

**NEWBERG CITY COUNCIL MINUTES
EMERGENCY SESSION
JULY 20, 2015, 7:00 AM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)**

CALL MEETING TO ORDER

The Mayor called the meeting to order at 7:00 a.m.

ROLL CALL

Members Present: Mayor Bob Andrews Scott Essin Stephen McKinney
Lesley Woodruff Denise Bacon

Staff Present: Truman Stone, City Attorney/City Manager Pro-Tem

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was performed.

Mayor Bob Andrews asked City Attorney Truman Stone to give a statement of purpose for the meeting.

City Attorney Truman Stone said pursuant to Council Rules, the Council can call an emergency meeting, the Mayor has the power to do that or three council members. Mayor Andrews and Council President Bacon called this emergency meeting to discuss the developments that occurred yesterday in relation to the City Manager and the announced criminal investigation by Yamhill County District Attorney Brad Berry.

Mayor Andrews said you see the issue that is before us and the concerns that we have. I believe Councilor Bacon has a comment that she would like to make.

Councilor Bacon said as a City Council we've always been fortunate to make decisions with a lot of information. She said now you have this kind of decision where you have every bit of information, like if you witnessed a car crash you would have the traffic flows, the weather conditions, the driving records, maybe even witnessed it. She said or you might have up here, pictures and a dialogue, to make the decision. She said but today we're working up here where we have almost no information at all. She said it's difficult but it's important and it has to be done anyway. She said so for me this kind of started a week ago when we found out the City Manager was going to put our police chief on administrative leave. She said we don't know why, we have no more information than you have. She said Chief Casey has been a vital touchpoint for me for information about the Police Department and he is a trusted colleague in my opinion. Councilor Bacon said this was challenging, we went on information given to us by our insurance company and City Manager Betz. She said I as a manager may have handled the situation differently without taking it to this level. She said we were told the Chief would be treated respectfully and as you all probably know that is not how he would view what has happened to him.

Councilor Bacon said on Sunday morning when I received a courtesy phone call, from Yamhill County District Attorney Brad Berry. She said when he called he told me that there was an investigation into Jacque Betz with criminal charges and that he had passed the information because he felt the evidence was compelling enough, and sent it to the Oregon State Police. She said I would have handled the Chief Casey incident much differently by working with him independently prior to him being put on administrative leave. I would like to do that with my employee but she has kind of set a precedent of how this should be handled so I am here today to ask the Council to put City Manager Jacque Betz on administrative leave and take away all her privileges to the City, trespass her from the City, her card, her e-mail and all the other things that were done for Chief Casey.

Mayor Andrews asked if that was in the form of a motion.

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MOTION: Bacon/McKinney moved that we put City Manager Jacque Betz on administrative leave with pay pending the outcome of the investigation and remove her, trespass her from the City.

Deliberation:

Mayor Andrews asked if there were any questions.

Councilor Essin asked City Attorney Stone that allegations are not anything other than allegations as I understand it and as there are currently no charges against our City Manager what would the purpose be of putting her on administrative leave.

City Attorney Stone said standard protocol when there is an investigation is to remove the individual from the circumstances being investigated. He said so it would be typical protocol in this sort of circumstance to place someone on paid administrative leave, which is not seen as a specific action against somebody in their job. He said they are still employed, they have not been demoted, they are still receiving pay, they are just temporarily suspended from that position during the pendency of that investigation. He said and that would apply from the top of the organization to the bottom of the organization.

Councilor Essin said is this also true of Police Chief Casey? City Attorney Stone said it would be from the top of the organization, from the City Manager, down through all the department heads down to line people in the organization. Councilor Essin said so that means this action is a standard protocol we would follow for every position. City Attorney Truman Stone said that was his understanding of how the City has traditionally handled these types of matters. I believe that is consistent with other cities in Oregon.

Mayor Andrews asked for any further questions. He said you've heard the motion, we have had a situation that came up already and we have established a procedure and a process. He said our City Attorney has given clarification on that, has established that as a reasonable policy. Mayor Andrews said under the circumstances the situation has elevated itself to where we must consider the City Manager in the same category as any other staff member in this particular case pending the outcome of the investigation that is ongoing at this time. He said I will be voting in favor of the motion to place City Manager Jacque Betz on paid administrative leave and trespassed from the City Hall, until such things are resolved, until the conclusion of the investigation.

Motion carried (5 Yes [Andrews, Bacon, Essin, McKinney, Woodruff] /0 No/ 2 Absent [Corey, Rourke]).

Mayor Andrews said the motion has been carried, we will notify the City Manager of that. He said at this time is there anything else to come before the Council?

Councilor Bacon said we need to put the City Attorney in charge.

Mayor Andrews said the question has been raised based on the action of this Council that some months back we established a succession in the absence of our City Manager of the officers that our Council hires. He said as I recall in the absence of the City Manager, the City Attorney is then the City Manager Pro Tem.

City Attorney Truman Stone said the Resolution that the Council passed on succession has that in place, on a short-term basis, if it stretches and I can't off the top of my head remember the timeframe but if it stretches on for more than a certain time and it may be 30 days that then the Council needs to take additional action and determine who would be the most appropriate person for the longer term.

Mayor Andrews said do you see based on our previous resolution that we need to take another action to place you as Pro Tem at this time or does the resolution take care of that ? City Attorney Stone said yes sir, I believe the resolution takes care of that. Mayor Andrews said at this time, with the action of the Council, you are now City Manager Pro Tem. He said and we will be looking to you on an interim basis to fill that capacity.

Councilor McKinney said there has been some discussion about Nancy McDonald, Human Resources Director, at this time. Mayor Andrews said I'm not prepared to get into that particular discussion at this time, that is a personnel issue that

is beyond the Council that will be discussed. Councilor McKinney said won't be discussed. Mayor Andrews said the City Manager Pro Tem will be evaluating that. He said anything else ?

Councilor Bacon moved to adjourn. Mayor Andrews said is there a second. Inaudible on recording as to who made the second. Mayor Andrews said the question has been called for and called for a vote. The motion passed 5-0-2 [Corey/Rourke].

Mayor Andrews said thank you all for being here, we sincerely appreciate it. He said it's an unfortunate action that we've had to take but we will continue to be in business and we are in business, thank you.

ADJOURNMENT: The meeting was adjourned at 7:11 a.m.

ADOPTED by the Newberg City Council this 17th day of August, 2015.



Truman Stone, City Attorney

ATTESTED by the Mayor this 17th day of August, 2015.



Bob Andrews, Mayor