

City of Cove
Council Special Meeting Minutes
Tuesday, November 9, 2021

Mayor Sherry Haeger opened the Special Meeting of the at 7:00 p.m. with Councilor Shawn Parker, Councilor Jordan Hackwith. Councilor Jason Stone and Councilor Alan Cadinha. Also present in person at the meeting were Public Works Director Dave Johnson, City Recorder Sherry Riley. Public presence: Maxine Parker, Dan Landa.

Virtual attendance was on "Go to Meeting": Cove Staff: Eric Stone.
Public: Alexis Cannon, Amy Johnson, Mike Riley.

Council members not present: Councilor Lana Shira, Council President Matt McCowan.

Call to Order/Roll Call

Mayor Sherry Haeger called the Meeting to Order and led in the **Pledge of Allegiance**.

City Recorder Sherry Riley took Roll Call, and a quorum was determined to be present.

Mayor Sherry Haeger asked of people online or in the room when speaking to state name, address and why you were here.

Additions or Changes to the Agenda - None

Public Comment – No public comment given.

Subject to be discussed:

- **Pause Recruitment of Water & Sewer Billing Clerk**
Mayor Sherry Haeger stated, We are only going to discuss one subject tonight, which was the approved agenda, Pause Recruitment of Water & Sewer Billing Clerk. So, the question that we need to have answered tonight is do we continue with or pause the hiring process for a Billing Clerk in the City of Cove. I am going to make a statement here and then I will let you guys ask questions, comment or whatever you want to do.
I am concerned personally about continuing with the process and the procedures that are in place to move forward with the Billing Clerk for three reasons.
 1. The Council did not approve the Job Description, which is in our Charter Chapter 3, Section 10.
 2. The Council did not approve the pay scale as we did not confirm the Job Description. Charter Section 3, Section 11.
 3. The City does not have an approved process for recruiting to support an Executive Session to choose an applicant and that is found in ORS 192.660 (7)(d)(B).

So, the question on the table is, given these risks that I have just described, does the Council want to move forward or pause? And I will make a statement that I will implement the process as per the decision of the Council. I have made clear my stance and if you have any questions of me, please ask them. If you would like to discuss them among yourselves, that is fine too. The next step after discussion would be to decide if we want to halt the process then we will agree to next steps. Or if we want to continue, I will call an Executive Session to review the applicants and their scoring. So that is the end of my comment.



Councilor Jason Stone, Do we have a Charter to review the language you are citing about the Job Description?

Mayor Sherry Haeger, Ah let me pull up ORS

Okay the first one is Charter 3 Section 10. I don't have one in front of me.

Councilor Alan Cadinha, I am just curious, why wasn't this brought up before we did the interviews and everything else? If this is so critical. It isn't the first time somebody has been hired. Why wasn't this brought up before. Now we are talking about another Special Meeting and then I didn't understand what you just said the way I read it you said, I'm going to make a decision whatever you say.

Mayor Sherry Haeger, If you give me time, I can answer it.

Councilor Alan Cadinha, Well go ahead.

Councilor Jason Stone, So you are citing *Chapter 3, Section 10. Other Officers. Additional officers of the City shall be a Recorder, Public Works Director, and other employees as the Council deems necessary. Each of these officers shall be appointed by the Mayor with the consent of the Council and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer except the municipal judge in the exercise of their judicial functions.* Is that the paragraph you are referring to?

Mayor Sherry Haeger, Yes. Would you like me to speak to them?

Councilor Jason Stone, I did speak to CIS (Citycounty Insurance Services), we discussed specifically because this section of the Charter needs to be brought up to speed because of modern hiring process. But it doesn't say anything about Job Descriptions and the past precedent the Council has referred to the Recorder for the Job Description.

Mayor Sherry Haeger, Agreed. So here is the problem that I have. I don't want to live in the past. I like to live in the present and future. The way things were done in the past are not up to the par of the standards of today.

Councilor Jason Stone, We have precedence and they...

Mayor Sherry Haeger, Precedence does not count in this situation according to CIS.

Councilor Jason Stone, When I looked though the State of Oregon's websites for hiring process they leave all the hiring process to the individual entities. You can look at individual entities and their hiring processes to construct something around one of them. But ultimately the hiring process is specifically up to the individual entity.

Mayor Sherry Haeger, I have a problem with appointing to a decision that has not been clear and because the Charter calls for me to appoint and the Council to approve, that is my stepping point. Now, what I am agreeing to and stating, is that I will follow the leading of the Council.

Councilor Jason Stone, Okay and the other issue was

Mayor Sherry Haeger, Well, I wanted to answer Alan if I could.

Councilor Jason Stone, Sure.

Mayor Sherry Haeger, So um Alan you want to know why we are not doing what we did before?

Councilor Alan Cadinha, No. No. You are just spinning it.

Mayor Sherry Haeger, No. I am not. Alan can I say something?

Councilor Alan Cadinha, Yeah. Go ahead.

Mayor Sherry Haeger, Please do not say that I am spinning something.

Councilor Alan Cadinha, That is not what I said. Am I not supposed to say anything if you change what I say?

Mayor Sherry Haeger, You just said, I'm spinning it. Please don't say argue with me. All I am doing is calling what it is you want me to answer, and I will.

Councilor Alan Cadinha, I asked why wasn't this covered before the interviews or any of this stuff happened. If you didn't have a problem with it, why wasn't it brought up before we interviewed the people? We had the Hiring Committee and all the rest.

Mayor Sherry Haeger, May I answer that?

Councilor Alan Cadinha, Go for it.

Mayor Sherry Haeger, I brought it up on October 5th and I was shot down by three people and I failed in leading in a way that I should have led. I wanted to discuss this in the October 5th meeting. The recording is available where I requested to have an earlier meeting of the Hiring Committee and it was not accepted by three people and I can state them, but I don't want to embarrass them.

Councilor Alan Cadinha, We are still here anyway, but it should have been taken care of before. I know this at the bottom of the list, but I am also thinking the time we had of these people that came in. They are waiting to find out what is going on and they are all on ice. Who are you going to lose?

Mayor Sherry Haeger, I agree with you, Alan, and that is why I am stating, I will do what the Council wants to do even if it is against my personal convictions.

