

**CITIZEN TESTIMONY
SUBMITTED FOR
APRIL 10, 2024
CITY COUNCIL MEETING**

From: Veronica Strong <[REDACTED]>
Sent: Thursday, April 4, 2024 11:14 AM
To: Melissa Thompson
Cc: JaLene Taylor
Subject: 933 S Grayling - Pending Abatement

Melissa,

My brother said he is working on cleaning up the property (933 S Island St). I have asked that he send me pictures. So far, none have been received.

I believe it was complaints by the Duckworth neighbors that alerted you to this situation. I have recently received a chat from Becki Duckworth thanking me. She stated my brother was actively working on cleaning things up.

In case this does go before the council for review, I would like to add some information for consideration.

I am the Personal Representative for the Estate of Richard L Seward. My Father, who was the owner of the 933 S Island St property passed away in October 2023.

My brother, Richard S Seward has been living at the Island St address for many years. His property has always been a bit unsightly. It does seem to have gotten worse since our Father passed away.

I have spoken with the probate lawyer about this. On his advice, I have sent an additional letter (regular & certified mail) to 933 S Island. It basically says the same thing as the letters sent by The City of Rockaway.

It is my hope that any fines or abatement be delayed for just a short time. Possibly 90 days. I believe probate will be finalized within the next 30 to 90 days. The Island St property will be inherited by my brother. I'm hoping any fines or abatement fees can be charged directly to the offender. The soon to be new owner of 933 S Island St (Richard S Seward). Rather than being charged to the estate (essentially, a burden to his sister and I).

Are you able to present this to the council for consideration?

Thank you,
Veronica Strong, PR

[REDACTED]
[REDACTED]
[REDACTED]

Portland, OR [REDACTED]

Rally to Protect Drinking Water and Foster Community Engagement

Thursday, April 25 at 6:30 pm

St. Mary-by-the-Sea Parish Hall

275 S. Pacific St.

Rockaway Beach, Oregon

This will be a grassroots meeting, open to all, who believe we have a right to abundant safe and clean drinking water. **If you drink the water in Rockaway Beach that comes from Jetty Creek, you should attend this meeting. If you are interested in citizen involvement regarding the future of the Jetty Creek Watershed and other coastal drinking water sheds, you should attend.** At the Oregon Coast, many watersheds that provide drinking water to towns, large and small, have been damaged by clearcutting followed by pesticide spraying. Because of industrial forestry practices and climate change, there are now summer water shortages along the Oregon Coast.

Please join us on April 25 (and on the last Thursday of each month) at St. Mary-by-the-Sea to learn about and discuss these important issues.

This will be an "in-person" meeting that will also be on Zoom for those unable to attend.

NCCWP invites respectful discussion through a sharing of ideas.

Questions? Email rockawaycitizen.water@

As a matter of necessity and regardless of land ownership, ***NCCWP demands no more logging and no more pesticide spraying within our drinking watersheds.*** Safe drinking water and clean air are part of the public trust that we all are entitled to have. Please help North Coast Communities for Watershed Protection safeguard and restore our drinking watersheds.

2nd Annual Summer Picnic



COME CELEBRATE WITH THE PERSONS AND FAMILIES LIVING WITH ID/DD IN OUR COMMUNITY

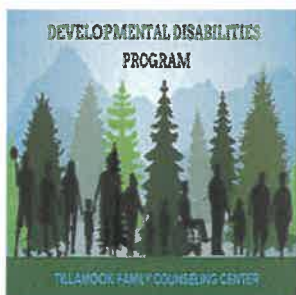
**Thursday, June 27th, 2024
11am-3pm
Phyllis Baker City Park
Rockaway Beach**



Hamburgers and Hot Dogs Provided!

Join us for Karaoke, Basketball, Face painting, Raffle Prizes, Photo Booth & more!

Bring Chairs & Blankets



For safety reasons, any food brought by guests can not be shared

From: Daniel Howlett <[REDACTED]>
Sent: Monday, April 1, 2024 5:01 AM
To: Melissa Thompson
Subject: Re: 2020 and 2022 City Manager Hiring Process Was Illegal
Attachments: june_10_cc-minutes.pdf; Nov 2022 council meeting.pdf

Hi Melissa,

I want to make a correction to my public testimony. The city violated Oregon Revised Statutes (ORS) 408.225, 408.230, and 408.235 in June of 2020 and again in November 2022, not December 2022. Also, please include the attached council meeting notes from the corresponding meetings.

On Mon, Apr 1, 2024 at 12:37 PM Daniel Howlett <[REDACTED]> wrote:
Hi Melissa,

Please add this email as well as the 2 attached documents to the April council meeting citizen testimony:

After doing some more research into the hiring process for a city manager position, it is clear that the city violated Oregon Revised Statutes (ORS) 408.225, 408.230, and 408.235 - twice. The first time was in June of 2020 and again in December 2022.

These laws say that public employers are required to provide qualifying veterans and disabled veterans with preference in employment. Discrimination against veterans by failing to conduct a candidate search is a violation of Oregon law.

I made a public records request, attached, which shows that the city did not have an exemption and Mr Shepard did not declare a conflict of interest, which is unethical.

The League of Oregon City Hiring an Administrator guide is clear, "First and foremost, local government officials must avoid acting impulsively and succumbing to the temptation to hurriedly appoint an administrator as a quick fix." The city manager is not an appointed position, but requires a methodical hiring process.

I recommend that you contact the city attorney and seek out legal advice. Below is a summary of the correct process to follow, as described by the League of Oregon Cities. I've also attached the complete hiring guide that should have been followed. I expect that the city will do the right thing for the community and open up the city manager position and recruit qualified candidates as required by Oregon law. If Mr Shepard is ultimately selected, it is because he proves to be the best of the applicants.

Cheers,

Daniel

A GUIDE TO RECRUITING A CITY ADMINISTRATOR

For the sake of your community, it is critical that a thorough, well-defined process be used to select the best candidate possible.

Hiring an administrator is making an investment in your community. Approach the task methodically, one step at a time. The time you spend now is likely to be reflected in the quality of the administrator you eventually hire. Like anything else, you can reduce the risk of making a poor decision by doing a thorough job. Some councils have found that the process of recruiting a new administrator provides a unique opportunity to review and revise council goals. It can even make the council a stronger, closer team than before.

Since cities generally don't have a lot of experience in the recruitment process, they can be uncertain about how best to proceed. This guide can help your council review recruitment technique alternatives, understand each of the required steps, devise a recruitment plan that meets your community's needs, recruit an administrator and execute an employment agreement.

To ensure compliance with federal, state, and any applicable local laws, city officials conducting a city manager or administrator recruitment are advised to seek the advice of their city attorney.

Recruitment Techniques

There are two basic alternatives available to a city that is seeking an administrator:

1. Hire a private recruiting firm to do all or some of the following:
 - a. Search for appropriate candidates
 - b. Screen the candidates based upon city requirements
 - c. Set up interview schedules and assist the council with interviews and selection;

Or

2. Perform all the steps in-house.

First and foremost, local government officials must avoid acting impulsively and succumbing to the temptation to hurriedly appoint an administrator as a quick fix.

Regardless of who is appointed, it should be clear to all local government officials and staff that the interim administrator is in charge. **It should also be clear that this person does not have an inside track to the new position. If the interim administrator is ultimately selected, it is because that person proves to be the best of the applicants.** Some cities choose to appoint interims who agree not to be a candidate for the permanent job.

The recruitment process should be conducted pursuant to a realistic timeline that provides sufficient opportunity to develop a profile, attract and screen candidates and come to a timely conclusion.

The following explains the steps in a selection process.

Step 1. Define Position and Develop Profile

Step 2. Prepare Advertisement and Review Salary Range

Step 3: Decide Where to Advertise

Step 4. Send Acknowledgment Letters

Step 5. Screen the Applicants

Step 6. Application of Veterans Preference and other Employment Laws

Public employers are required to provide qualifying veterans and disabled veterans with preference in employment in accordance with Oregon Revised Statutes (ORS) 408.225, 408.230, and 408.235.

