussion about how the free speech clause applies to City employees and elected officials in regard to retaliation cases. It was confirmed that retaliation cases of this type were generally brought against employers rather than against elected officials.

There was discussion about an example in the presentation regarding accommodating an employee's disability. It was confirmed that an employer is required to work to accommodate an employee's disability if the employer is informed of said disability.

There was discussion about special requirements for employees when acting as union representatives. It was confirmed that persons duly elected by the union are considered union representatives in these cases, and self-appointed persons are not. Mayor McGriff asked a question about who can be a union representative, and Ms. Rubanoff confirmed that according to Oregon law, a true supervisor cannot be a union representative.

Commissioner O'Donnell asked whether an oral warning ought to be accompanied by a written warning for the sake of records. Ms. Rubanoff advised that an oral warning can be reduced to writing, or that a supervisor can document that an oral warning occurred.

There was discussion about name-clearing hearings that the law requires when an employee is terminated for misconduct. It was clarified that the purpose of such a hearing was to give the employee a public opportunity to respond to the charges, but that it did not have an effect on termination.

Commissioner O'Donnell asked what sort of investigations were covered by the Fair Credit Reporting Act. Ms. Rubanoff explained that this Act applies when an outside investigator is called in and when there will be inquiry about a person's character or reputation.

There was discussion about the value of limiting discussion between public officials and employees with concerns, and making sure to direct those concerns to the right management staff instead.

Commissioner O'Donnell asked about the process of removing a written reprimand from records. Ms. Rubanoff explained that in some cases reprimands are removed automatically after a certain period of time, and in other cases a request had to be made for removal; the process depends on the details of the employee's collective bargaining agreement.

The Commission took a break from 8:42 PM until 8:56 PM.

EXECUTIVE SESSION

3. *The City Commission will adjourn to an executive session and return to the work session thereafter. (ORS 192.660(2)(f), to consider information or records that are exempt by law from public inspection)*

DISCUSSION ITEMS

4. **Informational Report on Other Agency Practices on Historic Building System Development Charge (SDC) Assessments**

John Lewis, Public Works Director, offered a presentation on historic building system development charges. The presentation touched upon SDC (System Development Charge) Law, and a summary of research on SDCs on fifteen other cities in Oregon. Mr. Lewis also asked the Commission to discuss whether they intended to request SDC exemptions for re-development of historically designated buildings or various other housing types, and whether the City Commission was asking for a reconsideration of any other code provisions.

Mayor McGriff discussed the importance of capitalizing on downtown Oregon City's historic character and of incentivizing middle housing. She suggested that for historic buildings to qualify for SDC reduction,

they ought to be on the City's inventory, or provide the City with evidence of the property's historical significance.

Mr. Konkol suggested setting up a historical restoration grant for developers through the Urban Renewal Commission.

Mr. Lewis suggested the possibility of altering the Look Back Provision. There was also discussion about using Urban Renewal funds to assist in payment of SDCs, which is not an option presently due to the recent ballot measure.

Commissioner O'Donnell suggested treating the issue of SDCs as an Economic Development matter. He also suggested placing a limitation on the Look Back Provision. Furthermore, he suggested that recipients of SDC assistance ought to be expected to invest in the community rather than immediately selling the redevelopment.

There was discussion about offsetting the cost of SDC reductions using money from other departments.

Commissioner Marl suggested instituting a more objective process for SDC appeals that would not require the Commission to examine evidence for buildings' historicity on a case-by-case basis. He also suggested considering historic development grants funded by Economic Development rather than losing SDC funds.

Mayor McGriff asked for a future presentation to update the Commission on the state of downtown infrastructure.

There was consensus that more discussion should be held on incentivizing middle housing.

There was consensus to postpone the City Manager's Report and the Commission Committee Reports for a future occasion, with the following two exceptions:

Mayor McGriff reported that she had received a suggestion for the addition of a Peace Pole at the Oregon Trail Interpretive Center.

Commissioner Marl reported that at the recent C4 Strategy Subcommittee meeting, Staff had reported upon Regional Mobility Pricing Project (RMPP) options, and the Subcommittee had discussed potential partnering between jurisdictions and hiring of a pollster to administer an independent questionnaire to supplement the one administered by the Oregon Department of Transportation (ODOT) on this topic. He reported that the Subcommittee had also discussed Managed Lanes as an alternative to tolling all lanes, and added that ODOT had rejected that suggestion.

CITY MANAGER'S REPORT

5. Update on City Projects

COMMISSION COMMITTEE REPORTS

6. **Commissioner O'Donnell**

- South Fork Water Board

7. **Commissioner Smith**

- Clackamas Heritage Partners
- Oregon City Tourism Stakeholder's Group
- South Fork Water Board

8. Commissioner Marl

- Citizen Involvement Committee Liaison
- Clackamas County Coordinating Committee (C4)
- Clackamas County I-205 Tolling Strategies Committee
- Youth Advisory Committee Liaison

9. Commissioner Mitchell

- Clackamas County Coordinating Committee (C4) – Metro Subcommittee
- Clackamas County I-205 Tolling Diversion Committee (alternate)
- Metro Policy Advisory Committee (MPAC) (alternate)

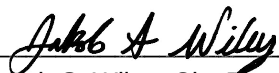
10. Mayor McGriff

- Clackamas Water Environment Services Policy Committee
- Clackamas Heritage Partners (alternate)
- Downtown Oregon City Association Board
- Metro Policy Advisory Committee (MPAC)
- Oregon City Tourism Stakeholder's Group
- South Fork Water Board
- Willamette Falls and Landings Heritage Area
- Willamette Falls Legacy Project Liaisons
- Willamette Falls Locks Authority
- Youth Advisory Committee Liaison

ADJOURNMENT

Mayor McGriff adjourned the meeting at 9:53 P.M.

Respectfully submitted,



Jakob S. Wiley, City Recorder