Councilor Jason Stone, I don't think I was at the Council Meeting on October 5th.

Mayor Sherry Haeger, I don't think so. It was and I think Shawn can testify, remember Shawn I wanted to have the Hiring Committee Meeting and you, and Matt and Sherry were opposed.

Councilor Jason Stone, Was there a quorum?

Mayor Sherry Haeger, There was a quorum.

Councilor Jason Stone, So the Council decided to move forward with..

Councilor Shawn Parker, No. I was against there being a problem with the Job Description.

Mayor Sherry Haeger, Oh. Right.

Councilor Shawn Parker, I wasn't on the Hiring Committee.

Mayor Sherry Haeger, Right. So, at the October 5th Meeting, I read the Job Description and I had an issue with it.

Councilor Shawn Parker, Your issue with it you said that it was the same description as Sherry's.

Mayor Sherry Haeger, That is correct, and my issue was that we were going to be paying somebody \$17 an hour for the same Job Description that we pay Sherry \$29 an hour for, and I thought that it required or would lend to a good conversation before we moved forward so we would not be stuck in this position we are now.

Councilor Jason Stone, So what did the City Council decide?

Mayor Sherry Haeger, We didn't vote.

Councilor Jason Stone, So there was no vote. There was no motion.

Mayor Sherry Haeger, No.

Councilor Jason Stone, But they did agree to move on with the hiring process?

Mayor Sherry Haeger, Yes. I was told that Sherry calls the meeting, not me. Would you agree with that Sherry?

Recorder Sherry Riley, Yes. That is how we have been doing this.

Mayor Sherry Haeger, Well we have only done it one time before. So, Sherry did not let me call a meeting, which I now look back and that was a mistake on my part. I should have forced a meeting. Not forced but insisted that we have one. Matt McCowan did not, and he is not here to defend himself, but I think that Shawn would agree with me that Matt did not want to change the Job Description. That was on October 5th and there is an exparte issue with him having done that, which I cannot speak of any more than that.

Councilor Shawn Parker, Exparte?

Mayor Sherry Haeger, And at the same time Sherry was very insistent that she called the meeting, and I was not allowed to.

Recorder Sherry Riley, I was going off of our Hiring Procedure that we have had in place. I didn't just create this.

Councilor Jason Stone, This is where, I'm sorry Sherry. If the City Council during the meeting made a motion to forward so...

Mayor Sherry Haeger, They did not.

Councilor Jason Stone, So how do you move forward with the hiring process without a motion?

Mayor Sherry Haeger, Agreed. I did not want to move forward with the hiring process until we had a conversation.

Councilor Jason Stone, Well, I wasn't here so I am going to have to look over.

Mayor Sherry Haeger, Does somebody have the Minutes and see if there was a vote? I don't think there was a vote.

Councilor Alan Cadinha, Was that handed out to us last meeting and you said, We're going to..

Mayor Sherry Haeger, I didn't want to approve the Minutes from last meeting because it did not reflect my sentiments of not moving forward until we had a Hiring Committee Meeting.

Councilor Alan Cadinha, Well another thing everybody knows it is a part time position. It is not like the same exact job as hers. I mean, they are going to work their way up.

Councilor Shawn Parker, The issue you had brought up is that you didn't like the Job Description because you said in your whole history of hiring or firing or whatever, that you have never seen two people have the same job description. The reason I had no problem with it before is because I see that all the time.

Mayor Sherry Haeger, So great.

Councilor Shawn Parker, Everybody at the Drive-In has the same job description, but there is someone paid more than the other because they are somebody that is responsible for the end product. They all have the same job description other than...

Mayor Sherry Haeger, So, not yet Dan. Not yet.

Dan Landa, I...

Mayor Sherry Haeger, I thought you were raising your hand. I just want to be respectful.

Councilor Shawn Parker, I work with other general contractors that have the exact same job description and we have different pay because some others are responsible for the job and others are just there doing the work.

Mayor Sherry Haeger, So you don't have the exact same job description. Somebody is responsible and somebody is a subordinate.

Councilor Shawn Parker, I don't know if I would say subordinate, but yeah...

Mayor Sherry Haeger, Okay. Let me just say this...

Councilor Shawn Parker, Somebody's license is on the line.

Mayor Sherry Haeger, In my workings with CIS, do you guys who CIS is? Community City Council. Sherry do you know what it stands for?

Recorder Sherry Riley, Citycounty Insurance Services.

Mayor Sherry Haeger, Right. So, in my dealings with CIS, they said that it puts us in liability to have the same job description with disparate compensation.

Councilor Shawn Parker, So you are saying the Part Time Billing Clerk is going to be as responsible as Sherry?

Mayor Sherry Haeger, That is what the Job Description reads.

Councilor Shawn Parker, Show me where it says that in the Job Description. That they are going to be responsible...

Mayor Sherry Haeger, Do you guys want to do this? Because it will take a while.

Councilor Shawn Parker, Yeah. That is why we are here. If you take this document that I have created. So, this is not the Job Description that was published. So, if you look at this spreadsheet, I am going to walk you through the first one, if you don't mind.

Councilor Jason Stone, I don't want to interrupt. We are talking about pay disparities and yeah they can be an issue. I looked for the pay information on State of Oregon websites and basically yes at some point and time the person's pay has to come up to speed. So, the State recognizes the person doesn't walk in that is doing the job that they are training for right away. You start at one point and work your way up graduating pay scales getting up to speed level that is acceptable. There are also acceptable changes in pay scale as in regard to seniority and experience. At some point and time as the person is training, if you are paying \$17 an hour for the Billing Clerk and as they learn to do more. When Sherry will be taking a vacation, at least fill in for the position most of the time that things so don't come to a halt in Cove. The primary function of that person would be Billing Clerk.

Mayor Sherry Haeger, Exactly. I agree with that.

Councilor Jason Stone, So but we do want them to be able to do her job if she wants to take a vacation or is sick, we can't have somebody who just knows how to do billing because that is not going to help us.

Dan Landa, Essentially they are concentrating.

Mayor Sherry Haeger, Excuse me Dan. You can't comment until it is time to comment.

Councilor Jason Stone, This is my personal opinion, they come in as a Billing Clerk at \$17/hr, but as they are training and as they are doing their job, we should have benchmarks where they get pay increases and eventually get to a point to where they are making a comparable pay.

