

City of Chiloquin
City Council Meeting
01/14/2013

Those Present:

Others:

Teresa Foreman: Recorder
City attorney: Sam Ramirez
Public Works: Pete Pate

Mayor (elect): Patricia Twamley
Council members: Carolyn Blackmon
Raymond Kirk
Kathy Erion
Joe Hobbs (incumbent elect)
Julie Trevino (elect)
Jill Prewitt (elect)

Attorney Sam Ramirez swore the newly elected Mayor: Patricia Twamley, and three newly elected council members: Julie Trevino, Jill Prewitt and Joe Hobbs into office.

Each new member Read the oath of office and singed the same. The recorder signed and will notarize.

Mayor Patricia Twamley read a short opening statement thanking the Past Mayor and council for their past work. She thanked the audience for attending the swearing in of the newly elected officials. She acknowledged Frank, who acknowledged chief deputy Mark Morally. Frank stated he likes the new Mayor and City Council. Anything the council needs, all they have to do is call. He commented that they can come up to the office anytime when in Klamath Falls and have a cup of coffee. Mrs. Twamley recognized her family, who were in attendance.

Mayor Twamley stated that her goal is to work together, with the council as a family. All of us here want to serve the citizens.

Mayor Twamley read the opening statement and called the meeting to order.

The Mayor called the roll. Present: Carolyn Blackmon, Joe Hobbs, Raymond Kirk, Kathy Erion Jill Prewitt and Julie Trevino. Also the City Attorney Sam Ramirez, Public Works employee Pete Pate and City Recorder Teresa Foreman.

Regular Business

Motion to accept the minutes of 12/20/2012 was made by council member Erion, seconded by council member Kirk. Ayes: Erion, Blackmon, Kirk, Hobbs, Prewitt and Trevino.

Motion passed.

1/14/2013

Motion to dispense with the reading of the minutes of 12/20/2012 was made by council member Blackmon, seconded by council member Erion. Ayes: Erion, Blackmon, Kirk, Trevino, Prewitt and Hobbs.

Motion passed.

City Bills: Council member Erion asked about One Call Concepts. There was a discrepancy about the number of tickets. The recorder explained that the one line was for the month of October the other line was for the total year. The One call concepts is the company you call for locates of public utilities when you need to dig. The service notifies the utilities to go out and mark their utility lines. There are a certain number that are free. After that number, they go back to the beginning of the year and charge for the entire year. That is what happens and why we have a bill now.

Motion to pay the City bills as of January 14, 2013, in the amount of \$7822.36 was made by council Member Erion, seconded by council member Blackmon.

Discussion: Council member Hobbs asked the recorder what the Nielson bill is. The Public works employee answered that it was for testing. Hobbs stated that answered his question.

Ayes: Erion, Blackmon, Kirk, Trevino, Prewitt and Hobbs.

Motion passed.

City Correspondence: Council looked over the correspondence. There is one for the City Day at the capital. The Mayor stated they would talk about this at the next meeting.

Executive session: Mrs. Twamley would like to move this to the end of the meeting due to having such a large audience of family and friends that came to see the meeting, not wait while the members are in a closed meeting.

Motion to move the executive session be placed as #7, right before the adjournment was made by council member Erion, seconded by council member Hobbs. Ayes: Erion, Blackmon, Kirk, Trevino, Prewitt and Hobbs.

Motion passed.

Public works report: Public works employee, Pete Pate, explained that there is a report in the councils' packet. Other than that, everything is working fine.

Motion to accept the public works report was made by council member Blackmon, seconded by council member Kirk. Ayes: Erion, Blackmon, Kirk, Trevino, Prewitt and Hobbs.

Motion Passed.

1/14/2013

Old Business:

Dangerous buildings: Council member Erion explained that she and the recorder need to look over the list and the pictures to bring a report back to council.

Motion to accept the old business report was made by council member Hobbs, seconded by council member Trevino. Ayes: Erion, Blackmon, Kirk, Trevino, Prewitt and Hobbs.

Motion Passed.

New Business: The mayor asked the recorder to explain about the Charter. The recorder explained that she got a copy of the charter as filed with the Oregon State Law library. There was some question because the actual charter is not filed with the Klamath County recorder. The election and results are but not the actual charter document. This document the recorder has shows the document that was filed with the Law library.