Step 7. Background Checks

Step 8. Interviews

Step 9. Deliberations, Selection, and Negotiation

Step 10. The New Administrator Arrives



City of Rockaway Beach City Council Meeting Minutes

Date: Wednesday, June 10, 2020

Time: 6:00 P.M.

Location: Rockaway Beach City Hall, 276 HWY 101 -Civic Facility:

***** SOCIAL DISTANCING REQUIRED, MASKS RECOMMENDED, AND NO MORE THAN 25 PEOPLE IN THE ROOM AT A TIME*****

CALL TO ORDER – Sue Wilson, Mayor

ROLL CALL

[Mayor - Sue Wilson: Present](#)

[Position #1 - Nathan Beeman: Present](#)

[Position #2 - Tom Martine: Present](#)

[Position #3 - Kristine Hayes: Present](#)

[Position #4 - Terry Walhood: Present](#)

[Position #5 - Penelope Cheek: Present*](#)

* Via Phone

CONSENT AGENDA

Walhood made a motion, seconded by Beeman, to approve the May 13, 2020 minutes and check register; motion carried.

[Position #4 - Terry Walhood: Motion](#)

[Position #1 - Nathan Beeman: 2nd](#)

[Position #1 - Nathan Beeman: Approve](#)

[Position #2 - Tom Martine: Approve](#)

[Position #3 - Kristine Hayes: Approve](#)

[Position #4 - Terry Walhood: Approve](#)

[Position #5 - Penelope Cheek: Approve](#)

CITIZEN INPUT ON NON-AGENDA ITEMS

Zandra Umholtz, 601 N 3rd Rockaway Beach, OR., stated she was reiterating from the last Council Meeting regarding the 4th of July block party.

Jeffrey Schubert, 400 N Ocean St. Rockaway Beach, represented Rockaway Beach CERT and asked for upcoming support.

PRESENTATIONS, GUESTS & ANNOUNCEMENTS

STAFF REPORTS

Todd Hesse, Fire Chief, said the COVID-19 Pandemic was still impacting the department. He said the crews continue to follow the guidelines as set forth from the County and the Oregon Health Authority. He stated the department had received 2 applications for membership during the month of May and was working on a campaign to recruit a few more members to volunteer. He said the Tillamook County Fire Defense Board Chiefs were currently researching a phone application called Pulse Point. He mentioned this application is downloaded to a citizen's phone and it alerts those nearby when there is a Cardiac Arrest emergency. He said the department had received a donation of an Auto Pulse from Tillamook Adventist

Hospital. He mentioned he reached out to the State Parks and neighbor departments to develop and implement a public education program to reduce the number of fires and water rescues along our beachfronts. He said he receive a shipment of public education supplies from the State Fire Marshalls office, the supplies include materials for home escape plans, smoke detector safety, wildland fire safety and campfire safety. He stated these materials would be carried by the crews and handed out as the opportunity arises. He stated overall, his mission and goals remain the same. He would continue to take care of the immediate safety of his crew and public needs as his highest priorities, he would keep the Council informed and updated on the status of the Department. He said he welcomed the opportunity to serve the Rockaway Beach community and be responsive to the desires set forth by Council and the Citizens we have given him the privilege to protect. Charlie Stewart, Chief of Police, said through the month of May the Police Department continued to work on projects to better prepared for the upcoming summer rush. He mentioned they had seen an increase in population as some of the COVID-19 restrictions had been lifted and the weather had improved. He stated the third and final heat pump had been replaced on the operations section of the Police Department, this would provide improved heat control for the officers and equipment as the previous unit failed after 5 years. He said just a reminder for those that have not found them on Facebook, that this was a great resource to get Police Department information regarding upcoming events and issues impacting the City. He mentioned even though all structured events for July 4th had been canceled this year they are still expecting a large influx of people to our community, he had been working with City Manager, Luke Shepard, and Fire Chief, Todd Hesse, to develop a plan for the 3-day weekend and the increase in call loads. He said they were honored to be able to continue to serve the community during these trying times. Luke Shepard, ProTem City Manager and Public Works Director mentioned that the bags were ready at City Hall. He mentioned in the past it had been first come first serve, but this year going forward there would be a limit to insure equal distribution among all businesses within the City limits. He stated his appreciation to have Todd Hesse, the new Fire Chief onboard and welcomed him with his full support. He said the 4th of July would be different this year with all the cancellation of events, he mentioned the Wayside would still be open with available porta potties. He stated he had meet with Hudson Insurance and there was no need to renew the workers compensate resolution as there were no additions this year. He mentioned the Hwy 101 Waterline Project Phase III was completed and came in under budget by \$45,000.00. He said there would be postings on the City's Facebook page of updated photos of the Boardwalk.

OLD BUSINESS

CONTINUED DISCUSSION ON EXPIRATION OF THE INTERNATIONAL POLICE MUSEUM LEASE OF CITY PROPERTY

Wilson read the following: The current lease between the City and the International police Museum (IPM) expires on June 20, 2020. IPM wishes to extend the lease for another three years, at the current rate and conditions. IPM currently pays \$327.82 with a 3% annual cost of living adjustment clause.

Councilor Walhood, Hayes, Martine, Cheek, Beeman, and Mayor Wilson provided input on the topic.

Barry Mammano, 630 N Pacific Rockaway, OR. stated his thoughts on the topic.

Cheek made a motion, seconded by Hayes, to re-present a 1-year lease to the Police Museum at \$500.00 a month; motion carried.

[Position #5 - Penelope Cheek: Motion](#)

[Position #3 - Kristine Hayes: 2nd](#)

[Position #1 - Nathan Beeman: Approve](#)

[Position #2 - Tom Martine: Disapprove](#)

[Position #3 - Kristine Hayes: Approve](#)

[Position #4 - Terry Walhood: Disapprove](#)

[Position #5 - Penelope Cheek: Approve](#)

2ND READING OF ORDINANCE NO. 19-435 CREATION OF PUBLIC FACILITY ZONE

Wilson stated the following: This ordinance would allow the City to create a Public Facility Zone. A first reading of Ordinance No. 19-435 took place on October 9, 2019.

Shepard provided a brief statement recapping the creation of the Public Facility Zone Ordinance No. 19-435.

Counselors Martine, and Walhood stated their thoughts on this Ordinance.

Hayes made a motion, seconded by Cheek, to adopt Ordinance No. 19-435; motion carried.

[Position #3 - Kristine Hayes: Motion](#)
[Position #5 - Penelope Cheek: 2nd](#)
[Position #1 - Nathan Beeman: Approve](#)
[Position #2 - Tom Martine: Approve](#)
[Position #3 - Kristine Hayes: Approve](#)
[Position #4 - Terry Walhood: Approve](#)
[Position #5 - Penelope Cheek: Approve](#)

ADOPT ORDINANCE NO. 19-435 CREATION OF PUBLIC FACILITY ZONE

Wilson read the following: With the second reading of Ordinance No 19-435 complete, the Council may now adopt the Ordinance. A Public hearing on Ordinance 19-435 was held on October 9, 2019.

Beeman made a motion, seconded by Martine, to adopt Ordinance No. 19-435; motion carried.

[Position #1 - Nathan Beeman: Motion](#)
[Position #2 - Tom Martine: 2nd](#)
[Position #1 - Nathan Beeman: Approve](#)
[Position #2 - Tom Martine: Approve](#)
[Position #3 - Kristine Hayes: Approve](#)
[Position #4 - Terry Walhood: Approve](#)
[Position #5 - Penelope Cheek: Approve](#)

PUBLIC HEARING ON PROPOSED USES OF STATE REVENUE SHARING FUNDS FOR FISCAL YEAR 2020-2021

Wilson stated the following: This Public Hearing allows Citizen input regarding the Proposed Fiscal Year 2020-2021 Budget. Additional testimony also may be taken from those who did not already testify regarding possible uses of State Revenue Sharing Funds.

Wilson opened the Public Hearing at 7:06 p.m. Public Hearing closed at 7:07 p.m. No citizen asked to give input.

APPROVAL OF RESOLUTION 20-688 DECLARING CITY'S ELECTION TO RECEIVE STATE REVENUE

Wilson read the following: State Revenue Sharing Law requires cities to annually pass a resolution requesting state revenue sharing money. Approval of Resolution 20-688 would satisfy the State's requirement and allow the City to receive Revenue Sharing Funds in the 2020-2021 Fiscal Year.