Councilor Shawn Parker, The part time person can fill in. They are not going to have her do this all the time, just when she is not here they have to be able to cover.

Councilor Jason Stone, And that is a good point. It is something we should discuss but our intention is to discuss that in a different setting. Is that we are to address that if we expect that person to be able to fill in for Sherry. Then they need to be making comparable pay. So that is a good question. If she is just coming in and doing billing, do you need to pay her for doing Sherry's whole job? It needs to be another forum.

Mayor Sherry Haeger, And I am not in disagreement at all with what Jason just said. My concern is from the very beginning was to have this discussion before we interviewed. That did not happen. So now here we are. And here is what I have a problem with that on October 5th. The Job Description did not say things like the notary isn't required. You don't have to have a notary yet. But that is not what the job description said. I happen to know of two people who wanted to apply for the job, and they didn't because of two things. Both of them told me the same thing. I am not going to use their names. The first one was they didn't have a notary and the second one is they were not well versed in ORS. The Oregon Rules. So, they didn't apply because of that. That is what I was concerned about on October 5th. We are not going to get good candidates because we did not identify what is primary and secondary. I am absolutely not in disagreement about what Jason just said. But that is not what the documentation said and what I had a problem with. So, that is why I am saying this is fine. We can move on with it. If you guys are okay with the risk that is revealed itself that disparate. I don't know if you agree with this, but this is what Pam Bowles told you, but she told me we put ourselves at risk for a lawsuit for discrimination. If you guys are okay with that risk, we'll move on. By me calling out the risk, I am no longer personally responsible.

Councilor Jason Stone, I am sorry. In what way did Pam Bowles say that having an error on the job description was discrimination?

Mayor Sherry Haeger, It is not. It opens us up to a risk able lawsuit for discrimination.

Councilor Jason Stone, Okay if it is discrimination, it has to be a specific kind like age or gender.

Mayor Sherry Haeger, It could be that. It could also be discrimination against disparity. We could hire somebody that doesn't have all the skill set and then not do that. I mean we just have risks. It opens the door to risk.

Councilor Jason Stone, But legally we can do it.

Mayor Sherry Haeger, We can do it legally. Yes, but it creates risk. Now for me personally, if I did not bring this up and I just move it forward and say yes, we're going to do this. Let's move. I am personally liable, and I am not willing to take that liability and I asked Dave tonight, is this recorded? Because I am standing here as the Mayor saying, I don't think this is the right job description. However, if that is what the City Council wants to do, in my oath I promised I would do what the City Council wants to do. But I am covering myself legally saying I don't agree with it.

Councilor Jason Stone, So the two main issues you are concerned about is the notary public and...

Mayor Sherry Haeger, No I am just telling you that was my experience as an example.

Public Works Director Dave Johnson, That is not a requirement.

Mayor Sherry Haeger, Yes, it is. It is listed as a requirement in the job description.

Public Works Director Dave Johnson, The job qualification requirements has: Maintains knowledge of Oregon Revised Statutes regarding Records Retention, as outlined by the State Archivist. It's part of the duties performed by the notary public.

Mayor Sherry Haeger, Yes, that is part of it. So those two things are duties preformed, but they are not required according to Sherry. But the job description either explicitly or passably it implies it per the direction I received from League of Oregon Cities and CIS. We can argue with them all night. All I am saying is I personally do not agree that this is the right job description. However, if you guys feel fine with the risk and you are not convinced it's a risk, we can move forward.

Councilor Shawn Parker, You were going to show me where her job doesn't have any sort of responsibility over the part time position.

Mayor Sherry Haeger, Oh, she does.

Councilor Shawn Parker, No. You were going to show me on that thing you made.

Mayor Sherry Haeger, No I was gonna tell you how the job description as described as Sherry's job description is the same job description for the clerk.

Mayor Sherry Haeger presented the Council and Staff with documentation she had created in Excel to compare the City Recorder and the Billing Clerk Job Descriptions.

The Mayor and the Council and Staff discussed the differences and the intention of the Job Descriptions.

Recorder's written job description it says,

Manage and coordinate projects and programs to accomplish goals and objectives of the City council. Attends and takes minutes of the special and regular City Council meetings. Prepare and provide information and reports covering various aspects of the City's operations. Advise Council members in their deliberation on policy. Prepares the agenda for council meetings.

Mayor Sherry Haeger, So if you look at the first thing, there are four or five different roles that the City Recorder has. Project Management. Sherry has actually four roles, she has a lot going on.

Recorder Sherry Riley, I have a lot more than that going on.

Mayor Sherry Haeger, Yeah, probably more but for this example. Manager, treasurer, recorder and planning. So, this is listed as a project manager in Sherry's roles. It is also listed in the City Billing,

that is also who is responsible. It doesn't say that Sherry supervises them. It says this is a core responsibility.

So, the next one is Program Management.

Manage and coordinate projects and programs to accomplish goals and objectives of the City Council.

That is also part of the Billing Clerk.

So let me tell you where it is not matching.

Implements, prepares, or assists City Attorney with the preparation of legal documents.

My problem is it doesn't say back up, to be learned, that is my problem. The whole problem that I have is semantics. If you look at what a Billing Clerk does versus what a City Recorder does, it is huge.

It is not clear.

Councilor Jason Stone: If the City Council mad a motion for us to move forward with the hiring process,

Mayo Sherry Haeger, with the hiring of the Billing Clerk. I think that is how it read.

Councilor Jason Stone, I am just having trouble where that leaves us in the process.

Mayor Sherry Haeger, We have a lot of people who are overqualified which becomes the issue with the salary. If the Council wants to go with this, I am fine with it.

Councilor Shawn Parker, Well I am still hung up on, it seems like the issue is that it is the same job description is what you are basically saying like Sherry's. Then the reason I can't figure out why it is a problem because I experience that every day.

Mayor Sherry Haeger, Yes because CIS states it is a problem. It leaves us open for liability for risk.

Councilor Shawn Parker, Because you have two people that can do the same...

Mayor Sherry Haeger, They are making different amounts of money.

Councilor Shawn Parker, But it is not the exact same. She works under the direction of the City Recorder. It shows she is ultimately responsible.