Discussion.

It was decided that the recorder could sign this document, stating that to the best of her knowledge this a true copy of the charter that was voted on and passed in 1984.

Motion to re-accept the City Charter and have it officially stamped and signed by the City clerk was made by council member Erion, seconded by council member Trevino.

Discussion: Council member Blackmon stated that she feels to do that, you would have to have the old 1984 council here. She would like to hear from the attorney.

Attorney Sam Ramirez explained that the Charter is voted on in a public election. Once it is passed, it is in effect. It does not have to be signed by anybody. He is assuming that what the council is asking is that someone, like the recorder, can acknowledge that this is a copy of the Charter that was passed. She can do something like that. It is not a re-affirmation. Any amendment, addition or subtraction has to be voted on. The council has no power to do that.

Council member Erion rescinded her motion.

Motion to have the City Clerk make sure that the County Clerk has a copy of our Charter with any kind of documentation that is necessary was made by council member Erion, seconded by council member Blackmon.

Discussion: The recorder asked for clarification. Does the council want her to make a statement such as: to the best of my knowledge, this is a true copy..etc? And then sign this. Erion answered that would be fine.

Erion called for the question:

1/14/2013

Vote: Ayes: Erion, Blackmon, Kirk, Trevino, Prewitt and Hobbs.

Motion passed.

Mayor Twamley will pick this up tomorrow and take it to the County.

Mrs. Twamley had presented the council, by way of the recorder, last Friday, with typed up motions she wanted them to look over. She would like someone to start on them.

Council member Blackmon stated that she read them but she feels this is unusual to be given a list of motions to be read during the meeting. She thinks these are things that should be brought up by the council, By Charter, there needs to be an appointment for a Mayor Pro Tem.

Mayor Twamley responded that what she is asking the council is that they have had a chance to read these and she is asking each and every one of them to give her a motion so they can talk about it and pass it .

Motion that a Vice Mayor per authority of the Chiloquin City Charter be elected by the City Council was made by council member Prewitt,

No second

Discussion

Motion to appoint council member Joe Hobbs because he has had experience of 12 years with the Tribal council was made by council member Blackmon, seconded by council member Kirk.

Discussion: Joe stated he would accept this position. Kathy Erion stated she would like to have this position because she has had a lot of experience running meetings and that she is very vocal.

The Mayor Asked for the vote. Ayes: Blackmon, Trevino, Kirk and Prewitt. 1 abstention (Joe because it was about him).

The Mayor stated that Joe Hobbs would be the Mayor ProTem

Motion passed.

The Mayor asked to move to motion 2013-003. She read the motion:

That all banks and financial institutions serving the City of Chiloquin shall be contacted at the earliest possible date and be requested to remove the names of all persons listed by the previous Chiloquin City Council as authorized to sign checks and Bank drafts from the records of the bank effective January 14,2013.

1/14/2013

Council member Prewitt stated that she would make the motion and re-read it as follows:

That all banks and financial institutions serving the City of Chiloquin shall be contacted at the earliest possible date and be requested to remove the names of all persons listed by the previous Chiloquin City Council as authorized to sign checks and Bank drafts from the records of the bank effective January 14,2013. Seconded by council member Erion.

Discussion. The recorder asked to point out something on that motion. You do not need to remove old check signers. It happens automatically when new check signers are placed on. There is only one signature card with names. Any previous check signer, if kept on, has to sign the new signature card also. The bank will go by the most current signature card.

Council member Prewitt stated that she just wants to do it short and simple. It will happen anyway. She made a motion, can we vote on it?

Council member Blackmon stated that we need discussion. Blackmon finds that as a council member they were given a list of motions to be voted on. The Mayor does not make the motions. Erion stated the Mayor did not make the motion. Blackmon answered that she handed out these motions and is calling for them one for one. These are things the council needs to decide if they need to work on or not.

Council member Trevino stated that they do not need to make the motion if they don't want to. Prewitt stated that she did want to make the motion. Prewitt stated that it seems like it is getting so complicated and it doesn't need to be. You just read it and you do it.