Beeman made a motion, seconded by Walhood, to approve resolution 20-688 declaring City's election to receive state revenue; motion carried.

[Position #1 - Nathan Beeman: Motion](#)
[Position #4 - Terry Walhood: 2nd](#)
[Position #1 - Nathan Beeman: Approve](#)
[Position #2 - Tom Martine: Approve](#)
[Position #3 - Kristine Hayes: Approve](#)
[Position #4 - Terry Walhood: Approve](#)
[Position #5 - Penelope Cheek: Approve](#)

PUBLIC HEARING ON BUDGET FOR FISCAL YEAR 2020-2021 **FINAL BUDGET DISCUSSION**

Wilson stated the following: the purpose of this Public Hearing is to receive citizen's testimony on the budget approved by the Budget Committee.

Wilson opened the Public Hearing at 7:09 pm. Public Hearing closed at 7:09 pm. No citizen asked to give input.

APPROVAL OF RESOLUTION 20-689, ADOPTING THE CITY BUDGET FOR FISCAL YEAR 2020-2021

Beeman made a motion, seconded by Walhood, to approve resolution 20-689 adopting the City budget for fiscal year 2020-2021; motion carried.

[Position #1 - Nathan Beeman: Motion](#)
[Position #4 - Terry Walhood: 2nd](#)
[Position #1 - Nathan Beeman: Approve](#)
[Position #2 - Tom Martine: Approve](#)
[Position #3 - Kristine Hayes: Disapprove](#)
[Position #4 - Terry Walhood: Approve](#)
[Position #5 - Penelope Cheek: Approve](#)

NEW BUSINESS

APPROVAL OF RESOLUTION 20-690 WORKERS COMPENSATION TO COVER VOLUNTEERS

No action taken. Resolution unnecessary as no additions were made to the workers compensation plan this year.

DISCUSSION ON FILLING THE POSITION OF CITY MANAGER

Councilors stated they were all in favor to hire a City Manager within.

Walhood made a motion, seconded by Martine, to appoint Luke Shepard as City Manager; motion carried.

[Position #4 - Terry Walhood: Motion](#)
[Position #2 - Tom Martine: 2nd](#)
[Position #1 - Nathan Beeman: Approve](#)
[Position #2 - Tom Martine: Approve](#)
[Position #3 - Kristine Hayes: Approve](#)
[Position #4 - Terry Walhood: Approve](#)

Position #5 - Penelope Cheek: Approve

Shepard excepted position as City Manager.

COUNCIL CONCERNS

Hayes said the budget went much better this year then it ever had, she wanted to explain why she had voted no. She stated the auditor had provided a list of things to do and she doesn't see some of those happening. She mentioned she was thrilled that Shepard is taking the position as City Manager. Beeman said he wanted to congratulate Shepard. He stated a welcome and congratulation to Chief Hesse. Cheek stated that she wanted to congratulate Shepard. Walhood said she thanked Shepard for excepting the position. She stated she thanked everyone for all they had done, and Janet McIntire for a beautifully done budget. Martine said he welcomed Chief Hesse.

MAYOR'S REPORT

Wilson said she thanked Chief Hesse for coming aboard. She mentioned she was thankful that Shepard is City Manager and the amount of security he provides to the City moving forward.

ATTORNEY COMMENTS

He said he wanted to echo the Councilor comments, with super good news all around. He mentioned a trial that is going forward in a few works but feels good with the City's position.

ADJOURNMENT

Hayes made a motion, seconded by Beeman, to adjourn at 7:26 pm.; motion carried.

Position #3 - Kristine Hayes: Motion

Position #1 - Nathan Beeman: 2nd

Position #1 - Nathan Beeman: Approve

Position #2 - Tom Martine: Approve

Position #3 - Kristine Hayes: Approve

Position #4 - Terry Walhood: Approve

Position #5 - Penelope Cheek: Approve

MINUTES APPROVED THIS 8TH
DAY OF JULY, 2020.



Sue Wilson, Mayor



Luke Shepard, City Manager



City of Rockaway Beach

Special City Council Meeting Minutes

Date: Thursday, November 17, 2022
Time: 6:00 P.M.
Location: Rockaway Beach City Hall, 276 HWY 101 -Civic Facility

CALL TO ORDER – Susan J Wilson, Mayor

PLEDGE OF ALLEGIANCE

[Mayor – Susan J Wilson: Present](#)
[Position #3 - Kristine Hayes: Present](#)
[Position #4 - Terry Walhood: Present](#)
[Position #1 - Mary McGinnis: Present](#)
[Position #5 - Penelope Cheek: Present](#)
[Position #2 - Tom Martine: Present](#)

ROLL CALL

NEW BUSINESS

CONSIDERATION OF CITY MANAGER POSITION

Council discussion regarding possible rehire of former City Manager Luke Shepard, proceeding with interim hire or utilizing available city staff to temporarily fill that vacancy.

McGinnis made a motion to rehire former City Manager Luke Shepard, seconded by Cheek; motion carried.

[Position #1 - Mary McGinnis: Motion](#)
[Position #5 - Penelope Cheek: 2nd](#)
[Position #3 - Kristine Hayes: Approve](#)
[Position #4 - Terry Walhood: Approve](#)
[Position #1 - Mary McGinnis: Approve](#)
[Position #5 - Penelope Cheek: Approve](#)
[Position #2 - Tom Martine: Approve](#)

COUNCIL CONCERNS

Walhood stated the merchants association decorated the candy cane express for the tree lighting.

McGinnis said the Christmas decoration the beautification committee did and public works for the Christmas tree.

MAYOR'S REPORT

COUNCIL CONCERNS

MAYOR'S REPORT

ADJOURNMENT

Hayes made a motion to adjourn the meeting, seconded by Walhood; motion carried.

Position #3 - Kristine Hayes: Motion

Position #4 - Terry Walhood: 2nd

Mayor - Sue Wilson: Approve

Position #3 - Kristine Hayes: Approve


Position #4 - Terry Walhood: Approve

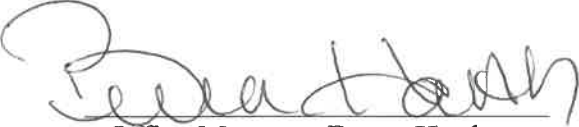
Position #1 - Mary McGinnis: Approve

Position #5 - Penelope Cheek: Approve

Position #2 - Tom Martine: Approve

MINUTES APPROVED THIS
14TH DAY OF DECEMBER
2022


Mayor, Susan J. Wilson


Office Manager, Becca Harth



Daniel Howlett <[REDACTED]>

Public Records Request Response - PRR 2024-01-18

6 messages

Melissa Thompson <cityrecorder@corb.us>
To: Daniel Howlett <[REDACTED]>

Tue, Feb 13, 2024 at 1:52 AM

Daniel Howlett,

In accordance with ORS 192.324, this is to acknowledge receipt and respond to your public records request clarification received February 6, 2024, below.

Having reviewed your request, I can provide the following response:

- The City holds no records responsive to your request.

This request is deemed complete.

**Melissa Thompson, CMC***City Recorder***City of Rockaway Beach****p:** 503-374-1752 | **Direct:** 503-374-0459**a:** 276 S Hwy 101 | PO Box 5 | Rockaway Beach, OR 97136**w:** www.corb.us | **e:** cityrecorder@corb.us

***PUBLIC RECORDS LAW DISCLOSURE:** Emails are generally public records and therefore subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. Emails can be sent inadvertently to unintended recipients and contain confidential or privileged information. If you are not the intended recipient (or authorized to receive for the recipient), please advise by return email and delete immediately without reading or forwarding to others.*

From: Daniel Howlett <[REDACTED]>
Sent: Tuesday, February 6, 2024 5:08 AM
To: Melissa Thompson <cityrecorder@corb.us>
Subject: Re: Request for Clarification - PRR 2024-01-18

Hi Melissa,

Thanks for getting back to me.

I am requesting clarification to your statement, "Employment Application forms were not utilized because the City Council decided to appoint the City Manager Pro-Tem to the position, rather than conduct an outside recruitment."