Mayor Sherry Haeger, The analysis I did was quite extensive and there are only two things that are different between her job and the job of the Billing Clerk.

Councilor Shawn Parker, Well she is the one in charge. That is a huge difference. I keep going back to what I experience is I work with other general contractors that can do the same thing I can do, but on a particular job they are working under my supervision because it may be my job. I am definitely going to make more money than they are. Even though we have the exact same qualifications.

Mayor Sherry Haeger, I understand that, and it is a problem with CIS. It puts us at risk. It puts us at a liability. You can talk to Pam Bowles at CIS, and she will explain the risk. She did to you too Jason right?

Councilor Jason Stone, We didn't discuss that.

Mayor Sherry Haeger, So anyway.

Councilor Jason Stone, Is there anybody here who disagrees that as a person becomes more adept at doing the job that we should increase pay?

Mayor Sherry Haeger, I don't have a problem with this person starting at a lower pay if we have incremental increases until they get to the right pay. I just had a problem and I still do that we did not follow due procedure. We did not approve a hiring process. The document that was published today was written yesterday. You can see when it was written, well I know how to get into the details.

Recorder Sherry Riley, It was revised a little bit, but this is the list. When you have asked me questions Mayor Sherry including in September, October, November you asked, and I gave you answers off of this list. There were a couple of things I changed on here.

Councilor Jason Stone, I have a question for Sherry Riley.

Recorder Sherry Riley, Yes.

Councilor Jason Stone, So the process that we have used so far where did it come from?

Recorder Sherry Riley, It is what we had in our computer files from when they hired me.

Councilor Jason Stone, So this process is the same process we used to hire you?

Recorder Sherry Riley, Yes.

Mayor Sherry Haeger, It is not.

Recorder Sherry Riley, Yes it is Sherry, it is just revised.

Councilor Shawn Parker asked Public Works Director Dave Johnson, Dave your helper (referring to Eric Stone) situation. I know he doesn't have the certificates. If something happened to you, he could continue until you got well?

Public Works Director Dave Johnson, Yeah. He could keep the City running.

Mayor Sherry Haeger, He is completely different than Dave. He did not start that way.

Public Works Director Dave Johnson, If I took off a week to go hunting, the City would run just fine.

Council, Okay.

Councilor Jason Stone, So my question, how different is the old process and the new process? Are they similar or drastically different?

Recorder Sherry Riley, they are very similar just a couple of changes.

Mayor Sherry Haeger, So I hear it hasn't been approved. I stick with it hasn't been approved and I can prove it hasn't been approved. If it is a little or a lot different, it is still not approved.

Councilor Jason Stone, But we had an old process and if we were going to change that process that would require the City Council to revise the old process. Make a motion and change it to a new process. We haven't done that.

Mayor Sherry Haeger, That is correct.

Councilor Jason Stone, So we are still stuck with the old process.

Mayor Sherry Haeger, That is correct. And that is okay. If you guys want to do that, that is okay. I just do not want to be told it is the same process because it's not. And I will not agree that is the same process.

Councilor Jason Stone, So we have a process and even though it is an old process and revised. It may need to be ...

Mayor Sherry Haeger, No it has been revised slightly and it hasn't been approved.

Councilor Jason Stone, What do you mean differently from the old process?

Mayor Sherry Haeger, So I really know, and I don't really think that this is the time to talk about it. I think that the time to talk about it is if we agree this is okay. Slight change. It is not material enough. Let's move forward. That is a moot point.

Councilor Jason Stone, Yes I think that is where we are all trying to get.

Mayor Sherry Haeger, Sherry can you give us the slight change difference?

Recorder Sherry Riley, I don't have them in front of me right now, but this was very similar though. I only changed a couple of things like the background check on the bottom I added is Accufax. I also put in after discovering the Hiring Committee is to help to review the applications and the Committee Reports to the Council. The Recorder and the Public Works Director run the day-to-day office.

Mayor Sherry Haeger, but see this doesn't have anything to do with the hiring process, this is the problem I have. I understand what you put on the Hiring Process. That is not a hiring process. It is a combination of a procedure, a process and a task list. It is not a process.

Councilor Jason Stone, Okay so we have resumes, applications, interviews, decision making process. So, what is..

Mayor Sherry Haeger, No there is no decision-making process that has been approved by the Council. Now it was implemented by Sherry.

Councilor Jason Stone, I think you are misunderstanding.

Mayor Sherry Haeger, Okay tell me what you mean.

Councilor Jason Stone, What I mean is the decision-making process is where the committee grades and then submits that to the Council to look at.

Mayor Sherry Haeger, Yes, the Committee grades, they look at the numbers. Those numbers do not identify who the forerunner is or the back runner. We use those numbers as a benchmark to have a conversation about each question with the Council in an Executive Session. That is how it has been laid out.

Councilor Jason Stone, So we have application, resume, interview, scoring and deliberation.

Councilor Alan Cadinha, But she said it hasn't been approved by the Council. I've heard this five times now.

Public Works Director Dave Johnson, So does the process have to be approved each time? Or do we adopt the previous...

Mayor Sherry Haeger, We have to adopt a process and it wasn't adopted and unless it is not changed at all like when they hired Sherry. If that process is not reviewed and agreed by the Council we don't have a process. It was not approved by ME. It was not reviewed by me. I was not here when Sherry was hired. I asked for a process more than once and was never provided with one.

Councilor Jason Stone, So some previous Council adopted the process.

Mayor Sherry Haeger, I don't know.

Councilor Jason Stone, So when you were hired you turned in an application, resume, interviewed.

Recorder Sherry Riley, Yes. I interviewed here. Yes with no notes.

Councilor Shawn Parker, I was on the Hiring Committee.

Councilor Jason Stone, And then the Hiring Committee made the recommendation with the Council Review it

Mayor Sherry Haeger, No the Council did not review it. Because it was my first day as Mayor and I was forced to call a vote to hire Sherry.

Councilor Alan Cadinha, Anyway let's back up.

Recorder Sherry Riley, Forced?

Councilor Shawn Parker, You are saying the Council didn't do what?

Mayor Sherry Haeger, My first day in office...

Councilor Shawn Parker, No you said the Council...