Mayor Twamley agreed, stating it was very simple. Blackmon stated we don't just read it and do it. Prewitt answered, we don't? Blackmon stated that we discuss it. Erion stated that having read the motions, she feels these are all things that need to be done. Blackmon explained that there are plenty of things that she does not have information about. She has no problem with this one, but to have someone give her a list of motions and all you do is fill in the names. The Mayor stated that is not it. That is not why they were given, just to fill in your name. This was put in your box on Thursday to give a chance to go over it before the meeting. Then the council could be ready to vote on them. Erion stated that this says to her that there has been some research done before hand. Blackmon answered that she doesn't see the research. Erion said then let's go through them. Twamley stated lets move on to the next one. Erion said we have to vote on this.

Mayor Twamley asked for the vote:

Ayes: Prewitt, Erion, Trevino,

Opposed: Blackmon, Kirk.

(I (recorder) can not hear Joe Hobbs on tape aye or nay?)

Mayor Twamley stated the motion passed.

1/14/2013

Council member Trevino asked the recorder if this next motion was the one that did not need done? The Recorder answered that the next one did need voted on. The council needs to decide who the check signers are going to be.

Council member Prewitt addressed the Mayor that things were getting confusing.

The Mayor asked to go with 2013 004. Does anyone want to make this motion.

Motion that all banks and financial institutions serving the City of Chiloquin shall be given a new authorized bank signature card effective January 14, 2013 that will have the names and the signatures of all currently elected City Council representatives and the Mayor of the City of Chiloquin as the only authorized persons for signing bank drafts, checks and transfers was made by council member Trevino, seconded by council member Prewitt.

Discussion: Council member Erion feels the recorder needs to be on the signature also. Trevino agreed. Trevino asked if they need all the council members? That seems too many. Mayor Twamley understood that each needed to fill out a card. The recorder explained that there will be just one card. Then who ever is a signer will sign that one card. Blackmon and Kirk stated that they did not want to be a check signer. Trevino feels it should be the recorder, the Mayor and the Mayor ProTem. It takes 2 signatures for each check. Council thought one more person should be added. Council member Erion stated she would do that, she is usually around.

Council member Trevino restated her motion to have the check signers be The Mayor, The Mayor ProTem, The Recorder and council member Erion. Prewitt seconded that restated motion. Ayes: Erion, Blackmon, Kirk, Trevino, Prewitt and Hobbs.

Motion passed.

The Mayor read the next proposed motion:

That all bank banks and financial institutions serving the City of Chiloquin be notified that no bank drafts, checks, warrants, or transfers of money shall be completed without the authorization of the Mayor, or acting vice-mayor if the Mayor is not available and one City Council member who is listed on the official bank signature card for the City of Chiloquin.

A motion that all banks and financial institutions serving the City of Chiloquin be notified that no bank drafts, checks, warrants, or transfers of money shall be completed without the authorization of the Mayor, or acting vice-mayor if the Mayor is not available and one City Council member who is listed on the official bank signature card for the City of Chiloquin was made by Council member Prewitt.

The attorney asked if the council understood the legal significance of that motion. Council asked to explain. The attorney explained that it means that not only a signature but they have to get permission from the Mayor to pay that. It is his suggestion that the council not make that motion, because at every council meeting the council already ratifies the bills and has that check and balance in place.

If you pass this, you are putting additional pressure on the Mayor and it is not a step that should not be taken.

Mr. Richard Twamley, of the audience, asked if he could speak. Mayor Twamley allowed him to speak. Mr. Twamley stated that before the attorney goes any further he should read the letters from the auditors from 2009 and 2010. The letters sent to the council which he doesn't know if they were ever exposed to the council. He might understand the reasoning for this motion. Council member Trevino asked if he could address what happened? Council member Blackmon stated that those audits from 2009 and 2010 had been addressed..

Council member Kirk called point of order. Mayor Twamley asked for the meeting to get in order.

Council member Kirk explained that the public is not supposed to be allowed to speak during this part of the meeting. Mayor Twamley stated that this was kind of an urgent thing.

The Mayor stated to table this motion until next time.

2013-006 Council member Erion asked that this be explained.