I am requesting written documentation to substantiate the city's claim that it is not required to comply with Oregon statutes ORS 408.225, 408.230 and 408.235 because the "City Council decided to appoint the City Manager Pro-Tem to the position, rather than conduct an outside recruitment." If you can provide an exemption, please do so. If you do not have this information, please let me know. Perhaps the city attorney could be of assistance in this matter.

It is clear by watching the council video from June 2020 that the city did not plan a recruitment process for hiring a city manager. If Mr Shepard as pro-tem city manager failed to plan and coordinate a transparent candidate search and presented himself as the only option, this would represent an unethical and potentially illegal conflict of interest. At a minimum, he should have declared a conflict of interest.

Please provide evidence of a declaration of conflict of interest from pro tem city manager Mr Shepard from 2020 for the city manager position. It is important to the public to know if Mr Shepard misled the council to think that a candidate search was not necessary and that Oregon statutes ORS 408.225, 408.230 and 408.235 did not apply.

To further understand the circumstances, I respectfully request that the city please provide copies of:

All text messages between ex mayor Sue Wilson and Luke Shepard between April 1, 2020 and July 30th, 2020.

All text messages between ex city manager Terri Michel and Luke Shepard between April 1, 2020 and July 30th, 2020.

Cheers,

Daniel

On Tue, Feb 6, 2024 at 12:50AM Melissa Thompson <cityrecorder@corb.us> wrote:

Daniel Howlett,

As indicated below, if you are seeking additional records, please provide clarification as to the specific records you are requesting.

Please remember that "Public Records Law does not require public bodies to create new public records. Nor does it require public bodies to disclose the reasoning behind their actions; answer questions about their records; analyze their records; or perform legal research in order to identify records that are responsive to a request."



Melissa Thompson, CMC

City Recorder

City of Rockaway Beach

p: 503-374-1752 | **Direct:** 503-374-0459

a: 276 S Hwy 101 | PO Box 5 | Rockaway Beach, OR 97136

w: www.corb.us | **e:** cityrecorder@corb.us

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From: Daniel Howlett <[REDACTED]>
Sent: Monday, January 29, 2024 1:26 PM
To: Melissa Thompson <cityrecorder@corb.us>
Subject: Re: Request for Clarification - PRR 2024-01-18

Thank you for your response.

In your previous email, you said, "Employment Application forms were not utilized because the City Council decided to appoint the City Manager Pro-Tem to the position, rather than conduct an outside recruitment."

Are you saying that the hiring of the city manager pro-tem to the city manager position in 2020 allows an exemption from Oregon Revised Statutes (ORS) 408.225, 408.230, and 408.235?

Cheers,

Daniel

On Mon, Jan 29, 2024 at 6:54 PM Melissa Thompson <cityrecorder@corb.us> wrote:

Daniel Howlett,

If you are seeking additional records, please provide clarification as to the specific records you are requesting.

Please remember that "Public Records Law does not require public bodies to create new public records. Nor does it require public bodies to disclose the reasoning behind their actions; answer questions about their records; analyze

their records; or perform legal research in order to identify records that are responsive to a request. "

Sincerely,



Melissa Thompson, CMC

City Recorder

City of Rockaway Beach

p: 503-374-1752 | Direct: 503-374-0459

a: 276 S Hwy 101 | PO Box 5 | Rockaway Beach, OR 97136

w: www.corb.us | e: cityrecorder@corb.us

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From: Daniel Howlett <danielhowlett@gmail.com>
Sent: Friday, January 26, 2024 1:59 AM
To: Melissa Thompson <cityrecorder@corb.us>
Subject: Re: Response to Public Records Request - PRR 2024-01-18

Hi Melissa,

Thank you for your email. I've attached a document from the League of Oregon Cities called, Guide to Recruiting a City Administrator.

The guide gives two basic recruiting techniques: 1. Hiring a private recruiting firm to conduct a candidate search. 2. Perform the candidate search in house. The in house option, which the council in 2020 chose, requires: A. Search for appropriate candidates. B. Screen candidates based on city requirements. C. Set up interview schedules and assist the council with interviews and selection.

The guide does not say that the pro tem manager can put himself forward as the only applicant, forgo the candidate search altogether, and violate Oregon statutes ORS 408.225, 408.230 and 408.235.

Also from the guide, "It should be clear that the interim administrator does not have an inside track to the new position. If the interim administrator is ultimately selected, it is because that person proves to be the best of the

applicants. Some cities choose to appoint interims who agree not to be a candidate for the permanent job."

If the city of Rockaway Beach is exempt from following these statutes, please provide proof, as indicated in my public records request.

Cheers,

Daniel

On Fri, Jan 26, 2024 at 3:35AM Melissa Thompson <cityrecorder@corb.us> wrote:

Daniel Howlett,

In accordance with ORS 192.324, this is to acknowledge receipt and respond to your public records request on 01/18/2024 for the following:

"Public employers are required to provide qualifying veterans and disabled veterans with preference in employment in accordance with Oregon Revised Statutes (ORS) 408.225, 408.230, and 408.235.

Please provide proof that the city of Rockaway Beach complied with these ordinances in the hiring process of the Fire Chief in 2020.

Please provide proof that the city of Rockaway Beach complied with these ordinances in the hiring process of the City Manager in 2020."

Having reviewed your request, I can provide the following response:

- For the hiring process of the Fire Chief in 2020, I have interpreted your request to mean the Employment Application forms used for the recruitment process, which includes the Veteran's Preference Form. A pdf copy of these forms are attached to this email at no cost.
- For the hiring process of the City Manager in 2020, Employment Application forms were not utilized because the City Council decided to appoint the City Manager Pro-Tem to the position, rather than conduct an outside recruitment. A pdf copy of the minutes that include this Council action are attached to this email at no cost.

If you were seeking any other records, such as Employment Applications submitted by candidates, you will need to provide clarification so that I can provide an estimated cost to produce additional records. Personal information would need to be redacted, which would require significant staff time.

Sincerely,



Melissa Thompson, CMC

City Recorder

City of Rockaway Beach

p: 503-374-1752 | [Direct: 503-374-0459](tel:503-374-0459)

[a: 276 S Hwy 101](mailto:cityrecorder@corb.us) | PO Box 5 | Rockaway Beach, OR 97136

PUBLIC RECORDS LAW DISCLOSURE: Emails are generally public records and therefore subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. Emails can be sent inadvertently to unintended recipients and contain confidential or privileged information. If you are not the intended recipient (or authorized to receive for the recipient), please advise by return email and delete immediately without reading or forwarding to others.

Daniel Howlett <[REDACTED]>
To: Melissa Thompson <cityrecorder@corb.us>

Tue, Feb 13, 2024 at 10:12 PM

Hi Melissa,

Thank you for your email, but I am confused by your response. The public has the right to inspect any public record in a city's possession. A city may withhold certain public records from disclosure if they are exempt by law. Text messages are not exempt. At this point, I would like to respectfully request that the city attorney be consulted because your response is not in line with public records law according to the attached document, Local Government Basics. When you said,

- The City holds no records responsive to your request.

Which specific records are you referring to? It is unclear. There were 3 requests for records:

To reiterate, in my last email, I requested:

1. Evidence to substantiate the city's claim that it is not required to comply with Oregon statutes ORS 408.225, 408.230 and 408.235 because the "City Council decided to appoint the City Manager Pro-Tem to the position, rather than conduct an outside recruitment."
2. Evidence of a declaration of conflict of interest from pro tem city manager Mr Shepard from 2020 for the city manager position since he benefited from not conducting a candidate search.
3. All text messages between ex mayor Sue Wilson and Luke Shepard between April 1, 2020 and July 30th, 2020. All text messages between ex city manager Terri Michel and Luke Shepard between April 1, 2020 and July 30th, 2020.


Text messages are not exempt from public records law. See the attached document, page 12 regarding text messages and public records law.