Mayor Sherry Haeger, The Council that voted to hire Sherry did not review the scoring. They did not have a discussion about hiring Sherry. Not that that was a bad choice. I mean I am not saying it was a bad choice, but that was not done.

Councilor Jason Stone, I guess what I am trying to figure out is if there are flaws in our hiring process with our current pool of candidates are they so severe that we need to scrap the process?

Mayor Sherry Haeger, I didn't say that. They are probably not so severe that we need to scrap it but I do not want to be personally liable if there is a lawsuit so I will not approve it. However, I will call it to a vote. I will not stand behind it.

Councilor Jason Stone, Was CIS telling you would be personally responsible? So CIS is saying they are not going to touch...

Mayor Sherry Haeger, No. They will. But I could also be sued for \$15,000 and I am not up for that.

Councilor Jason Stone, And sued for \$15,000 why?

Mayor Sherry Haeger, Because I am leading the City and as the Mayor when I signed I am going to be Mayor, that is one of my liabilities. I can be personally liable, and I am not willing to take that liability. That is why I say I don't agree, but I will do what you guys want me to do. And then that relieves me of the liability.

Councilor Jason Stone, I would like to give my personal opinion on the matter...

Mayor Sherry Haeger, Wait should we talk about the pay scale?

Councilor Jason Stone, I'm sorry I thought we were all done and doing deliberations.

Mayor Sherry Haeger, the Council did not approve the Job Description. The second one the Council did not approve the pay scale. Did we approve the pay scale? The first time I saw the pay scale was when it was presented to the Hiring Committee.

Councilor Jason Stone, I think these things were there before. Is the pay scale arbitrary?

Recorder Sherry Riley, It depends on their experience.

Councilor Jason Stone, Was the pay something you and Donna thought of?

Recorder Sherry Riley, No this was what the part time people are paid currently for the City of Cove.

Councilor Jason Stone, So we are going off what we paid the last person.

Recorder Sherry Riley, Yes.

Mayor Sherry Haeger, It wasn't approved by the Council and that is my problem. But that's okay. If you guys are okay with that, I'm okay with that. I made a vow to enforce what the City Council wants to do, and I intend to honor that vow. *The third one is we didn't have an approved process for recruiting.* The reason I say that is on *ORS 192.660 (7)(d)(B) and you can check it. In order to go into an Executive Session to choose an applicant there are two prerequisites. 1. It has to be advertised, which we did. 2. There has to be an approved hiring process.*

Councilor Jason Stone, Your perception is that there was not an approved process. Though we don't know if the old process is not.

Mayor Sherry Haeger, When I asked if it was previously approved and I asked for the quote of it being approved, I was told there isn't.

Councilor Jason Stone, It could be from 20 years ago.

Mayor Sherry Haeger, This is fine, but this is why I am saying that. Okay? I will read it.

ORS 192.660 (7)(d)(B)

(7) The exception granted by subsection (2)(a) of this section does not apply to:

(d)The employment of the chief executive officer, other public officers, employees and staff members of a public body unless:

(B)In the case of a chief executive officer, the governing body has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

Which is happening tonight. But we still don't have adopted hiring standard. We are going to assume the hiring standards are met. And when we have public comment tonight then people have the ability to speak on what we decided to do. Then we are in compliance.

Councilor Shawn Parker, This is a small town and I know how big government gets all muddled up. I don't see why we are doing the same. But that is just my opinion.

Councilor Alan Cadinha, I am good to continue. That is just how I feel. Yeah maybe it's not 100% perfect. Maybe you can find drag it through whatever comb and find fault with it, but it has worked all these years for this town. We have some good candidates for the position. I am good to go.

Councilor Jordan Hackwith, How in a rush are we trying to get a billing person hired?

Councilor Jason Stone, I think that is a good question. Part of that you are talking about a Billing clerk person that is doing 20 hours per week.

Mayor Sherry Haeger, Well, that is what Donna is doing now right? She is acting as the Billing clerk, is that right Sherry? Is she done training you?

Recorder Sherry Riley, Yes. Donna is the City of Cove Advisor and will continue to be.

Mayor Sherry Haeger, This could be for a later discussion, but I thought, and I could be completely wrong, I thought Donna was done in July. Maybe I am wrong about that. When I have spoken to another Council member, who is not here, they agreed that thought she was done in July. They asked me, why is she still there? So here is just one other little caveat, you guys can take it or leave it, if we hire somebody they will basically have the same job description as the City Recorder given two different things that they wouldn't have responsibilities for. So, we will have three people with City Recorder responsibility. It is just interesting to me.

Councilor Jason Stone, So here is my concern, I don't know how long Donna is sticking around. Do we have any idea?

Recorder Sherry Riley, She is going to give her notice as soon as we make a decision as soon as we hire someone. She will help out where needed and volunteer some because Donna has passion for the City of Cove and the people in it.

Councilor Jason Stone, So she is offering to volunteer? That would be great. So, my concern is if we put off the process and start it all over again, then we are back another month.

Mayor Sherry Haeger, Yeah that would stink.

Councilor Jason Stone, If something happens to Donna or Donna says she has changed her mind, then you have got Sherry who is expected to do 60 hours' worth of labor in a 40-hour work week.

Mayor Sherry Haeger, Sure. I hate that but that is not good.

Councilor Jason Stone, We don't want to have to start all over again.

Mayor Sherry Haeger, Just so you guys know, I am doing this for legal reasons. I do not want to be liable personally. As far as dragging it on, I really don't want to. So, I have to state, I am not going to make the decision. I am not going to try to persuade the Council in any way. You guys vote how you want. I will support you with joy and smiles on my face.

Councilor Jason Stone, I would like to continue with the process. I know the old process may not be perfect. I can't imagine the hiring process didn't come into being with at least oversight of the City Council. So, it is an old process and what we need is a new process, but it doesn't mean we can't use the old process. As long as this process is the same process in terms of application, resume, verbal interviews scoring and then the Council making a final decision so that it matches.

Mayor Sherry Haeger, I think the only difference is gonna be an Executive Session, because they do that before when they hired Sherry. But I do think we have to do that.

Councilor Shawn Parker, We did do an Executive Session when we hired Sherry.

Mayor Sherry Haeger, Before I was the Mayor.