The Mayor stated the money is not protected over \$300,000.00 and she read the motion:

It is moved by _____ that the Clerk and Mayor of the City of Chiloquin shall not deposit more than \$300,000.00 in any single financial institution. The Mayor and the City Clerk shall have authority to open a savings account in any bank listed as an approved bank by the State of Oregon for deposits of Government money. The Clerk, Mayor or acting Vice-Mayor if the Mayor is not available may open as many bank accounts as necessary to maintain balances in any one bank under \$300,000.00.

Motion that we not deposit more than \$300,000.00 in any single financial institution was made by council member Erion, seconded by council member Prewitt.

Discussion. Council member Hobbs asked if that meant these would be in different banks? Trevino explained that there could be a checking account and a savings account in one bank but more than that would probably have to go to another bank.

Council member Blackmon asked the recorder about our bank. The recorder stated that this was discussed some years ago with the bank personnel and we were assured the money was protected. She has not asked that recently, and didn't know this was going to be discussed.

Erion asked what would happen if the bank went bust? The recorder explained that she would have to do the research, but in the past she was told the money was covered.

Discussion. Mayor Twamley stated she did the research on this and it is not advisable to have more money than that in one particular account.

Vote: Ayes: Trevino, Prewitt and Erion.

Opposed: Blackmon and Kirk.

Abstained: Hobbs because he does not understand the motion.

1/14/2013

The Mayor stated lets go on to the next one and asked if any one wanted to make the motion for #7.

2013-007

It is Moved by _____ that the primary checking account for the City of Chiloquin shall not contain more money than is required to pay for four months of expected bills and invoices. All other money up to \$300,000.00 shall be placed in a savings account with the primary bank and transferred into the checking account as needed to maintain four months supply of money. The only exception shall be an occurrence of a large sum of money received that shall be utilized within 120 days of receipt. Only the Mayor or the acting Vice- Mayor acting jointly with one City council person shall have the authority to order money moved from a savings account into the City's checking account.

Council member Erion asked how much money is in the checking account? Do we keep enough money in the checking account for four months bills?

The recorder explained that the policy has been that we transfer money from the money market account into the checking account as needed to pay bills.

Motion that the primary checking account for the City of Chiloquin shall not contain more money than is required to pay for four months of expected bills and invoices. All other money up to \$300,000.00 shall be placed in a savings account with the primary bank and transferred into the checking account as needed to maintain four months supply of money. The only exception shall be an occurrence of a large sum of money received that shall be utilized within 120 days of receipt. Only the Mayor or the acting Vice- Mayor acting jointly with one City council person shall have the authority to order money moved from a savings account into the City's checking account was made by council member Prewitt, seconded by council member Trevino.

Discussion: Erion feels the Clerk needs to be on this also. Erion stated that she would like to amend the motion to include the recorder. Council member Hobbs explained that she can recommend the amendment but the person that made the motion actually has to do the amending.

Council member Prewitt stated she would withdraw her motion. Table this until next time.

Motion that on # 007 we do this up until the last sentence. The last sentence be amended to read: Only the Mayor or the acting Vice- Mayor acting jointly with one City council person and the City Clerk shall have the authority to order money moved from a savings account into the City's checking account was made by council member Erion.

Council member Hobbs asked the Mayor if this hadn't been tabled? The Mayor answered that she thought it was. Erion stated the other motion was tabled and then she made this one.

This subject was tabled, the Mayor agreed that it was tabled.

Erion withdrew her motion.

1/14/2013

2013-008 The Mayor read the next motion:

It is moved by _____ that all City of Chiloquin credit card purchases shall be pre-approved by the City Council except for fuels and oil. All gasoline credit cards shall be kept in the City Clerks office. All employees using a City credit card shall sign a form stating what vehicle or item of equipment is being fueled and what is the mileage or hours meter rate at the time of fueling. The gasoline credit card and information form shall be returned to the Clerks office after the fueling is completed by the employee.

Motion to accept motion # 2013-008 was made by council member Erion, seconded by council member Prewitt.

Discussion.

Kirk felt it would make it very difficult to get the council together ahead of time anytime something is needed.

The attorney explained that there are no other credit cards.

