

**CANBY CITY COUNCIL
SPECIAL MEETING MINUTES
August 26, 2009**

Presiding: Mayor Melody Thompson.

Council Present: Wayne Oliver, John Henri, Jason Padden, Walt Daniels, and Robert Bitter.

Staff Present: Mark Adcock, City Administrator; John Kelley, City Attorney; Amanda Klock, Human Resources Director; and Kim Scheafer, City Recorder.

Others Present: None.

CALL TO ORDER: Mayor Thompson called the Special Meeting to order at 6:00 p.m. in the City Hall Conference Room.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None.

****Councilor Henri moved to go into Executive Session pursuant to ORS 192.660(2)(i) Performance Evaluation of Public Officer. Motion was seconded by Councilor Padden and passed 5-0.**

Mayor Thompson recessed the Special Meeting at 6:05 p.m.

Councilor Oliver left at 7:34 p.m.

Mayor Thompson reconvened the Special Meeting at 7:40 p.m.

Mark Adcock, John Kelley, and Amanda Klock were in attendance when the meeting was reconvened after the Executive Session.

Councilor Bitter stated that the Council had met in executive session and it was the consensus of the Council that the work plan was not successful and Mr. Adcock would not be able to achieve the goals that were set out. The Council had decided to terminate his contract effective immediately. They felt he was failing to make satisfactory progress under the terms of the work improvement plan dated July 9, 2009, and the City Attorney's memorandum dated July 7, 2009. He had lost the trust of the Council, and his subsequent unprofessional behavior directed toward Lieutenant Jorge Tro on August 24, 2009. This was effective immediately.

Mark Adcock, City Administrator, asked what the unprofessional behavior was.

Councilor Bitter said it was his unprofessional treatment of Lieutenant Tro on Monday morning, abusive language, and ill-treatment of him.

Councilor Henri said he had used abusive language that could be heard throughout the building.

Councilor Bitter said this was not exclusive, it was just the final straw and was effective immediately.

Mark Adcock, City Administrator, said that he was sorry.

Councilor Bitter said he would need to turn in his car, cell phone, keys and City property to Ms. Klock.

Mr. Adcock said it was too bad and he was sorry.

Councilor Bitter said they were not happy, but it was necessary.

Mr. Adcock said he would have to reflect on what the unprofessional behavior was, as he was at a loss.

Councilor Henri said it had started out Monday regarding an email regarding Sergeant Cunningham and Bitter and a discussion he had with Lieutenant Tro that resulted with him dressing him down in front of other employees.

Mr. Adcock said they were alone in his office.

Councilor Henri said the door was wide-open and several people in the office heard.

Mr. Adcock said he should have had the door closed.

Mayor Thompson said it had to do with the word "f---ing" being used several times in the conversation.

Mr. Adcock said he did not say that.

Councilor Bitter said yes, he had, and that several people had overheard him.

Mr. Adcock said if he said that he certainly did not know that he said it and thanked the Council.

Mr. Adcock left the meeting with Councilor Padden and Ms. Klock.

Mayor Thompson thought the Council should designate an acting manager.

John Kelley, City Attorney, said that Ms. Klock's suggestion was to have an executive team consisting of himself, Ms. Klock and Ms. Scheafer that would run things during the time they were looking for a replacement.

Councilor Daniels said he liked the idea of a team, but he thought there should also be one key person.

Mr. Kelley said that would be Ms. Klock.

There was Council discussion about how departmental directors and staff would be notified of the Council's decision.

Mayor Thompson said she planned to call the Departmental Directors, do a press release, and prepare a memo to City Staff.

Mayor Thompson said Mr. Adcock's questions left her a little curious.

Mr. Kelley said he believed when Mr. Adcock went into rages, he exploded and then did not remember what he said. It was not like he only said it one time and it slipped out.

Mayor Thompson said she thought Mr. Adcock was just confused.

Mr. Kelley said he saw Mr. Adcock as angry. He asked if they saw him glare at the two girls.

Mayor Thompson said she did and that was why she did not want to send Ms. Klock alone.

Mayor Thompson said she would take a stab at the press release and email it out to everyone to see if it was good to go.

There was Council discussion about starting the process for selecting a recruitment firm.

Councilor Padden and Ms. Klock returned to the Special Meeting at 7:55 p.m.

Mayor Thompson said she thought the way Mr. Adcock had glared when he came in; that it was better that someone had gone with Ms. Klock.

Amanda Klock, Human Resources Director, said she had advised Mr. Adcock that they not have any conversations while she was trying to get some information.

Councilor Padden said he had explained to Mr. Adcock that he was new to this and did not know what he could and could not say so he chose to not say anything. Mr. Adcock had asked him when the decision was made. Councilor Padden said he told him the decision was made that night. Mr. Adcock had asked him when the explosiveness came to a head. Councilor Padden said it happened on Monday and he thought that was about it.

Ms. Klock said Mr. Adcock asked her when she knew. She said she told him she knew that night. Mr. Adcock had then asked her if she knew before that night. She said she told Mr. Adcock she had been asked to come in and take care of the procedural stuff. She said Mr. Adcock asked, but when did you know. She said she told him she did not want to have that conversation.

Mayor Thompson reviewed with Councilor Padden what had been discussed when he was out of the room as to logistics of day-to-day operations, recruitment, and notifying staff and the press.

Councilor Bitter said the Council would be happy to help staff and they just needed to contact them.

Mayor Thompson said that should Mr. Adcock contact them they needed to remember it could go to litigation and they should not be talking about any pieces of it. She thought Lieutenant Tro should hear the same.

Mr. Kelley said to keep in mind the discussion, other than the last part, was in Executive Session, so they could not discuss what occurred outside of that because if they did they were releasing the information.

Mayor Thompson said she knew this was difficult and stressful.

Ms. Klock said Mr. Adcock had asked her a question and she was not sure of the answer. He wanted to have his six months of salary and benefits continuous, meaning every pay period he got a check and kept his benefits.

Councilor Bitter asked what the history was.

Councilor Henri said he did not think you could do that.

Ms. Klock said you can, but may run some risk of liability if he was technically still on the payroll.

Councilor Henri said he had been terminated and not on the payroll.

Ms. Klock said Mr. Adcock's contract said the employee would receive six months pay and had a 60 day notice.

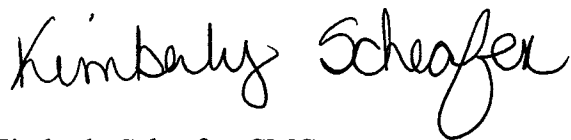
Councilor Bitter said the 60 days were inclusive of the six months.

Ms. Klock said the language was unclear and read part of the contract. Her recommendation was to keep him on the COBRA and the City pay the COBRA bill for six months, not keep him on the insurance for six months, and then he would be eligible for 18 months of COBRA.

Mayor Thompson said the liability was reduced in doing that and it set a standard.

Councilor Bitter said that way there is no implication Mr. Adcock is an employee.

Mayor Thompson adjourned the Special Meeting at 8:05 p.m.



Kimberly Scheafer, CMC
City Recorder



Melody Thompson
Mayor