Councilor Jason Stone, In the Executive Session we can talk about pay scale...

Mayor Sherry Haeger, We cannot talk about the pay scale.

Councilor Jason Stone, About increasing...

Mayor Sherry Haeger, Any money has to be in a public forum. Which may have to happen before we go into an Executive Session. I will have to think about that. Cause we could do a before to talk about money, Executive Session and then following hiring the person. We have to do that in public too.

Councilor Jason Stone, Okay.

Mayor Sherry Haeger, So are you guys ready to call a vote.

Councilor Alan Cadinha, No. They are getting ready to say what they have to say.

Councilor Jordan Hackwith, It's okay. I am in agreement with you based on your chain of logic with the procedure we have followed before. We can change it and approve it later.

Councilor Shawn Parker, That is definitely how the process went before. The applications, the interviews, grading, we went into an Executive Session to talk about each person we interviewed. We brought forward no names, but Applicant 1.

Mayor Sherry Haeger, At the Executive Session we can talk about names.

Councilor Shawn Parker, Oh yeah. But after the Executive Session, when we presented to the rest of the Council, Applicant 1 is by far. We liked 2 for this reason. 3 for this reason. We never said names. That was why we went into an Executive Session, so we could do all of that. I know for sure we went into an Executive Session to do that.

Council Vote

Councilor Jason Stone motioned to move forward with the hiring process. Councilor Shawn Parker 2nd the motion. Unanimous vote.

The Council thanked Mayor Sherry Haeger for putting together a Comparison Chart to show and explain to the Council the differences she considered were similar between the Recorder and the Billing Clerk Job Descriptions.

The Council deliberated regarding the information the Mayor had shared, they did not think the Job Descriptions were the same.

Mayor Sherry Haeger, There is the next step that needs to happen which is going to be the Executive Session, but I will call a public meeting so we can have public comment before. Then we will have the Executive Session, then public comment following. I will do more research about pay scale.

Good or the Order The Mayor did not mention.

Public Comment

Maxine Parker, It all just seems very confusing to me. I can't get it straight and if one of the concerns is that people will be overqualified, that is their decision. They know when they look at the job description if they are overqualified and they choose to go forward, I don't understand why it matters to us.

Mayor Sherry Haeger, I can answer that. I agree with you. That is their decision. If they in the future become disgruntled and they are overqualified for pay they have an ability to sue the City.

Maxine Parker, That does not make any sense.

Mayor Sherry Haeger, Sorry but that is what CIS says.

Maxine Parker, If I take a job knowing what the description and pay is, how can I come back later and go and say, You guys didn't do me right, when I knew everything up front.

Mayor Sherry Haeger, I know but that is how municipal works. So that is why.

Dan Landa, First and foremost you never act out of fear. There could be a million opportunities out there for anything.

Mayor Sherry Haeger, is that directed towards me personally?

Dan Landa, No. Potentially in the future somebody can sue you for anything. You never make a decision out of fear. I sit on a lot of boards. I am the President of a board. I guarantee you someplace in the ORS, somewhere in the State you have to have a set of bylaws to run the City. I don't care if they are 100 years old. They are somewhere on the books somewhere. So, the process is what it is. Yes sometimes the processes have to be reevaluated and so on and so forth. You keep saying there are 2 things that are different. I am telling you there are 3. The biggest problem nobody wants to address, there is never whether Jason and I hold the same responsibility. If I am part time, there is no way that I am going to get paid what he gets paid as a full-time employee. Plain and simple. Everybody knows when they accept a part time position regardless of the duties or the responsibilities, it is a part time position. Therefore, it comes with part time responsibility and part time pay. End of story. It is what it is. It has been that way for eons.

Mayor Sherry Haeger, That is not the way it is with CIS.

Dan Landa, Well again fear is what happens if somebody goes to CIS in the future so and so. For 2008 the economy collapsed. Here I watched doctors that were physicists working at Hanford that were willing to flip hamburgers to have a job.

Mayor Sherry Haeger, Hey Dan can I ask you to not raise your voice?

Dan Landa, I am not raising my voice. I am simply speaking so that you can understand the frustration involved from the politics of it all and how it all works from a constituent who pays pretty good taxes in this City, and I expect every one of these guys who sits on the board to have my best interests as well as the City's best interest at heart. We elect you for a reason because we trust you with the information we have at hand. Fear is I may have elected Jason and oh my gosh. You have made a decision I don't agree with. Well guess what I have to live with that decision

because by and large I agree with everybody that sits on this Council. Everybody on this Council simply wants to move forward in the best manner possible. You can't think that everything from A to Z and back again because there are always potential things out there. I am grateful that you guys have hiring pool. My wife runs a very strategic business in town and if she gets two applicants she is elated. Also, there are job descriptions that require degrees and people still apply for those jobs.

Councilor Jason Stone, Some of our stuff desperately needs to be updated and we have sections in our Charter that are in complete conflict.

Dan Landa, That is a process you will have to address in the future because the old process was according to law at that day.

Councilor Jason Stone, Exactly.

Dan Landa, It has to be revamped at some point but as of right now as long as the people understand that this is the process we are using. This is the job at hand, and it is part time, when you look at it from the bigger picture, yes you can always potentially be sued somewhere along the line. You can have the process rewritten a thousand times and somebody can pinpoint something that is discriminatory in some way, shape or form. I simply want the best candidate for the job. End or story.

I think Sherry does an amazing job.

Recorder Sherry Riley, Thank you.

Dan Landa, Donna did a phenomenal job and if Donna wants to sit here volunteering some time, that knowledge cannot be paid for. The knowledge she has sitting here and doing this job over and it has evolved many times. As well as the job description you have, it will evolve. It has to evolve. Everything evolves. As new ORS's come out, that job description will have to evolve. So, when you list the job description that is this big and it looks really similar to hers, I okay with that.

Mayor Sherry Haeger, That is 3 minutes. Thank you.

Councilor Alan Cadinha, Thanks Dan.

Recorder Sherry Riley, Thank you Dan.

Councilor Jason Stone, Is there anyone online?

Mayor Sherry Haeger, Is there anyone online who has questions or comments?

Public Comments – None.

Mayor Sherry Haeger, Is there anyone opposed to me adjourning the meeting?