Council member Erion amended her motion to remove the first sentence and have this motion pertain to gas credit cards only. All employees using a City credit card shall sign a form stating what vehicle or item of equipment is being fueled and what is the mileage or hours.

(Council member Trevino seconded this. The recorder pointed out that Prewitt was the original second.)
The Mayor asked for the vote.

All Ayes.

Motion passed.

The Mayor read Motion #2013-009

That the City Clerk of the City of Chiloquin must provide a copy of the original invoice or bill to the Mayor and every City Council representative before it is approved or rejected at a City council meeting 72 hours in advance of the scheduled public meeting. The Clerk shall also prepare a check or warrant for the Mayor or Vice-Mayor if the Mayor is not available and one other City council representative to sign at the City Council Meeting to pay said invoice or bill. If the invoice or bill is not approved, the check shall be voided and a record of the check number noted in official records as voided.

Motion to pass the motion read by the Mayor, # 2013-009 was made by council member Prewitt,

Council member Erion asked the recorder if this was a hardship on her? The recorder answered that she was not sure if she understood the motion.

1/14/2013

It sounds as if it is what is done now, except have it done on Thursday or Friday? Erion stated that looking at these at the meetings makes her feel pushed.

Erion and Twamley answered yes. The recorder stated she could do that.

Erion then seconded that motion.

The recorder pointed out that the bills are placed in the blue folder as soon as they come into this office. The council members can come in any day and look at those invoices. It is just the printed report she does just previous to council meetings. She will print that report earlier now.

The Mayor asked for the vote:

Ayes: Erion, Blackmon, Kirk, Trevino, Prewitt and Hobbs.

Motion passed.

Motion 2013-10

It is moved by ____ that the Clerk shall provide the Mayor and the City Council the name of the City budget account number or name that a bill or invoice is paid from. The Clerk shall state what the remaining balance in the fund consists if after the bill or invoice is paid.

The Mayor asked if someone would make this motion.

Discussion.

The Mayor read the motion.

More discussion.

Motion that the Clerk shall provide the Mayor and the City Council the name of the City budget account number or name that a bill or invoice is paid from. The Clerk shall state what the remaining balance in the fund consists if after the bill or invoice is paid was made by council member Prewitt, seconded by council member Trevino.

Discussion. Erion asked the recorder what this means to her? The recorder stated that she was not sure what is being asked. We do not have a City budget account number. We have a budget with line items and she can provide an up dated accounting of the budget at the meetings. She would have to come up with some type of a spreadsheet.

Trevino asked the Mayor what she meant by budget account number? Purchase order number, invoice number? Blackmon stated she assumed maybe the departments number? Like sewer or water? That is what they decided.

1/14/2013

The Mayor stated there was a second and this has been discussed. Called for the vote.

Ayes: Erion, Blackmon, Kirk, Trevino, Prewitt and Hobbs.

Motion passed.

2013-011 The Mayor asked for someone to make a motion on this.

Council members looked this over.

The Mayor read the motion:

That the City Clerk will provide the City Council with a list of grants and matching funds requiring transfers of money to complete grant obligations of any kind. This list will state the amount due and the dates due for the next three months by January 29, 2013.

The recorder explained. The City does not carry the money. When the bills come to the City, we have to request from the funding source. We do not have grant money in our funds until the bills come to us, we request then to receive the funds and then pay out the funds.

Prewitt stated that when we do get it, it would be nice to have this in line. Because she knows personally that we lost quite a bit of money just on our park. The Ford Foundation gave us \$1500.00, Theresa Chocktoot, but it was so much an argument in our council we lost the money. They had the money, we were going to have \$6000.00.

The Mayor stated this is just for the protection of the future grants requiring transfers.

The Mayor stated that then we will remove the January 29, 2013 but the rest will apply. She re-read the motion with the last sentence removed. And asked if there had been a motion.

Motion was made to do that, by council member Prewitt,

Blackmon stated that she was not quite clear on this. She is not sure how the grant money works. Prewitt answered that if we would have had this, Theresa Chocktoot and the other two women could have come and we could have put it into this and we would have had the \$1500.00 and they would have matched it. And that was the Ford Foundation. So because we had nothing they did not want to just bring it to the City. Instead we lost it. We could have got a lot for the park for \$6000.00.