Cheers,

Daniel Howlett

Admin, Rockaway Meetings and Civics Group Facebook

[Quoted text hidden]

 LocalGovtBasics-3-2023-see page 12 text messages.pdf
2110K

Melissa Thompson <cityrecorder@corb.us>

Wed, Feb 21, 2024 at 7:27 PM

To: Daniel Howlett <[REDACTED]>

Daniel Howlett,

The City is not asserting that any exemptions apply. For each of your 3 requests, the City does not currently hold any responsive records. And, to reiterate, "Public Records Law does not require public bodies to create new public records. Nor does it require public bodies to disclose the reasoning behind their actions; answer questions about their records; analyze their records; or perform legal research in order to identify records that are responsive to a request."

[Quoted text hidden]

Daniel Howlett <[REDACTED]>
To: LUO Yufeng * PRA <Yufeng.LUO@pra.oregon.gov>

Mon, Mar 18, 2024 at 10:27 PM

[Quoted text hidden]

LUO Yufeng * PRA <Yufeng.LUO@pra.oregon.gov>
To: Daniel Howlett <[REDACTED]>

Mon, Mar 25, 2024 at 6:28 PM

Hi Mr. Howlett,

I've heard back from the City of Rockaway Beach. I asked them to specifically clarify their response to your request for "All text messages between ex mayor Sue Wilson and Luke Shepard between April 1, 2020 and July 30th, 2020. All text messages between ex city manager Terri Michel and Luke Shepard between April 1, 2020 and July 30th, 2020."

As we discussed during our earlier phone conversation, while text messages sent between public employees that substantively discuss the public body's work are public records, retention and retrieval of these records present unique considerations. While text messages are public records, most public bodies require any text messages to be converted to an alternate format (usually email) and retained in that form. The text messages themselves are not subject to a retention schedule. According to the City, the text messages were not retained documents. At this point, you may choose to appeal to the district attorney, but lack of retention is not considered a denial of a public records request so it is unlikely to be a successful appeal. If you are concerned that there is a problem with the retention schedule, you can ask the State Archivist Records.Management@sos.oregon.gov about potential under-retention of records.

As far as the other two requests, I recommend submitting an additional records request using the following language:

1. Policies, procedures, or other documents that permit or discuss the city council's decision to appoint the City Pro-Tem to the permanent position rather than conduct an outside recruitment.
2. A statement or disclosure of any conflict of interest by pro tem manager Mr. Shepard from 2020 for the city manager position.

Happy to discuss further,

Yufeng

Yufeng Luo

Deputy Public Records Advocate

Pronouns: she/her

Email: Yufeng.Luo@PRA.oregon.gov

Cell: (503) 689-3282

From: Daniel Howlett <[REDACTED]>
Sent: Monday, March 18, 2024 1:27 PM
To: LUO Yufeng * PRA <Yufeng.LUO@pra.oregon.gov>
Subject: Fwd: Public Records Request Response - PRR 2024-01-18

You don't often get email from [REDACTED]. [Learn why this is important](#)

[Quoted text hidden]

Daniel Howlett <[REDACTED]>
To: LUO Yufeng * PRA <Yufeng.LUO@pra.oregon.gov>

Mon, Mar 25, 2024 at 8:28 PM

Hi Yufeng,

Thank you for your email and response. I'm not surprised to hear that the text messages were not retained. However, there was a successful lawsuit against the city in the last few years, and as part of the lawsuit, I heard that text messages from city staff and elected officials were used. Would I be able to get access to text messages that were disclosed as part of the lawsuit? Please let me know. Also, thank you for your advice on my next public records request. Thanks!

Cheers,

Daniel

[Quoted text hidden]

LEAGUE OF OREGON CITIES

A GUIDE TO RECRUITING A CITY ADMINISTRATOR

March 2015



Published by the League of
Oregon Cities

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Introduction

As a city councilor, one of the most important responsibilities you may have during your tenure is to select a new manager or administrator. Your city administrator or manager (referred to as "administrator" in this guide) is the most pivotal employee in your city organization. He or she functions as the critical link between the council and staff. The administrator assures that council policy becomes reality in day-to-day services and that those services are delivered effectively.

The optimal relationship between the administrator and the council, employees and the community is different for each city. Because hiring an administrator is such an important decision, you'll want to be very deliberate. For the sake of your community, it is critical that a thorough, well-defined process be used to select the best candidate possible.

Fortunately, most cities don't have to replace administrators very often. On the other hand, since cities generally don't have a lot of experience in the recruitment process, they can be uncertain about how best to proceed. This guide can help your council review recruitment technique alternatives, understand each of the required steps, devise a recruitment plan that meets your community's needs, recruit an administrator and execute an employment agreement. The options below will be discussed in greater detail, and tools will be provided to help the governing body carry out specific steps.

Disclaimer

The Guide to Recruiting a City Administrator not a substitute for legal advice. To ensure compliance with federal, state, and any applicable local laws, city officials conducting a city manager or administrator recruitment are advised to seek the advice of their city attorney.

Recruitment Techniques

There are two basic alternatives available to a city that is seeking an administrator:

1. Hire a private recruiting firm to do all or some of the following:
 - a. Search for appropriate candidates
 - b. Screen the candidates based upon city requirements
 - c. Set up interview schedules and assist the council with interviews and selection;
or
2. Perform all the steps in-house.

Pros and Cons of the Two Techniques

TECHNIQUE	PROS	CONS
<p style="text-align: center;">1</p> <p style="text-align: center;">Private Executive Recruiting Firm</p>	Full service, relieves staff and council from recruiting/screening chores. Level of service depends on community's specifications	<p style="text-align: center;">Often expensive, depending on level of services purchased</p>
	Actively solicits candidates	
	May be able to dedicate more time to the project than the city is able to	
	Knows current availability of managers, often throughout the United States, who are seeking a new community	
	Have experience, can verify success record	
	Acquainted with many managers on regional or national basis	
<p style="text-align: center;">2</p> <p style="text-align: center;">Self-Administered Recruitment Process</p>	Least expensive	Unfamiliar with process which may result in serious or costly mistakes
	Provides council with greatest involvement in process	Of these alternatives, requires most time from council members
	<p style="text-align: center;">Works best when city has professional human resources staff</p>	Council doesn't normally solicit or know of potential candidates
		Outside resources required for background checks unless a full service human resources program is available
		Recruitment can interfere with normal city business and require extensive staff time
If using city staff, it may place them in an awkward position as they would be reviewing their potential supervisors in an unsupervised portion of the process		

Interim Management

Often the first questions elected officials must face when a vacancy occurs are:

1. What should we do to ensure that the affairs of the local government are properly administered until a new manager is selected and on board?
2. Who should be in charge?

First and foremost, local government officials must avoid acting impulsively and succumbing to the temptation to hurriedly appoint an administrator as a quick fix. Local government officials need an interim period to carefully consider the criteria they are seeking in a new administrator and to recruit and select the best possible successor who meets these criteria. To ensure a smooth transition and to allow the city the time necessary to consider the right skills and qualifications needed, an interim administrator can help buy valuable time. Here are several steps for a council to consider:

- ***Appoint an interim administrator.*** It is important to clarify who will be responsible for directing the local government while the new administrator is being recruited. The interim administrator could be a current staff member in whom the council has confidence or could be an individual available elsewhere for interim positions. The council's discussion of whether and who to appoint as an interim must be made in an open public meeting unless the council has satisfied the requirements in ORS 192.660(2)(a) to conduct those discussions in executive session. City councils are advised to seek the advice of their city attorney to determine if they are in compliance with ORS 192.660(2)(a) before meeting in executive session.¹ The League hosts an interim registry where people interested in serving as an interim administrator may post their information. This is a voluntary listing and the League does not screen the postings and is not thereby making any recommendations regarding the qualifications of the persons offering their services. The League recommends cities do background and reference checking for interim appointments.
- ***Ensure the organization understands that the interim administrator has the same authorities and responsibilities as the regular manager.*** Regardless of who is appointed, it should be clear to all local government officials and staff that the interim administrator is in charge. It should also be clear that this person does not have an inside track to the new position. If the interim administrator is ultimately selected, it is because that person proves to be the best of the applicants. Some cities choose to appoint interims who agree not to be a candidate for the permanent job.

¹ State law gives the Ethics Commission the authority to assess fines against individuals who violate Oregon's public meeting laws by meeting in executive session without proper authority. However, if a governing body met in executive session upon the written advice of its legal counsel, state law prevents the Ethics Commission from imposing fines against those officials even when a violation might have occurred.