Councilor Alan Cadinha, Do we have any idea when the next meeting is?

Mayor Sherry Haeger, Thank you. We need to call an Executive Session when can we have a quorum?

The Council agreed to meet Tuesday, December 16th at 7 p.m. for an Executive Session.

Mayor Sherry Haeger, That gives us time to advertise. That gives me time. I might call you guys individually and get your opinion about things, like how should we do this Executive Session. However, you can't talk to each other otherwise we are in violation of meeting law, but we can talk to each other individually. Also, it was brought to my attention today that we cannot, and I send emails out to the Council as a group, or we are in violation of Meeting Law. I can show you the email from Pam Bowles CIS and from League of Oregon Cities that saying that we can't do that.

Recorder Sherry Riley, Can you forward that to me?

Councilor Jason Stone, She just wanted to know if you can forward her the email.

Mayor Sherry Haeger, Oh if I can find it. I don't know if I have it anymore, but I will find it.

Recorder Sherry Riley, Thank you.

Mayor Sherry Haeger, Because there might be other personal things in it, I will ask Pam Bowles to send me a specific email about that.

Counselor Jason Stone, I can certainly you couldn't be discussing Council business in a group email. For instance, we are having a meeting on a certain day, Sherry can send email like that.
Mayor Sherry Haeger, She said no because I forwarded her the invite for today and she called me on it.

Councilor Shawn Parker, I have a question. You are emailing Pam at CIS?

Mayor Sherry Haeger, I will email her and then she will call me, and we will discuss.

Councilor Shawn Parker, No I mean you already have been right?

Mayor Sherry Haeger, Yes.

Recorder Sherry Riley, I have also been emailing Pam.

Councilor Shawn Parker, Have you been doing it through the Mayor City email?

Mayor Sherry Haeger, Sometimes if it is not personal about me. If it is the City information, yes.

Councilor Shawn Parker, Because you made a comment, If I still have that. You can't be deleting emails.

Mayor Sherry Haeger, I don't delete any emails.

Councilor Shawn Parker, Well you just made a comment, If I still have that email.

Mayor Sherry Haeger, I may not have a personal email she sent me personally. I don't know if she sent to me personally about my own actions or if she sent it to the City. If I discuss City information with her, those are not deleted. That is also not a confidential email. So, if it's got me personally in my personal liability, I will not put it in the City email because it is not a confidential email.

Councilor Shawn Parker, Right. If it is personal stuff, my question was – If it emails to Pam at CIS regarding City Council, Mayor that needs to be not deleted for one but also...

Mayor Sherry Haeger, Yes because it is a City email.

Councilor Shawn Parker, We all can see that.

Mayor Sherry Haeger, Yes, because it is part of the record. Yes absolutely. But if it is a City email where she is scolding me about my own personal activity, I am not going to save that for the City to read.

Councilor Shawn Parker, Wait a minute. You are sounding like Hillary now. If it is on the City email, you can't delete that.

Mayor Sherry Haeger, No. I'm not. If I send her an email from my personal email address asking her about my personal liability, I am not going to send that.

Councilor Shawn Parker, No. I totally understand that. I am asking about all the stuff that was done on the City.

Mayor Sherry Haeger, And anybody can request the City email. This meeting is...

Councilor Shawn Parker, When you said, "If I still have it" you caught me off guard. I thought, wait a minute you are not deleting email I didn't know you were talking about personal.

Mayor Sherry Haeger, I am talking about my personal email.

Councilor Shawn Parker, Okay. Well, I would like to see all the email between you and Pam that are not your personal email.

Mayor Sherry Haeger, Okay.

Recorder Sherry Riley, I would also if you would forward those to me.

Mayor Sherry Haeger, You guys are really going to do this to me?

Councilor Shawn Parker, Yeah. Because you made a comment about deleting them.

Mayor Sherry Haeger, Okay. Dave you can get into my email right?

Public Works Director Dave Johnson, I can't. All email are backed to an email server. You have to get a Records Request. We can then...

Mayor Sherry Haeger, That is a real... Okay I will do it, but it feels to me like a vote of no confidence.

I'll send it to you.

Recorder Sherry Riley, Well I was asking Pam Bowles at CIS questions and everything.

Mayor Sherry Haeger, She did not send me any of your email.

Recorder Sherry Riley, No. I know that. But I don't know that because you had made the comment when I said that I had been in contact with Pam Bowles of CIS, and you said you knew. You were talking to her as she was receiving my email.

Mayor Sherry Haeger, I was on the phone with her.

Recorder Sherry Riley, Yes.

Mayor Sherry Haeger, And she said, Sherry is asking me the same question.

Recorder Sherry Riley, Yes. So, I also asked and then Pam said she would not speak to me. CIS is who I go to if I am having any questions at all. But now she was telling me that she will not speak to me and tell me this information that I have to ask the Mayor.

Mayor Sherry Haeger, That is CIS rules.

Councilor Shawn Parker, So was the emails that Pam sent you on the City email?

Mayor Sherry Haeger, Yes and everything that I told you tonight came in those emails.

Councilor Shawn Parker, Okay and she asked to see those, and you wouldn't ...

Mayor Sherry Haeger, No, no, no. She asked for me to send... okay

Recorder Sherry Riley, What Pam sent you yes.

Mayor Sherry Haeger, Pam sent me emails that were City business, and I was asking her questions about rules. City rules. She then called me. There is no email with her answers. While I am talking to her, she says, "Yes, I am getting the same questions from Sherry Riley that this is making me do double duty and you are the Mayor, and you are the leader. I am going to send her to you. That is what she said on the phone. Because she is asking the same question. She was asking the same questions I was asking. It's a conversation, it is not an email. Her answers.

Councilor Shawn Parker, Okay. So then did you give those answers to Sherry?

Mayor Sherry Haeger, I asked Sherry, I didn't know what she was asking.

Recorder Sherry Riley, I don't understand why you couldn't forward me the answers if you were told they were the same questions I was asking.

Mayor Sherry Haeger, She said you were asking some of the same questions. I do not know what the questions were that you were asking them. And I requested you to tell me which questions would you like to be answered and I will answer them. And you said, No.

Recorder Sherry Riley, You already had them.