The Mayor stated it is really quite simple, and she re-read the proposed motion.

Erion seconded the motion.

The Mayor stated we already had discussion so she asked for the vote.

Ayes: Prewitt, Trevino and Erion.

Nay: Kirk.

1/14/2013

Abstained: Blackmon and Hobbs because they do not understand.

The Mayor stated the motion passed.

2013-12

The Mayor asked for someone to make a motion on this, and she read the motion:

That the vendor policy of the Chiloquin City Council shall be that the City will not pay any vendor, accountant, engineering service, lawyer service or employee of the City for attending a city council meeting unless the Mayor or Vice- Mayor has approved the expense in advance of the City council meeting. The City Clerk-Recorder will notify vendors of this policy.

Mayor Twamley explained that she had spoken with other Cities and they don't have these folks at meetings except as an as needed basis. This will save the City a lot of money. She would like someone to make that motion.

Motion by Council member Trevino (asked if she needed to read it, the Mayor stated she just had read it) Seconded by council member Prewitt.

Erion asked if this means we have to invite the attorney and engineer? The mayor answered that she checked with Merrill and Malin and they do it this way.

The Mayor stated we had discussion now the vote:

Ayes: : Erion, Kirk, Trevino, Prewitt and Hobbs.

Opposed: Blackmon.

Motion passed.

The Mayor went on to motion 2013-013

The Mayor read:

That all purchases of products and services by the City in excess of \$4500.00 shall go out for bid with the lowest cost bidder receiving the contract to provide the goods or services. Personal service contracts will be excluded provided that the contract is reviewed by the City Council in a public meeting. All purchases by City staff for equipment and or services exceeding \$500.00 must be approved by the City council before purchase. This motion shall not apply in the event of the City Council declaring a public emergency requiring the purchase of goods and services.

Motion That all purchases of products and services by the City in excess of \$4500.00 shall go out for bid with the lowest cost bidder receiving the contract to provide the goods or services. Personal service contracts will be excluded provided that the contract is reviewed by the City Council in a public meeting.

1/14/2013

All purchases by City staff for equipment and or services exceeding \$500.00 must be approved by the City council before purchase.

This motion shall not apply in the event of the City Council declaring a public emergency requiring the purchase of goods and services was made by Council member Prewitt.

Discussion. Erion asked if this changes the policy? The recorder stated that she thinks the council needs to research if the current policy is a resolution or Ordinance. An Ordinance can not be changed by a motion. Erion stated that in the Code Book it says \$25000.00.

The attorney stated you can not change an Ordinance with a motion. It takes a public hearing.

The Mayor stated she wants this tabled until she can do the research. Trevino stated that the County of Klamath have the \$500. 00. Erion stated that it is not about the \$500.00 it is about the \$4500.00.

Motion 2013-014 The Mayor asked if someone wanted to make a motion on that one.

Motion that the City Council of the City of Chiloquin shall video and sound record all public meetings held at City Hall. There shall be a total of four (4) video cameras in the City Hall. Two video cameras will be facing each other to cover the council meeting room. There shall be one video camera mounted on the back wall of the clerks office facing the front door with a wide angle lens that will be sound recorded. There shall be one video camera mounted on an interior wall that will face the rear door. The Clerk-Recorder will post friendly warning signs on each entrance into the City Hall and at the desk of the Clerk Recorder giving notice to the Public and Employees of the City of Chiloquin that all activity in the City Hall is video taped and sound recorded was made by council member Prewitt, seconded by council member Erion.

Discussion: Council member Hobbs asked what cameras we have. We have the one here in the chambers. The Mayor stated that she could get all the camera's mentioned here for \$1000.00. She is putting this up to discussion. Blackmon asked if the money was in the budget. The recorder stated she would have to look.

The Mayor stated this would be tabled until the next meeting. She wants to move on to the next motion.

2013-016 The Mayor asked if someone wants to make a motion on this.

Erion asked if she could ask a question.

The attorney stated this should be in executive session.

Erion asked the recorder if the reports had been late the past four years. The recorder responded that the auditors file the report and they are the ones that have requested extensions.