- ***Defer key actions when possible.*** Obviously, the local government must continue to operate during the recruitment period. The council and interim management team should do whatever is necessary to make sure that important projects and the delivery of services continues to move ahead. However, they should defer major actions where possible until the new administrator is appointed. After all, to ensure effective administrative leadership in the future, it is desirable that the new administrator be involved in as many policy decisions as possible. Just filling a vacant department head position, for example, is an opportunity for the new administrator to begin building an administrative team. In fact, such an opportunity can be used successfully to pique the interest of potential candidates during the recruitment process.
- ***Act in a timely fashion.*** The recruitment process should be conducted pursuant to a realistic timeline that provides sufficient opportunity to develop a profile, attract and screen candidates and come to a timely conclusion.

Steps in the Selection Process

The following explains the steps in a selection process. In addition, rough estimates of the time that each step may take are indicated. After reading this section, it is useful for the city, to use Appendix A to develop a recruiting plan, complete with estimated time frames, for your community. Please keep in mind that at each step, the council or a subcommittee of council must conduct its business in a meeting open to the public, unless the council has satisfied the requirements in ORS 192.660(2)(a) to conduct that step in executive session. City councils are advised to seek the advice of their city attorney to determine if they are in compliance with ORS 192.660(2)(a) before meeting in executive session. City councils should also keep in mind that executive sessions are limited to deliberations, and councils may not make a final decision or take a final action in executive session.

Step 1. Define Position and Develop Profile

Time Required: up to two weeks

- The council meets to review recruiting steps and adopt a schedule. This meeting should be held in a meeting open to the public.
- Review any charter provisions or ordinances creating the manager/administrator position and the job description to ensure they continue to accurately reflect the city's expectations and job requirements.
- The council should prepare a profile of the skills, training and qualities of the "ideal" candidate. This is discussed more in Appendix B. This step is critical to subsequent steps in the recruiting and screening process.

Step 2. Prepare Advertisement and Review Salary Range

Time Required: can be completed within time identified for Step 1

- A review of the present salary range is useful in order to ensure the city remains competitive.
- Draft a complete job announcement. A closing date should be specified and should be set a minimum of four weeks after publication of the first announcement.
- Remember, many national publications require four to six weeks' notice for publication.
- At a minimum the advertisement should include these items:
 - Name of the local government;
 - Title of the vacant position;

- Population of the local government;
- Amounts of the operating and capital budgets;
- Number of full-time employees;
- Type of services provided;
- Statement of starting salary or that salary is open and commensurate with background and experience. A local government with a formal salary policy should openly declare it on the announcement;
- Statement that qualifying veterans and disabled veterans will receive veterans preference with instructions on how applicants should claim the preference if desired. ;
- Filing deadline, including any special items of information desired such as salary history, writing sample and work-related references;
- Brief description of key areas of interest, and required and desirable experiences and qualifications;
- Where and to whom to send resumes;
- Web site address of the local government; and
- Contact person who can answer questions about the recruitment.

Step 3: Decide Where to Advertise

Time Required: four to six weeks

- The most common publications in which Oregon cities advertise are the League’s *Local Focus* magazine and the *ICMA Newsletter*. These two publications will generally reach the vast majority of interested applicants.
- The Oregon and Washington Leagues’ Web sites are another effective resource for posting advertisements.
- Some jurisdictions choose to include major regional newspapers (Portland, Seattle, San Francisco, Los Angeles, etc.), although they are more costly.
- Many cities publish the announcement on the city’s Web site as well.

Step 4. Send Acknowledgment Letters

- A letter thanking each candidate for his or her interest should be sent as soon as an application is received. This is a good opportunity to tell the candidate a little more about the city and the geographic area. Many cities insert a brochure describing the community.
- Details of the selection process should also be provided to avoid numerous phone calls and personal inquiries later.
- A sample letter is provided as Appendix C.

Step 5. Screen the Applicants

Time Required: two weeks

- Screening can begin following the closing date. Whether the full council (or a subcommittee), or a private firm conducts the screening, the primary document used in the screening should be the profile developed earlier in the process by the council. The process selects a maximum of 15-20 candidates which most closely fit the profile developed.
- Occasionally, a city prefers to further narrow applicants by asking for submissions of a writing sample or response to essay questions relative to the position. The council can use the response to evaluate applicant opinions, breadth of experience and expertise. The written response is useful to evaluate timeliness, thoroughness, use of the English language, etc. If the city chooses to add this step, the written exercises should be sent to those who make the first cut after screening and responses should be limited to five pages or less. From these responses, a smaller number are selected for background checks or interviews. If the quality of a writing sample or response to essay questions could result in disqualification of an applicant, veterans' preference points must be applied to the writing samples or essays submitted by qualifying veterans. *Note: If this option is taken, generally allow three to four weeks additional time.*
- Confidentiality is an important consideration in any recruitment. The elected body should determine, at the outset, the extent to which the recruitment process will be public. The confidentiality of resumes should be maintained and should be consistent with applicable state law and the advice of the local government attorney.
- Regret letters explaining that the candidate is no longer being considered should be mailed throughout the process at each step along the way.

Step 6. Application of Veterans Preference and other Employment Laws

- Public employers are required to provide qualifying veterans and disabled veterans with preference in employment in accordance with Oregon Revised Statutes (ORS) 408.225, 408.230, and 408.235. Local ordinances or policies might also require the council to give preference to other candidates. The veterans preference laws and the interplay of those laws with other local preferences has been the subject of litigation and legislation. Consequently, the law in this area is constantly evolving and cities should work closely with their legal counsel and human resources professional to ensure the city is complying with the law.

Step 7. Background Checks

Time Required: three to four weeks depending on the number of candidates and who performs the checks

- Background checks are conducted with work-related contacts. Although some jurisdictions seek written references, phone calls are quicker and often more candid. Reference checking is a tedious, expensive and time-consuming process if done well. However, time and money spent during this step will save in the long run by avoiding travel costs for interviewing unqualified finalists. A minimum of three weeks is normally necessary to complete background checks. The city may wish to contract for additional information from a reliable source on items such as degree verification, credit history and criminal history.
- Note: It is perfectly acceptable to conduct background and reference checks for only the finalist(s) the city is actually considering appointing. Many applicants do not want to alarm their communities with a possible resignation unless the appointing community is seriously considering a job offer.

Step 8. Interviews

Time required: three weeks; allow two weeks' notice to fit interviews into applicants' schedules.

- Prior to the interviews, the council may wish to send the applicant additional information about the city, such as the budget, audits, comprehensive plan, charter, etc. Occasionally applicants will request information about housing costs, spousal employment opportunities, schools, etc. The local chamber of commerce can provide helpful information to respond to these requests.
- Some councils choose to conduct telephone interviews to narrow the list of finalists prior to the in-person interviews. If the council adds this step, only appropriate questions may be asked. Prior to interviewing applicants, the council needs to decide whether to pay travel expenses, whether to pay for spouse's expenses, and whether or not to arrange tours, etc. It is common for a city to pay transportation costs, meals and lodging for interviewees. Many cities arrange tours of the community and facilities for candidates prior to the interview.

- The entire council should interview the finalists. Consensus is important in selecting an administrator. Consensus is not likely to be achieved if only one or two people conduct the interviews and inform the rest of the council of the selected candidate.
- Interviews should be scheduled as close together as possible—preferably the same day—in order to assure equal treatment of all candidates. Job-related questions should be prepared in advance and asked of all candidates. The administrator profile is useful in deciding which questions to ask and in evaluating responses. See Appendices D through F for interviewing techniques, sample questions and an interview rating form.
- If the council is not able to select a new administrator following the first set of interviews, a second interview with the top finalists may be necessary. At this stage, the city may want to pay expenses for the candidates' spouses to accompany them.

