

**CITY OF BROOKINGS
SPECIAL CITY COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
September 1, 1989
10:00 a.m.**

MINUTES

I. CALL TO ORDER

Mayor Hummel called the meeting to order at 10:01 a.m. and immediately announced that the Council was recessed to Executive Session under ORS 192.660 (1) (h). No roll call was taken and no quorum was established.

II. RECONVENE

Mayor Hummel reconvened the Special Council meeting at 10:44 a.m.

III. ROLL CALL

Council present: Mayor Hummel, Councilors Mory, Brendlinger, Henry, Schutt

Staff present: City Attorney Christopher Keusink, Executive Secretary Donna Van Nest, Engineering Technician Leo Lightle, Planning Director Richard Ullian, Recorder/Treasurer Beverly Shields, Municipal Court Judge Anita Stuart, Police Communications Sergeant Cameron Lynn

Media present: Roger Hayden, Curry Coastal Pilot; Marge Barrett, KURY

**IV. REPORT AND RECOMMENDATION OF THE NEGOTIATING COMMITTEE
RELATIVE TO EMPLOYMENT OF THE CITY MANAGER**

Executive Secretary Donna Van Nest read the Report and Recommendation into the record.

Following discussion, Councilor Brendlinger moved to receive the report of the committee of the termination of the City Manager but that no action be taken and no approval be given at this time. The motion died for lack of a second.

Following discussion, Councilor Henry moved to table the recommendation as it stands until the date of September 15, 1989, when action or word is received from the attorney that is looking into the contract matter, which motion was duly seconded by Councilor Mory. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Mory, Brendlinger, Henry, Schutt

Nays: None

Mayor Hummel declared the motion carried.

VII. ADJOURNMENT

Councilor Mory moved to adjourn, which motion was duly seconded by Councilor Henry. A vote was taken with the following results:

Ayes: Mayor Hummel, Councilors Mory, Brendlinger, Henry, Schutt

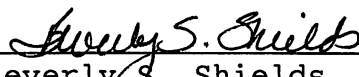
Nays: None

Mayor Hummel declared the motion carried and adjourned the meeting at 11:00 a.m.



Fred Hummel
Mayor

ATTEST:



Beverly S. Shields
City Recorder

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REPORT AND RECOMMENDATION

OF

THE COMMITTEE TO NEGOTIATE TERMINATION OF THE CITY MANAGER

Following our report to the City Council on Monday, August 14, 1989, the negotiating committee has continued to consider and discuss options for the resolution of the situation involving the tenure of the City Manager.

Our purpose in making our report and in recommending no action at that time stemmed from our firm belief that, discounting personalities, this City is currently well served by a qualified City Manager and a committed Mayor and City Council who have the capabilities to resolve differences and to work together for the good of the City of Brookings and for all of its residents. We did not believe that termination of the City Manager at this time of extreme growth and development pressure could serve any intelligent or rational purpose. Neither did we then believe that the expenditure required by the Employment Agreement between the City and the Manager for early termination can be justified as having a positive financial return for such an investment although subsequent happenings have changed this attitude.

We were made aware of the fact that the Mayor and City Council do not concur in our recommendation and we have continued our negotiations. We now make the following conclusions:

1. This City and its government cannot tolerate or afford a continuation of the divisive controversy which is caused by the present stalemate.
2. This City Council must resolve this controversy and return to the orderly and rational transaction of its regular business as quickly as possible.
3. It is absolutely necessary that the City Council resolves this situation in a responsible manner demonstrating to all citizens and to all employees of the City that we stand for equity and reasonableness and that we will not engage in vindictiveness or harassment in this or in any other situation.

There is a very great value to the City of Brookings at stake in this situation, perhaps far greater than we or the City Council had realized before. With every day it is allowed to continue the cost is increasing.

Citizens on all side of the issue are losing faith in our abilities to act. City employees are becoming concerned for our abilities to act fairly. Our actions appear increasingly to constitute harassment and retribution rather than considered, fair and intelligent actions intended to solve problems. Our ability to recruit and to replace the City Manager (or other City employees) is being made far more difficult with each day the present situation passes unresolved. The ultimate loss of public confidence and our inability to act decisively coupled with increasing liability exposure makes it necessary that we begin working together immediately to resolve this situation. The financial costs are rapidly becoming immaterial when compared to the expense of continuing inaction.

We believe the City Manager also understands that these forces bear on all of us simultaneously. He has offered full understanding and concurrence in the fact that a resolution must be found. We believe that a reasonable termination offer should be made and can be accepted to effect his immediate termination. He has counseled us against proposing his interim or continued employment pending selection of a successor.

We hereby request your authority to make a settlement offer in the amount of \$75,000 together with a joint and mutual release from claims in return for the immediate termination of his employment and for the voiding of the Employment Agreement between him and the City. We have proposed this amount to be fair and equitable to all parties, to be mutually beneficial and economical, and to promote the City's reputation for fairness in all its dealings.

We strongly encourage your favorable approval of this recommendation so that this City Council can, for the first time, get about performing activities, conducting the business and providing the services that we were elected to accomplish.