

AGENDA

Nov. 29, 78

- CALL-TO-ORDER AND ROLL CALL
- PURPOSE OF MEETINGS: "TO CONSIDER THE CONTINUED EMPLOYMENT, DISCIPLINE, OR DISCHARGE OF CHIEF NAUERTH."
AND TO TAKE FINAL ACTION.
- PROCESS AND LEGAL ISSUES, ATTORNEY
- MOTION, 2ND DISCUSSION...
(NAUERTH, FLOOR, ATTORNEY... COUNCIL)
- CALL FOR QUESTION... VOTE...
- ORAL COMMUNICATIONS (ADMINISTRATOR)
- ADJOURN

ANSWER

SCHEMATA

- ZAKH MOB and KAZH OT - ZAKH
- "REMOVED OT" : ZHITIKAN TO ZHODYKSI
- THE CONSIDERED EMPLOYMENT, DELETED
- "HTHAKAN FIELD TO ZHODYKSI AND
- MOZHA ZAKH ZAKH OT AND
- KAZHOTA, ZAKH MOB AND ZAKH
- MOZHA ZAKH MOZHA
- ZAKH MOB ... KAZHOTA, MOB, HTHAKAN
- ZAKH MOB ... MOZHA MOB ZAKH
- MOZHA MOB ... MOZHA MOB ZAKH
- MOZHA MOB ... MOZHA MOB ZAKH

CITY COUNCIL
SPECIAL MEETING
November 29, 1978

The meeting was called to order by Mayor Sturges at 7:11 p.m.

PRESENT: F. Kaiser, S. Cox, H. Althaus, D. Lowe, E. Finegan,
and Mayor Sturges

ABSENT: F. Weissenfluh (arrived at 7:20 p.m.)

STAFF: B. Freeman, B. Jean, and J. Widner

GUEST: Dalton Williams, Karen McGowan, and Tom Fluharty

Mayor Sturges stated the purpose of the meeting was to consider the continued employment, discipline or discharge of Chief Ernest Nauerth and to take final action.

B. Freeman then spoke about the legal issues involved; The ground rules of the open meetings law and the employment, hiring and firing of those in positions such as Police Chief.

The open meetings law states Executive Sessions can be closed to the public. News media are admitted except in cases involving labor negotiations.

Executive Sessions are to be used for deliberations; gathering of facts, exchanging ideas, etc. Final actions cannot be taken during Executive Sessions. No final action was taken during the Executive Session of November 16, 1978.

After the Executive Session of November 16, the Mayor was given a consensus of the council's decision. They informed Chief Nauerth of the decision after the Mayor had talked to all council members the next day. They left it up to Chief Nauerth to decide if he wished to resign. The open meetings law was not violated.

Items to be considered with the employment and firing of police officers:

Brian discussed a couple of cases that deal specifically with the discharge of a police chief. The City of Canby is still in court. Another case cited was one involving Papadopoulos. In that case the courts decided with the City.

Section 11 of our charter states that it is up to the council to determine if the person hired uses the discretion and judgment desired in the position.

Brian further stated that the council has certain positions such as police chief that serve at their pleasure. According to state law and our charter the council does not have to prove cause for firing in cases of this type of employment and neither is a hearing necessary.

The council in an effort to be fair to employees in managerial positions, requested that Ernie appear before them and give his evaluation of his performance.

Fred Weissenfluh said he would like to know why Ernie has caused this harsher decision.

Mayor Sturges responded that he had talked to Ernie and requested his resignation decision by 7 p.m. tonight. No one had heard from him. No final action had been taken at this point.

Frank moved to dismiss Chief Ernest Nauerth effective December 5, 1978 and such dismissal shall be void in the event Ernie should submit a written letter of resignation prior to that date. (midnight Monday, December 4, 1978). Dan Lowe seconded.

YEAS: 6 NAYS: 0

A discussion of benefits and severance pay followed.

Frank moved that Ernie was to receive his benefits as they are if he tenders his resignation prior to December 5, 1978. If not he has to return a portion of the severance pay he has already received.

After further discussion and no second this motion was withdrawn.

Dan Lowe moved to leave Ernie's severance pay through February 15, 1978 (which he has received), and benefits through December 31, 1978. This severance includes full compensation and consideration. Fred Weissenfluh seconded.

YEAS: 6 NAYS: 0

Further, at council's direction Sargeant Bill Farr is to be named Acting Chief of Police beginning December 5, 1978. At his own request he would like to be on a probationary period for 6 months as Acting Chief to see if he can fit in this role. If at the end of 6 months the Council and he feel that he cannot, he would like to retain his position as Sargeant.

In further discussions and comments an article appeared in the Gresham Outlook that stated that Bob Jean gave the City's position regarding a jail at the County Farm. The reporter who wrote the story was present.


Bob Jean clarified that he had not said the City would accept a jail; he said that the Council is open to any suggestion that fits within the Comprehensive Plan. We have not yet received any proposals by the County.

The Mayor also wanted to discuss with council the possibility of having only one spokesman for the press whenever a story needs to be written.

There was a lot of discussion, but no decision was made.

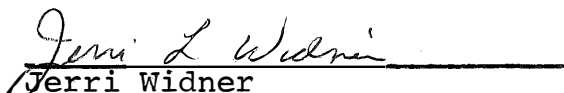
Frank Kaiser moved to adjourn the meeting at 8:06 p.m.

Signed by the Mayor this 1st day of December, 1978.



Robert M. Sturges, Mayor

ATTEST:



Jerri Widner
Finance Director/City Recorder