Step 9. Deliberations, Selection, and Negotiation

- When the city selects its preferred candidate, there are still several decisions to be made. Additional details also need to be discussed and finalized, including salary, moving expenses, fringe benefits, etc. The council should also be prepared to discuss an employment contract with the new administrator, or appoint one of its members to represent the council in those discussions.
- Other finalists should not be rejected until the city has reached a final agreement with the successful candidate. Negotiations between the city and its top candidate occasionally break down, requiring the city to turn to another choice. Occasionally, there will only be one finalist who meets the city's needs. If that person refuses the job, the city must either turn to the next qualified candidate or begin the recruitment process again. Remember, this is an extremely important selection. A decision based on expediency may turn sour later. The council should not shy away from re-advertising if they are not satisfied with applicants the first time around.
- The city may want to have their city attorney prepare a draft contract for council review prior to beginning negotiations.
- Most administrators will require a minimum of 30 days to give notice to current employers and relocate to a new community. Notice of 30 days is considered professional and should be honored.
- As soon as the new administrator has advised his/her former community that he/she has accepted a new position with your community, it is appropriate to issue a press release or public announcement. A sample announcement can be found in Appendix H.

Step 10. The New Administrator Arrives

- It is desirable to have an initial work session with the new administrator to discuss and clarify initial expectations on both sides and to review goals and objectives. Even though some of these issues may have been raised during the interview process, communication from the outset can help ensure a smooth working relationship.
- Any information and introductions that the council can provide to the new administrator will be most welcome and helpful in making the transition to the city smooth.

Conclusion

Hiring an administrator is making an investment in your community. Approach the task methodically, one step at a time. The time you spend now is likely to be reflected in the quality of administrator you eventually hire. Like anything else, you can reduce the risk of making a poor decision by doing a thorough job. Some councils have found that the process of recruiting a new administrator provides a unique opportunity to review and revise council goals. It can even make the council a stronger, closer team than before.

Appendices

Appendix A: Selection Process Checklist (for council use)

Steps	Estimated Time Required	Assigned To	Targeted Completion Date
1. Define position and develop profile			
2. Prepare advertisement and review salary range			
3. Decide where to advertise			
4. Prepare and send acknowledgement letters			
5. Screen applicants			
6. Determine applicant’s veteran status and apply preference points for qualified veterans			
7. Conduct background and reference checks (if conducted before interviews)			
8. Select candidates and conduct preliminary phone interviews (if desired)			
9. Select candidates for interview			
10. Determine level of reimbursement for candidate (travel, lodging, meals, spouse expenses)			
11. Select top candidates			
12. Negotiate with top candidates			
13. Make hiring decision			
14. Issue press release/announcement regarding selection of new administrator			
15. Advise any candidates still in the selection process that a new administrator has been selected and has accepted			
16. Welcome the new administrator			

Appendix B-1: Format for Administrator Profile

Suggested Areas for Skills and Experience

This form shows one possible format that the council can follow to develop an “administrator profile.” In addition to assisting the council (and any recruiting service the council may hire) in the selection process, the profile can be an important community document. It allows the city to see the qualifications the council will seek in the next administrator. Some cities obtain public comment on what kind of administrator residents desire.

A blank copy of the profile form is found in Appendix B.2 for use by the council to use when developing an administrator profile.

Profile Information

Education

Many cities prefer a bachelor’s degree or a master’s degree in public administration, business administration or a related field. Some may allow a candidate to substitute experience for some required education.

Experience

Most cities will seek someone with management experience, either as a local government manager, assistant city manager or department head. Any special experience desired, such as operating an electric utility, is important to note in the profile. The required number of years of experience should be included in the announcement. In addition, most cities will require skill and/or proven experience in the following areas:

- Administrative and management ability needed to help determine whether the applicant can manage the size and complexity of the particular city or that seeks an administrator.
- Governmental budget and finance including debt management, enterprise accounting and other special funding mechanisms depending on the local government’s needs.
- Labor relations and personnel experience that will allow the administrator to effectively bargain labor contracts and manage diverse groups of employees. Level of experience and training will depend on the city’s organizational structure and complexity.
- Community relations experience that will allow the administrator to effectively speak publicly and communicate with the media and citizens in a variety of methods.
- Council relations experience that will allow the administrator to work effectively with the entire council as well as individual members.

- Intergovernmental relations that will allow the administrator to effectively work with state officials, other councils and intergovernmental organizations, such as councils of governments and special districts, to the extent the city desires.
- Innovations and major achievements should be highlighted in any area in which the council seeks new information, creative solutions, etc. Common areas for innovations include responses to environmental regulations, financing services in times of decreasing revenue and effectively delivering services to diverse populations.

Appendix B-2: Format for Administrator Profile (for council use)

Describe the background, skills and qualities you believe your city needs in an administrator based on the suggested skills listed in appendix B-1 and other attributes that are necessary for your community.

Skill/Experience	Notes/Comments	Importance (High, Medium Low)
Education		
Experience		
Administrative and management ability		
Governmental budget and finance		
Labor relations and personnel experience		
Community relations experience		
Council relations experience		
Intergovernmental relations		
Innovations and major achievements		
Other important skills and experience		

Appendix B-3: Sample City Administrator Profile

CITY OF INDEPENDENCE OREGON DRAFT ADMINISTRATOR PROFILE

General Roles and Responsibilities

The position of city manager is established in the city charter. The city manager is hired by and serves at the pleasure of the mayor and 6-member city council. The manager assists the mayor and council in the development of city policies and carries out policies established by ordinances and resolutions approved by the council. The city manager is the chief executive officer of the city and exercises supervision over its general affairs, and all department heads and employees, except the Municipal Judge. While the city charter does not have a residency requirement for the city manager, the council is looking for someone who will become actively involved in the community, and residency will be valued.

Background Requirements

Education. The city manager is required to have a Bachelor's degree from an accredited college or university in public/business administration or related field. A Master's degree is a plus. Any satisfactory combination of practical experience (beyond that required for initial qualification) and education will be considered if the candidate is able to demonstrate he or she can satisfactorily perform the job functions.

Experience. The position requires at least five years' progressively responsible experience in local government. Progressive management responsibilities would ideally include positions such as city manager/administrator, assistant manager, finance director, community development director, other department head or equivalent. Telecommunications experience would be a plus. CEO level municipal experience is preferred.

Skills and Performance Standards

Administrative/Management Abilities. The city manager must be able to establish and maintain positive and cooperative working relationships with citizens, city officials and employees. He/she must be a team leader who can hire the right people and develop a team that works effectively together. He/she must be someone who can take policy direction from the council and lead staff to make things happen. The manager will be able to effectively manage and organize projects, and provide effective delegation and supervision to make sure budgets and timelines are met. The manager must know municipal government organization, powers, functions and relationships. Excellent written and verbal communication skills are essential. The manager will need to have the ability to talk with small and large groups on issues of importance to the city. The city manager must have experience in and be able to manage and oversee all city operations, including: budgeting and finance; planning and land use; city utilities; public safety; emergency management; public works; personnel; and all other city departments and services. The manager also acts as the city's business agent in the sale of real property and other matters relating to city contracts, permits, franchise agreements and leases. He/she must understand public purchasing

and contracting requirements, as the manager acts as the city's purchasing agent and signs all requisitions on city accounts. In order to perform the duties expected of the manager, the successful candidate must be computer literate and be proficient in the use of standard word processing, spreadsheet and online communication programs such as email. Knowledge of Oregon land use laws and procedures is necessary in order to be successful in this position.

Budget/Finance. The successful candidate will have a working knowledge of Oregon's budget laws and will be able to deal creatively with declining revenues and limited resources. Independence is a full service city and, as such, has city utilities including a jointly owned telecommunications fiber network. The manager must have the skills and knowledge to oversee the finances of these utilities to assure the citizens can count on receiving these services for years to come. This will include knowledge of water and sewer rate structures, debt tools for enterprise funds and systems development charges. Additionally, the city manager needs to understand the components of successful economic and business development, particularly working in concert with the other local stakeholders. A successful track record in grantsmanship is a huge plus for this position.

Personnel/Human Resources. The city manager exercises control and general supervision over all city employees. He/she must know and apply the principles of personnel management, assigning and supervising the work of others, including department heads. The candidate must understand and be able to work within federal and state employment laws and must have knowledge in the area of collective bargaining. The city manager acts as the chief negotiator for the city's labor contracts. He or she must be able to work productively with both classified and management employees.