1/14/2013

The question was asked which motion he is suggesting to go to executive session. The attorney answered #17.

Erion stated we tabled #15 and #16

Prewitt asked about #15 about the video being open to view of the public. Can we please read that one?

Discussion about a confusion of the #'s. Which needs to go to executive session.

Motion 2013 -018 The Mayor asked if someone would like to make a motion on this.

The attorney suggested this go into executive session on this one also.

The Mayor stated to the council that the attorney wants to go into executive session with this, does the council agree with this, Council agreed.

The Mayor called for the vote, Some council voted, some did not. The recorder asked what they were voting on, she missed the motion. Council member Prewitt stated she made the motion. The Mayor said to table this for executive session. The Mayor thought Trevino seconded it. Trevino stated she would second it.

The Mayor called for the vote again: Ayes: Erion, Blackmon, Kirk, Trevino, Prewitt and Hobbs.

Motion passed.

Motion 2013-019 The Mayor asked if someone would make a motion on this.

The Mayor read the motion:

That all computers owned by the City of Chiloquin shall not be used for personal business. Employees using City owned computers for personal business shall be immediately terminated from employment with the City. Any employee terminated from employment for misuse of a City computer will have the right to appeal the termination to the City Council.

Motion to do that, was made by council member Prewitt, seconded by council member Trevino.

Discussion: Erion stated she felt immediate termination is a little harsh.

Mayor Twamley stated there has been a survey taken on this and it is costing businesses billions of dollars by allowing their employees to use the computers.

Trevino suggested to change it to possibly be terminated. Erion stated 'up to termination'

The Mayor called for the vote. Erion and Blackmon voted no because they wanted the wording changed.

1/14/2013

Council member Prewitt changed the wording to 'up for termination'.

Then every one voted Aye.

Ayes: Erion, Blackmon, Kirk, Trevino, Prewitt and Hobbs.

Motion passed.

The Mayor went on to the next one:

Motion # 2013-0020

The Mayor asked if someone would make a motion on this one. She read the proposed motion.

The elected Mayor, appointed Vice-Mayor and the City Clerk Recorder of the City of Chiloquin shall be the persons authorized at all times to have any and all pass codes to the City computers or confidential files held in the City computer.

The Mayor, Vice Mayor and City Clerk shall have a key or pass code to every City owned facility. A newly elected Mayor may receive the pass codes to the City computers after January 2 following the November General election on or before taking oath of public office to be the Mayor of the City of Chiloquin.

Blackmon stated this looks like a two part motion.

The Mayor asked if she has a vote on this.

Motion that this happens was made by council member Prewitt. Seconded by council member Trevino.

Discussion. Erion asked the recorder what happens now? The recorder answered that confidential files are not open to them. Twamley replied that this is referring to the Mayor. The recorder replied that the confidential files are not open to her.

Erion asked what are confidential files? The recorder replied that Personnel files are confidential. The Mayor stated that they are entitled to know what each person makes. The recorder agreed. Those are public files. She is talking about personnel files. The Mayor stated she was authorized to look at all the files the recorder can look at.

Erion asked who has access currently? Just the recorder. This is an ethics issue. If there is a problem, and the Mayor needs to look at the file, she can. The process is, though, that the employee has to be notified and be present when their file is looked at.

The recorder explained that she could not just look through the files either except in the course of business. This would include executive session tapes.

1/14/2013

Erion stated that except they were all in the executive session so they can listen.

The recorder explained that had come up before and when she asked about that she was told that no, not even the ones present at the executive session could review those tapes. When asked who told her this, Erion answered that it was the attorney.

Attorney Sam Ramirez explained that executive sessions are privileged. With respect to council members individually reviewing executive session tapes. They are not available either. There may be a process to make them available and if the council wants him to look into that, he will.

The Mayor stated that she had been advised differently. The Attorney explained that executive sessions are only allowed to discuss personnel issues and possible litigation.

Erion stated that she feels this should be tabled for now.

The Mayor stated that Erion would like to table this until the next meeting.

Hobbs asked who is going to check into this? The Mayor stated she would look into this. She will have a report on this at the next meeting.

