

RESOLUTION NO. 2108

A RESOLUTION CENSURING MAYOR JIM KIGHT AND CALLING FOR CORRECTIVE ACTION IN ORDER TO PROTECT AND BETTER SERVE THE CITIZENS OF TROUTDALE

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The citizens of Troutdale have approved a Charter defining governmental procedures and structure, including a Council/Manager form of government.
2. The Troutdale Charter establishes governing powers and duties of city officers, including those of the Mayor and City Manager, and the Council has adopted Council Rules and Municipal Code provisions to carry out the intent of the Charter.
3. Mayor Kight has exhibited **recurring patterns of behavior** during his terms as City Councilor and especially as Mayor, that interrupt and negatively affect the teamwork and flow of business expected and desired from the City Council. This has caused a lack of trust in the Mayor among Council Members and City Staff.
4. In violation of the Charter, Rules and Municipal Code of Troutdale, Mayor Jim Kight, without communicating with the Troutdale City Council or receiving necessary majority approval from the Council, repeatedly attempted to direct and micro-manage former City Administrator Dave Nelson, eventually contributing in part to Mr. Nelson's resignation.
5. During Mr. Nelson's term and following the hiring of Interim City Administrator Ron Garzini, Mayor Jim Kight repeatedly gave direction to city employees without the approval of the City Administrator or Department Heads, in violation of the Charter, Council Rules, and the Municipal Code.
6. Despite the citizens of Troutdale having voted for Charter amendments in 2010 to clarify that Troutdale shall have a City Manager who is the administrative head of the city government and who reports to the City Council and Mayor, and to clarify that the Mayor has no executive or administrative powers over city employees of the City of Troutdale, Mayor Jim Kight continued to abuse his power and direct staff to take actions without prior approval from the City Council.
7. In 2010, Mayor Kight requested a city employee to send, on city stationary, a personal letter, and when the employee, feeling it was inappropriate, sought approval from the Interim City Administrator, Mayor Kight confronted the employee, attempting to intimidate her, thus exposing the city to liability for fostering a hostile work environment.
8. In May and June, 2010, Interim City Administrator Ron Garzini threatened Mayor Kight with charges of ethics violations and Council action/censure if the Mayor did not stop interfering with city employees jobs, and lying to the City Administrator.

9. On one occasion Mayor Kight openly admitted to lying to Mr. Garzini about getting phone approval from all the councilors on an upcoming public meeting, after Mr. Garzini found out by subsequently calling the councilors, that the Mayor had not called the councilors to get their approval. Mayor Kight then admitted he lied by saying "you win."
10. Mayor Kight exposed the city to liability by having non-employees of the city use city equipment on private property without obtaining the necessary releases, in violation of city rules and regulations, all without the consent of the Council.
11. The City Council adopted an ordinance in May, 2010 with the intention of restricting the out of control expenses for which the Mayor was requesting reimbursement. Since the new ordinance in the last year, the Mayor has continued to request reimbursement for the same expenses that do not qualify under the Troutdale Municipal Code ordinance, and has actually increased the dollar amount of his claims, thus putting the Finance Director in an awkward position.
12. Mayor Kight requested the City Manager, Craig Ward, to apply for a grant without informing or receiving the consent of Council, again taking up the City Manager's time without authority under the Charter and contrary to council Rules.
13. The improper interference by Mayor Kight in the duties of city employees and the City Administrator/Manager, disrespect exhibited toward employees and Department Heads, and unwillingness to respond to repeated requests by the Council to seek and obtain concurrence and approval before taking actions that use staff time and city money, eventually resulted in the city hiring a mediator, at a cost of \$11,600.00, to attempt to establish a better working relationship with Mayor Kight, an attempt which to date has failed.
14. Mayor Kight deliberately stopped his weekly communication notes to the City Council in January, 2011, immediately after Council reconsidered his self-appointment to a Regional Metro advisory committee (MPAC), making it obvious to the council his tendencies to retaliate.
15. The City Council voted twice in January and April of 2011 to not appoint Mayor Kight to two Regional Metro advisory committees (MPAC and JPACT), after he submitted his name to be nominated, thus giving the Mayor a deliberate vote of no-confidence from the City Council.
16. Mayor Kight continued to blatantly defy the vote of the Council in April, and made visits to other local cities to gain votes for himself on the Metro committees, showing blatant and overt disrespect for the entire Troutdale City Council as a body and the process in which it operates. The two other city councils (Fairview and Wood Village) also did not vote for Mayor Kight to represent them.
17. Mayor Kight showed complete disrespect for the unanimous vote of the Council when he directed then City Administrator Nelson the day following a council meeting to look into renting out the vacant and run down house behind City Hall, after the Council had just voted to tear it down. The City Administrator refused, based on the Council vote, so the Mayor called the real estate agent and had them call the City Administrator. The Mayor's explanation to the City Administrator was that the Council did not understand rental markets like he did.