Councilor Jason Stone, So am I under the impression that is what is happening is that you (Sherry Riley) used to talk to her, now she doesn't want to do double duty because she is talking to you (Sherry Haeger).

Mayor Sherry Haeger, Yes because I am the Mayor.

Recorder Sherry Riley, Why couldn't...

Councilor Jason Stone, So if she can't talk to Pam, then she ...

Mayor Sherry Haeger, I didn't say she can't talk to her. That is not up to me.

Recorder Sherry Riley, She wouldn't answer my questions. She said she would only respond to you.

Councilor Jason Stone, No no I am just trying to figure out how she is supposed to get information from CIS she is going to have to through...

Mayor Sherry Haeger, She has... well for now... I mean, I'm done with the whole process now.

Councilor Jason Stone, Okay.

Mayor Sherry Haeger, This was how to figure out how to this meeting.

Councilor Jason Stone, If that is the way CIS wants to operate, you can always just shoot them email to you and say, Hey can you ask CIS about XYZ.

Mayor Sherry Haeger, And that is what I asked Sherry to do.

Recorder Sherry Riley, I should be able to go direct to CIS.

Mayor Sherry Haeger, It is not up to me.

Recorder Sherry Riley, Because CIS is my advocate.

Councilor Shawn Parker, I think that is kind of the point. It's not up to you. Pam told you, you could just give those answers to her...

Mayor Sherry Haeger, No what Pam said was ask Sherry what it is she needs to know, and she'll tell you what she needs to know.

Councilor Shawn Parker, So ...

Mayor Sherry Haeger, I don't know what Sherry asked Pam.

Councilor Jason Stone, So the issue is that you guys were both asking her the same subjects about the hiring process, but now that is done she should be able to go to CIS if she has questions.

Mayor Sherry Haeger, Sure. I'm not going to bug Pam anymore. I'm tired of her.

Councilor Jason Stone, I am just trying to... It just seems like a pain to involve you in that loop and that is going to take time out of your...

Mayor Sherry Haeger, Exactly and I don't want to be involved in it. This was last week when I was trying to figure out how to do this meeting. I still don't know Sherry what you need to know that you didn't get an answer about. I still don't know. So, you could send me an email and ask me the questions and I will respond.

Councilor Alan Cadinha, Okay. Cool.

Mayor Sherry Haeger, No. It's not okay. It's not over.

Councilor Alan Cadinha, Well I thought it was over.

Mayor Sherry Haeger, Well Sherry hasn't confirmed that she is going to send me the email. She seems like ... you don't seem to know that's what you need to do.

Recorder Sherry Riley, I don't know. The questions have already been answered.

Mayor Sherry Haeger, Okay so the way you find out is you ask me the questions and I can say, I don't know please go to Pam or I can say this is what I know.

Councilor Jason Stone, If you have questions for now just email her and at some point in time you can go straight to CIS when you have questions.

Recorder Sherry Riley, k.

Mayor Sherry Haeger, In the meantime, Shawn you are the one who wants to see all the emails I sent?

Councilor Shawn Parker, Yeah.

Mayor Sherry Haeger, There aren't a lot. But I will find them, and I will send them to you.

Councilor Jason Stone, Anything else?

Councilor Alan Cadinha, I don't want to interrupt you on the phone.

Mayor Sherry Haeger, Oh I am looking for the emails that I sent to ...

Councilor Alan Cadinha, Can you give the highlights of this next meeting how we are going to proceed?

Mayor Sherry Haeger, No because we haven't decided yet.

Councilor Alan Cadinha, You said...

Councilor Jason Stone, It will be an open public session ...

Mayor Sherry Haeger, Okay so this is what we have to do. We have to have a public session to talk about compensation. We can't talk about that at an Executive Session, that is private. The Executive Session is discussing the candidates only. We can't discuss anything else in that meeting. If somebody brings up compensation, we cannot discuss it in the Executive Session.

Councilor Alan Cadinha, Okay and when does the Executive Session after the public session, when does that happen?

Mayor Sherry Haeger, Directly then.

Councilor Alan Cadinha, Okay

Mayor Sherry Haeger, We could actually do the Executive Session first. Discuss who we want to hire.

Councilor Alan Cadinha, That is not usual ...

Mayor Sherry Haeger, There is nothing usual. I do not have to call a Special Meeting first.

Councilor Alan Cadinha, Well we haven't done it that way. Usually, we call a public meeting we have a certain amount of time. Then we go into Executive Session.

Mayor Sherry Haeger, This is how I want to do it.

Councilor Alan Cadinha, Go for it.

Mayor Sherry Haeger, I want to have an Executive Session where we discuss the candidates.

Councilor Alan Cadinha, Okay. That is in the beginning?

Mayor Sherry Haeger, That is the beginning. Following that meeting we will have a public session where we then take public comment. We can answer their questions as appropriate. Then I'll call a vote for who you guys want to hire. That is how it will go.

Councilor Alan Cadinha, That is the only question I wanted to ask.

Recorder Sherry Riley, That is what I tried to schedule with this meeting because I was told that you do open with a Special Meeting, then it goes into an Executive Session where the public leaves and only the committee is here that is discussing just like they did with Dave. And then ...

Mayor Sherry Haeger, I will forward you the email where either Patty Mulvihill or Pam Bowles sends me the note that says that I do not have to have a Special Meeting along with an Executive Session. It can be held along.

Recorder Sherry Riley, Okay.

Councilor Jason Stone, we could do a day with an Executive Session and then another day with ...

Mayor Sherry Haeger, We could but I would rather not if we don't have to. I'd rather just do like Executive Session and say it is going to take an hour and a half. Then we'll have the public meeting so that people don't just come here and hang out and come back. That makes it easier for them or we divide it into two meetings. Next Tuesday, November 16th at 7 p.m.

Recorder Sherry Riley, So it is an Executive Session with a Special Meeting.

Mayor Sherry Haeger, A Special Meeting following.

Councilor Alan Cadinha, Okay.

Mayor Sherry Haeger, So Shawn when I send these to you they are pretty much one sided because when I send an email to them, they call me, and I don't have notes of the conversation.

Adjournment

Mayor Sherry Haeger Adjourned the meeting.



Mayor Sherry Haeger



Recorder Sherry Riley