



## City of Lyons

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### **MINUTES LYONS CITY COUNCIL SPECIAL MEETING January 3, 2013**

#### **OPEN MEETING 6:00 P.M.**

The Lyons City Council Meeting was called to order by Mayor Pro-Tem Lon Conner. Present were City Councilors Mike Lucas, Troy Donohue and Dan Burroughs. City Staff in attendance was Assistant City Manager Audrey McNerney. Also in attendance were City Attorney Steve Tabor and Councilors Elect Gary Alkire and Mark Orr.

**GUESTS.** Barbara Orr, Joyce Foltz, Roy Kent, Anna Orr, Jess Orr, Ron Adams, D.C. and Carol Hendrix, Theresa Donohue, Steve Baldwin, Michelle Gates and Tami Owen. Attendees whose names were illegible on the sign in sheet may be misspelled or not included.

Conner asked that all stand for the Pledge of Allegiance. He then inquired as to whether there were any declarations of conflict of interest or ex-parte contact regarding the agenda items. There being none, the meeting continued.

The meeting commenced with the swearing in of Dan Burroughs as Mayor and Gary Alkire and Mark Orr as Council. Conner then turned the meeting over to Mayor Burroughs and Councilors Orr and Alkire took their seats at the Council table.

Attorney Tabor asked if Council had had an opportunity to review the Council Rules. The responses were affirmative. He then asked if there were any questions regarding these rules. He stated that it was the Council as a body that represents the City. No individual Councilor has authority; decisions must be made by the Council body. He explained that typically the Mayor is the person who deals with the staff, however, the Mayor may delegate this responsibility if he so desires. There was discussion regarding the manner in which a tie vote can be broken. Donohue commented that the Mayor is a voting member of Council and can cast the tie breaking vote.

Lyons City Council Meeting

January 3, 2013

Page 2 of 3

At this time Mayor Burroughs nominated Councilor Gary Alkire to act as Mayor Pro Tem. After discussion Alkire was appointed Mayor Pro Tem by unanimous vote.

The discussion then proceeded to the meeting held with the insurance company. Tabor explained that the purpose of the meeting was mainly to inform the new City representatives of the rules and procedures which must be followed in connection with employee relations. Donohue stated that he felt that because he had not been invited to the meeting he had been discriminated against. Tabor said that that was not his intent, that it had been an oversight and he apologized to Donohue. He said that it had been an opportunity to share information from the insurance company regarding employee relations and the fact that there had recently been an increase in litigation and settlements in connection with employee claims. He stated that there are certain steps which must be followed in connection with disciplinary action against employees.

Orr asked Tabor whether he had been paid extra to conduct the meeting with the CIS attorney and for his attendance at this meeting. Tabor advised that he is paid a monthly retainer of \$300 per month and while he could charge extra for such meetings he has chosen not to.

Tabor said that the purpose of the meeting with the insurance company and his attendance at this meeting was to make sure that everyone on Council knows what can and cannot be done. He was asked if these meetings had anything to do with the rumors circulating about replacing staff. Tabor responded that there had been discord in connection with issues mentioned during the campaigning and discussed the League of Oregon Cities workshop that had taken place last summer. It was felt that it was better that everyone was made aware of the rules and procedures. He also said that the insurance company wanted to make the City aware of their program up front and that they would waive the deductible in case of a claim in the event their advice is followed.

Orr asked if his name had been mentioned at the meeting with the insurance company attorney and was advised by Tabor that, to the best of his recollection, it had not. Donohue asked if Council would be unable to discipline employees and was told that so long as they contacted the insurance company first and followed their advice they could certainly discipline an employee if necessary.

Orr asked if the insurance company had been contacted in connection with the recent disciplining of a former employee. He was informed that they had been.

Steven Baldwin was then sworn in as a member of the Lyons Planning Commission. He advised Council that as the City's liaison to the School Board he had been asked if it would be possible to have an informal meeting with the City Councilors to advise them of the steps being taken in connection with the recently passed school bond measure. Tabor advised that any time 3 members or more of the Council meet, public meeting rules apply, the meeting must be noticed and the public be given an opportunity to attend. It was suggested that this could be agenda item at a regular Council meeting so that the public could be informed of the progress. Baldwin stated that he would check on this possibility and keep Council informed.

There being no further business to come before the meeting, the meeting adjourned at 6.25 P.M.

Lyons City Council Meeting

January 3, 2013

Page 3 of 3

Audrey McNerney  
Assistant City Manager