The last motion 2013-021 The Mayor asked if anyone would like to make this motion.

A Motion that the Mayor shall have authority to order any licensed locksmith to change or replace the locks or keys on all locked doors at the Chiloquin City Hall no later than Feb 4, 2013 without further authorization from the City Council. The keys shall be marked do not duplicate. Five sets of keys shall be made and distributed by the Mayor. The unused keys shall be stored in the Chiloquin City Hall Safe or lock box at City Hall was made by council member Erion, seconded by council member Trevino.

Discussion: Blackmon asked the recorder what her feeling is about this. The recorder started to answer when Trevino asked who had keys now. The recorder answered she and Paulette.

Ayes: Erion, Kirk, Trevino, Prewitt and Hobbs.

Opposed: Blackmon

Motion passed.

Motion to accept the New Business was made by council member Blackmon, seconded by council member Erion. Ayes: Blackmon, Erion, Trevino, Prewitt, Kirk and Hobbs.

Motion passed.

Public Input: Frank Montoya, Citizen of Chiloquin. He is asking about the Chiloquin web site. He asked who did that? The recorder answered it is not run by this organization. She does not know who does it.

1/14/2013

Discussion. The Mayor asked Mr. Jeffcoat if he knew who might be representing the City on the internet. He stated there is no .gov for the City.

Dennis Jeffcoat then asked if the Mayor was open for public input. She replied we were.

Mr. Jeffcoat addressed himself to the council and stated that the Clerk has the only access to the computer by pass code.. She dies and the council is 'screwed'. The recorder tried to explain but wasn't allowed. Mr. Jeffcoat stated the Mayor and the Vice Mayor should have access to the computer. Otherwise they will have to have experts come in at great expense to get information. He stated that only one person in control is completely inappropriate and he suggests they revisit the issue. Give the Mayor the pass codes period. The Clerk can sort out the confidential records.

Erion asked the recorder to comment on this. The recorder explained that she is not the only one with the pass codes. The auditor and the consultant have the pass codes. And the comment she had on the motion was the confidential records not the computer. The confidential records are separated.

Richard Twamley: He stated that by the record Mark Cobb was given all the things that are being asked for now. The Mayor pulled out old minutes and re read the motion for the past Mayor to have keys and access codes.

June 2010

Motion for the Mayor to have keys to the public works, the sewer plant, the office, everything, in case of an emergency because the Mayor is the CEO of the City, also she would like the Mayor to have the password to the computer to the City was made by council member Prewitt.

The mayor asked for a second. Council member Kirk asked what that was for? The Mayor answered that it was for the Mayor to have keys to the City.

The Mayor asked if there was no second on the table? Council member Kirk stated he was trying to figure out what the motion was.

The Mayor stated that this was a motion that was done when he first became Mayor and five years later he still does not have a set of keys. Another motion has been put on the table to just redo that first motion.

Seconded by council member Kirk.

Ayes: Prewitt and Kirk. Nays: Hescock and Graham.

The Mayor breaks the tie and he voted yes.

Motion passed.

Prewitt stated it should be done. There's the proof and she has a lot more where that came from.

Twamley stated this should be revisited because it was already done in the past.

There was a lot of comment and the Mayor started reading a motion that had been tabled.

1/14/2013

The Attorney explained that if they want to revisit this they have to be out of public input. The Mayor stated alright, this is tabled again.

Mr. Montoya asked if the City Internet could be on the next agenda.

Jeremy Morris, Adkins Engineering. Apologized for being late. He brought a new water map. He stated there are a few long term items he needs to go over with the new council and would like to have a workshop in the future.

8:20 The Mayor stated that they would now go into executive session.

(There was discussion for some time before executive session began.)

8:40 Back in regular session. No decisions were made during executive session.

The attorney asked if the City wants to talk about hiring and firing? The council has the power and does the vote. The Mayor breaks the tie.

Motion to adjourn was made by council member Blackmon, seconded by council member Erion. Ayes: Erion, Kirk, Hobbs, Trevino, Prewitt and Blackmon.

8:50 Meeting adjourned

Signed 1/22/2013

Mayor Patricia Twamley

Attest: Teresa Foreman, City Recorder

1/14/2013