18. In May, 2011 Mayor Kight assumed the position that he could negotiate with a property owner on a real estate transaction as if he were the representative of the City. He did so without the consent of the City Council, and took on a role assigned to city staff alone.
19. Since 2007, as both an elected city councilor and mayor, Mayor Kight has pursued the construction of a building on his personal property which, although called a "shed" and for which he submitted plans to the Troutdale Community Development Department showing a 768 sq. ft. single-room building on blocks or a slab, and which city staff, during a site visit in 2008, found was a multi-room structure exceeding the city's 1000 sq. ft. size limit for accessory structures, which did not match the submitted plans, and which had a questionable full basement, was nevertheless pursued by Jim Kight, who objected strongly to any staff attempt at issuing a stop work order and who arranged a meeting with city building staff which exerted improper influence on city employees to approve the change.
20. Mayor Kight has continued with the construction of the "shed" next to his residence, challenging city staff to accept that it remains a non-residential accessory structure when it appears today very clearly to be a house, since it includes two bedrooms/offices, a kitchen, a carpeted living room, a full bathroom, a furnace, a water heater, a full basement, French doors out to an extensive deck, two rooms wired for telephone and computer, plumbing for a basement bathroom, and all of this in the Sandy River flood plain where residential buildings with basements are prohibited.
21. Mayor Kight has continually pushed the legal limits for the last 4 years by saying that the above mentioned accessory structure is not a residence, even though city personnel, neighbors and other citizens are objecting to his misrepresented intentions; knowing the average citizen would not attempt to get away with such actions.
22. Mayor Kight has put city employees involved with inspection and approval of this accessory structure in a compromising and awkward position to approve it as something it clearly is not, thus causing an undercurrent of bad feelings, and an expectation that the City Council will take remedial action. City staff has said that they are very uncomfortable with the building process, and they felt uncomfortable saying no to the Mayor. City staff has called the structure a House, a point that Mayor Kight denies to this day.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TROUTDALE

Section 1. It is part of the duties of the Council to ensure that the City Charter, the rules and ordinances of the city and the ethics provisions of Oregon law are adhered to by elected officials. Citizens and the City Council of Troutdale desire and expect a return to civility, respect, trust and productivity at City Hall.

Section 2. Mayor Kight is instructed not to exert improper influence on city staff if required to take steps to bring his accessory structure into compliance with code provisions and state and federal law for the residential use it clearly was built for.

Section 3. The City Council thanks and supports the City Manager and City staff.

Section 4. Mayor Kight has repeatedly taken advantage of his position as Councilor and Mayor, assuming that he gets special treatment that no other citizen of Troutdale would get.


Section 5. The City Council instructs Mayor Kight to cease appointing himself to represent the city government before intergovernmental organizations and to appoint others in whom the Council has confidence. The Council also strongly asks that Mayor Kight abstain from representing himself as the sole authority of the City of Troutdale in any setting, either in individual or group meetings, with public and private sector entities of any kind.

Section 6. The City Council has lost confidence in Mayor Kight and his ability to work effectively as Mayor and a team member of the City Council, because his recurring pattern of behavior shows that he does not listen, and is unwilling to take corrective action to remedy his behavior after repeated requests from the Council.

Section 7. Therefore, the City Council **censures** Mayor Kight for recurring patterns of behavior and actions putting the City of Troutdale at financial risk, pressuring the City Manager and staff, creating an extremely uncomfortable work environment, and violating Council rules,

Section 8. If Mayor Kight does not immediately take such corrective action to carry out the duties of mayor as a functional team member of the City Council, the City Council asks that Mayor Kight **resign** from office.

YEAS: 7
NAYS: 0
ABSTAINED: 0



Mayor Jim Kight
Date May 25, 2011



Debbie Stickney, City Recorder

Adopted: May 24, 2011