

CITY OF GEARHART
Worksession of the City Council
Wednesday, February 5, 2025
6:00 pm On-site and Virtual/Telephonic

A worksession of the Gearhart City Council was held Wednesday, February 5, 2025. Council members, City staff, and the public were able to attend on-site, virtually, or by dialing in on a telephone.

Present were Mayor Kerry Smith, Councilor Paulina Cockrum, Councilor Preston Devereaux, Councilor Dana Gould, Councilor Sharon Kloepfer, City Attorney Peter Watts, City Administrator Chad Sweet, Executive Assistant Krysti Ficker, and City Treasurer Justine Hill. A quorum of the Council was present.

Mayor Smith called the worksession to order at 6:00 pm with the purpose of reviewing the Rules of the Council. He acknowledged there may be discussion and recommended going page by page for input.

There was no discussion on pages 2 and 3. There was discussion on page 4 on language in Section I Scope. In the last sentence of the Section, Councilor Gould felt December or January would be a better review date. There was discussion on January being the best month because new Council members would already be sworn in. Mayor Smith moved to Section II Council Communication Guidelines (pages 4-5). Councilor Gould wanted further clarification and input on the statement regarding Council members speaking for themselves. She clarified that individual Council members should be presenting their information and not asking City staff to modify it. She does not want City staff in a position where presenting something provided by an individual Councilor comes across to the public as a City/Council position. Councilor Kloepfer requested additional clarification on Councilor Gould's comments. Councilor Gould clarified that she did think that typing an exact transcript of a document for a Councilor was okay; however, she did not feel that providing staff with bullet points and requesting them to complete the narrative was appropriate. Mayor Smith reiterated Councilor Gould's interpretation that individual Councilors can bring an idea, but should not ask staff to complete the intent. He was going to review the Rules of Construction. Councilor Devereaux explained that Administrator Sweet should be the contact person for anything that individual Councilors would like to bring forward, not the office staff. He mentioned that Administrator Sweet would take the information and disseminate through the appropriate channels. Mayor Smith felt that language could be added; however, Councilor Gould just felt it was important that City staff not be put in a position of being required to articulate an individual Councilor's stance on a topic. Councilor Cockrum emphasized that Councilors do need to be careful not to speak for the Council because there may be differing opinions. Attorney Watts clarified that topics that usually need additional input are disseminated to appropriate City staff, which should be discussed in a

public meeting. Staff are given direction by the Council and the draft result would then come to Council for review.

Mayor Smith gave input on Section IV Council Conduct with Staff (page 6). He suggested a language clarification change from “the entire” Council to “a quorum or majority of the” Council. He clarified that decision making can be done without the entire Councils’ approval. Councilor Devereaux requested additional information on Oregon's retention laws. Attorney Watts clarified that the State provides guidance on the retention schedule. He talked about types of information that would be considered eligible for retention (i.e., resolutions, ordinance, notes that provide a quality of evidence). Councilors will need to decide if they are adding substantive information to their packet and should submit it to City staff for retention purposes.

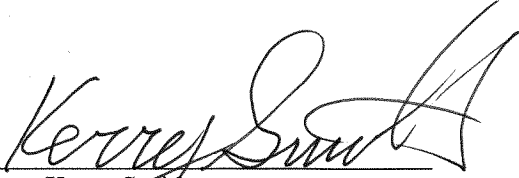
Councilor Gould felt that Section VI Council Meetings, Special Meetings (page 7) had information that was not consistent with the City’s Charter. She felt that the language should align with the Charter regarding Councilors’ rights to call a Special Meeting. There was discussion on potential language, intent, and who should be allowed to call a Special Meeting. Councilor Gould requested language that clarified that two members of Council could call a Special Meeting. Councilor Kloepper requested clarification on page 9 regarding media representatives attending executive sessions. Mayor Smith said it is to keep the Council honest and it is because of State Legislative requirements. Attorney Watts reiterated Mayor Smith’s comment that it is a State law that allows media access and is further codified in the Attorney General’s manual on public meetings.

There were no comments on Section VII Statement of Acknowledgement (page 9).


Mayor Smith inquired about any additional input. Councilor Gould thinks added language about required Council training(s) may be beneficial (i.e., FEMA). There was discussion on types of potential training and definition of "reasonable amount of time" for completion. Councilor Gould also clarified City Charter language regarding filling vacant elected city offices, which says that they “shall be filled by appointment by a majority vote of the remaining members of the Council.” She felt that there were some misconceptions in the public regarding the process, which does not require a special election. Councilor Gould inquired about a City Councilor’s ability to authorize spending of City funds. She used an example of a Councilor requesting to send out information that does not necessarily represent the City Council’s viewpoint. Attorney Watts explained that caution should always be used when spending city resources. He said that City communications need to be neutral, especially if the issue may end up on a ballot. He mentioned that there is an implied assumption that when the City sends something out with the City’s logo that it is often viewed as being supported by a majority of the City Council. City Council members

should be very clear when dealing with the public if the communication is the view of the majority of the Council or of themselves personally. He cautioned that items being mailed out should be official communications of the City and, as a best practice, approved by the majority of the Council during a public meeting. Councilor Gould followed up with an inquiry about individual Councilors posting on the City's Blog. Attorney Watts reiterated the same information about clarifying whether a Councilor is speaking on behalf of the Council or as an individual. He explained that communication on the City Blog should error on the side of caution and that it should represent neutrality to the community.

The Mayor adjourned the worksession at 6:41 pm.



Mayor Kerry Smith



Chad Sweet, City Administrator