

MINUTES  
BROOKINGS COMMON COUNCIL  
CITY OF BROOKINGS  
SPECIAL MEETING  
May 19, 1980

Mayor Hitchcock stated that an executive session that had been called and which began at 9:30 a.m. was now going into a special session to consider the subject of the City Manager. This special session began at 11:45 a.m.

Members present were: Councilman Darrel Allsup, Roy Brimm and Ralph Cheney.

Staff present were: City Manager/Recorder Frank Freeman and Praecilla Pruitt secretary, and acting City Attorney George Hoselton.

SPECIAL SESSION:

Mayor Hitchcock informed the City Manager that he would request that two weeks from today he was to turn in his resignation and then at that time his termination. Mr. Freeman asked what ORS the executive session had been held under. The Attorney replied ORS 192.660 Par. 1(a). Mayor Hitchcock called for a motion. Mr. Freeman stated that he had been advised by his attorney that under the terms of his contract you must give a person notice in writing in the event the City Council desires to terminate an employee for just cause, then the City Council shall so advise the employee in writing and the reasons for desired said termination. The employee shall then have 30 days from the date of the receipt of said notification to inform the Council of a desire for a hearing before the City Council for the purpose of refuting the allegations against him and confrontation and examination of witnesses against him and a presentation of the employee's evidence and witnesses in his behalf. The employee may at his option be represented by a counsel at said hearing. Mayor Hitchcock stated the Attorney had advised the Council that we are not giving you notice under that contract, but are giving you notice under termination. Mr. Freeman stated you have asked for a letter of resignation and he would like to have a notice in writing and 30 days to answer the charges. Councilman Cheney stated he would receive a letter in a couple days as the Attorney was drawing it up.

MOTION by Councilman Brimm that we request that the City Manager tender his resignation within two weeks to the City Council.

Councilman Cheney stated we have to give him thirty days notice, and he is getting notice now, and if he refuses to resign then we terminate him. The City Attorney was to furnish him with written notice by certified letter and these conditions will be in there at that time. Mr. Freeman requested the minutes of the executive session that was just completed in accordance with ORS 192.650. He desired the minutes for his attorney. He also stated that the session they had just set under was to consider the employment of a public officer, employee, staff member or individual, and that section applies to hiring someone. Mayor Hitchcock read the public notice which was posted which stated the executive session was held under ORS 192.660. Mr. Freeman stated that the Mayor had 1 (A) here which is a filling of a vacancy in an elective office. The City Attorney asked if Mr. Freeman was raising a procedural objection. Mr. Freeman replied that he was. The motion was read and restated as follows:

MOTION by Councilman Brimm, seconded by Councilman Cheney that we request the City Manager to tender his resignation within two weeks effective July 1, 1980. Motion carried unanimously.

MOTION by Councilman Cheney, seconded by Councilman Allsup that we restrict the City Manager's authority so that he has no contact whatsoever with the Finance Director except in specific questions and then in the presence of another person until his resignation or his termination is in effect. Motion carried unanimously.

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Councilman Brimm stated that the Police Commissioner's badge should go to the Mayor as the Charter states that the Mayor should have the badge. Mr. Freeman stated that the Charter Amendment that went before the people and was voted upon named the City Manager as Police Commissioner, and the Charter Amendment would supercede the Charter. Mr. Freeman stated that this was for the record. Councilman Brimm requested that the City Manager turn the badge over to the Mayor with Councilman Cheney's concurrence. Mr. Freeman stated that he would need the badge to talk to the man up on the hill as he cited him once and he wanted to cite him again.

MOTION by Councilman Cheney, seconded by Councilman Allsup that this badge be recalled under the Charter and that the Mayor shall be the Police Commissioner as the badge has been misused, and at this time we want it recalled and turned over to the Mayor.

The City Attorney advised the Council that since he had not reviewed the matter that they delay making any decision and request that he voluntarily turn the badge in. Mr. Freeman stated that he would like to consult with his attorney, Councilman Cheney withdrew his motion and requested that the acting City Attorney investigate the Charter Amendment that was voted on by the people. After discussion the following motion was made:

MOTION by Councilman Brimm, seconded by Councilman Cheney that Mr. Freeman be requested to turn the badge over. Motion carried unanimously.

Mr. Freeman stated that the only reason that he would not give it up now was that he wished to consult with his attorney first as to what he feels is proper procedure at this time. It was the consensus of the Council that the Finance Officer was not to be bothered unless someone else was present, either a third party or a Councilman.

MOTION by Councilman Allsup, seconded by Councilman Brimm that the meeting be adjourned. Motion carried unanimously.

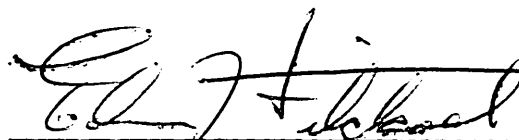
The meeting was adjourned at 12:10 p.m.

This meeting was recorded on tape and is on file in the City Recorder's office.

ATTEST:

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Mayor Pro-tem



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MAYOR

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The meeting was called to order at 8:08 p.m. by Mayor Elmer Hitchcock.

ROLL CALL

Members present were: Darrel Allsup, Ralph Cheney and Roy Brimm.

Staff present were: City Manager/Recorder Frank Freeman, Praecilla Pruitt, Secretary and Lucile Peterson, Finance Director.

LEGISLATIVE

Mayor Elmer Hitchcock turned the meeting over to the City Manager for his presentation.

Mr. Freeman informed the Council that the budget had been approved by the Budget Committee on April 22, 1980 and was now before the Council for consideration. He stated that the total combined budgets for 1980-81 fiscal year was \$2,264,142, the amount outside the 6% statutory limitation. On the A ballot, which is partially funded by the State, the amount is \$203,386, and the amount to be placed on the B ballot which is totally funded by local taxpayers is \$23,749. Mr. Freeman stated that everything was in order for the Council's approval and the ballot measure will be taken to Gold Beach tomorrow to the County Clerk, and the County now takes care of all the elections.

The two ballot measures and the ballot measure on the question of levying a hotel/motel tax within the City were read in their entirety.

MOTION by Councilman Cheney, seconded by Councilman Brimm that we approve the tax levy Ballot A as stated. Motion carried unanimously.

MOTION by Councilman Cheney, seconded by Councilman Allsup that we accept the second tax levy Ballot B. Motion carried unanimously.

MOTION by Councilman Cheney, seconded by Councilman Brimm that we accept the ballot measure for the City of Brookings motel/hotel room tax to be placed on the ballot. Motion carried unanimously.

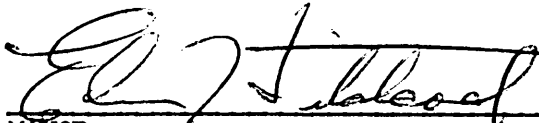
There was no comment from the audience.

MOTION by Councilman Allsup, seconded by Councilman Cheney that the meeting be adjourned.

This meeting was recorded on tape and is on file in the City Recorder's office.

ATTEST:

  
Pro-tem Mayor

  
MAYOR