Community Relations. The city council is looking for someone who can work on the city's behalf as a partner with the business community. A manager who can encourage community involvement and foster volunteerism in the community is important. The city manager should have a demonstrated track record of community involvement and active participation in their community. The city manager needs to be receptive to hearing input and complaints from, and be open and attentive to citizens; and committed to following through on solutions. The manager is expected to exercise the highest degree of tact, patience and professional courtesy in contacts with the public, personnel employed by the city and all elective and appointed officials to maintain the highest possible standards of public service. The manager must have strong communication skills, including public speaking to large and small audiences. In order to successfully promote the city, the manager must have the desire and ability to work closely with and participate in community groups and organizations. The manager will be the city's representative on a variety of local boards such as the Minnet Board (fiber network) the chamber of commerce, and others as the opportunity arises. The manager will exhibit leadership, promote the city and serve as a model for other city employees.

Council Relations. The mayor and city council expect to have open, honest and direct communication with the city manager. The manager is expected to provide ongoing regular communication to the council on the needs and affairs of the city, including information about city department activities. The manager will need to provide the council with complete information on policy options for matters requiring a decision, in order to allow the council to

make informed decisions. An open door policy is expected for citizens, councilors, department heads and employees to have easy access to the city manager. The council is looking for someone who can work effectively with the council to facilitate and implement annual goal setting and strategic planning. A good understanding of local government processes and procedures, board policy development and equal access to information by all councilors will be necessary for a candidate to be successful in this position.

Economic Development. The manager will be an innovative partner, working with the council to build on Independence's current efforts and successes in economic development. An understanding of urban renewal districts and tax increment financing is vital. An awareness and knowledge of the principles, methods and practices of development, including downtown development/ redevelopment and industrial development are essential.

Intergovernmental Relations. It is important that the city manager is able to network in the region and at the state level to maintain and further develop good working relationships with a wide variety of other local governments and state agencies, including intergovernmental work within the Willamette Valley. The manager will be responsible for keeping the council informed about intergovernmental relations and issues involving the city. The council is looking for someone who is interested in and will keep the council informed on statewide issues affecting cities.

Innovation and Major Achievements/Miscellaneous. The city manager needs to be able to work with the council to implement the recently identified 10-year vision for the city of Independence. The manager must have the ability to foster productive, trusting relationships with city department heads and staff in order to promote teamwork. Membership and participation in professional organizations will be encouraged. The council is looking for someone who is creative, and who can work with the council to identify areas for improvement and help implement best practices.

Independence is a diverse community with a large Hispanic population; a manager who can involve multi-cultural groups in the city is desired. Bilingual language skills are also a plus. The successful candidate will be confident but not hard headed, full of energy and vigor, and be a good sales person in order to protect and highlight quality of life issues in the city. Independence is looking for a people person who can gain community support and encourage citizen involvement for the numerous projects going on in Independence.

About the City

Independence is a long established and culturally diverse community, centrally located between the Pacific Ocean and the Cascade Mountains. The city has a large National Historic District; a varied industrial base; a residential airpark and state-owned airport; an urban renewal district; and is the co-owner of a fiber-to-the-home operation. Independence is an optimistic "can do" community that takes active responsibility for its future.

The city of Independence has approximately 39 full-time and 18 part-time employees who serve the 8,240 population of the city. Each department has specific duties to meet the needs of the community. Independence provides a variety of services including: streets; water; wastewater;

police; parks (including a city-owned, event-oriented amphitheater); museum; library; urban renewal; fiber network; planning; and economic development.

Appendix C: Sample Applicant Acknowledgement Letter



(City letterhead)

(Date)

Dear _____:

Thank you for your application for the position of City Manager for the city of _____, Oregon. Here are some details about our selection process and an outline of our general time frame.

Applications will be reviewed based on a profile developed by the city council. Approximately 15-20 applicants will be presented to the council for further consideration. The council will screen those applications and by mid-June identify a smaller group on which to perform background checks. We expect that the background checks will be completed by late June. Shortly thereafter, a few individuals will be scheduled for interviews. The council hopes to make their final selection by late July.

We will try to keep you advised of the status of your application as decisions in the selection process are made. Enclosed is some information about our community that you might find interesting and helpful.

Thank you for your interest in the great city of _____!

Sincerely,

Mayor

City of _____ Oregon

Appendix D: Interview Guidelines

Prior planning and organization are the keys to ensuring a successful interview. The interview process should be well-organized and the setting comfortable. All members of the council should participate, but one discussion leader should be designated. Only appropriate interview questions should be asked. It is a good idea to have your city attorney conduct a legal review of the questions to be asked.

During both formal and informal meetings between the council and the finalist, discussions and questions should focus on the criterion for the position that were established at the outset of the recruiting process. The council may choose to supplement the usual discussion between council members and finalists by inviting staff, community leaders or technical experts to participate. For example, finalists may meet with department heads or other staff to review departmental operations in more detail or to receive a tour of the local government.

The interview panel should plan on at least one hour for each candidate. It is difficult to pursue a range of questions in less time, and it is in your best interest to maximize the interview time with the candidate who may have traveled some distance for the meeting. Individual meetings will probably take less time.

A final guideline, regardless of which interview technique is used, is that the council should continue to avoid impulsive action and should take whatever time is necessary to arrive at a comfortable and well-reasoned decision. However, the interview process and related follow-up activities should move forward as promptly as possible so as not to lose momentum or cause desirable applicants to have second thoughts.

Just as with other steps in the hiring process, when the council or a subcommittee of council conducts the interviews, those interviews must occur in a meeting open to the public, unless the council or subcommittee has satisfied the requirements in ORS 192.660(2)(a) to conduct interviews in executive session. City councils are advised to seek the advice of their city attorney to determine if they are in compliance with ORS 192.660(2)(a) before meeting in executive session.

Appendix E-1: Suggested Interviewing Techniques

The following are some *do's* and *don'ts* when interviewing candidates. Remember, the law does not always prohibit employers from obtaining all the information about a candidate they deem important, as long as the questions are job-related and do not elicit information that could be used for discriminatory purposes.

Do ...

Create a comfortable atmosphere. Remember, you are trying to impress the candidate as well as the candidate attempting to impress you.

Let the applicant do most of the talking.

Question objectively. Questions should be job-related and consistent from one applicant to the next.

Ask questions that require more than a yes or no answer. Use general or open-ended questions.

Avoid unduly sympathetic or unsympathetic words, gestures or facial expressions which would make the candidate think you agree or disagree with his/her answers.

Avoid posing a problem or situational question combined with possible solutions. Let the candidate generate his/her own solution.

Develop questions based on earlier statements made by the candidate or information provided by the applicant in his/her resume, application or other source.

Ask questions designed to encourage the candidate to reveal his/her knowledge and opinions.

Avoid "trick" questions.

Avoid displaying your personal opinions or viewpoints through the questions you ask.

Listen attentively to every question asked and every answer given. Maintain eye contact with the candidate while he/she is speaking to show that you are listening.

Don't ...

Let early biases form. Finish the interview job before forming a final opinion of the candidate.

Ask unnecessarily long questions or do most of the talking. Remember, you want to learn about the candidate, not share your own views.

Let the candidate digress beyond the point of answering the question satisfactorily or showing that he/she is unable to answer the question.

Ask stress-producing questions which are not relevant or job-related. Delicate questions of this type should be pre-planned and should not be used to humiliate the candidate. Remember, if you like the candidate, you want to ask questions that would encourage him/her to accept the job.

Areas that cannot be inquired into with candidates any part of the recruitment and hiring process are:

- Marital status
- Age
- Family composition/issues – such as children/daycare
- Sexual orientation
- Disability or illness or medical conditions or absences due to illness
 - You may inquire if the person can perform specific duties, but you can't inquire of disability or at this stage probe beyond applicant's answers regarding ability to perform a duty.
- Financial such as home ownership, debts (a credit check in compliance with applicable laws should be conducted as part of the background and reference checking)
- Political affiliation
- Religion
- Race/national origin/ethnic

Appendix E-2: Sample Interview Questions

The following lists some suggested interview questions. Of course, the questions you choose to ask should be custom-fit to your entity's particular needs and circumstances. Typically, 15 to 20 well-planned questions will create sufficient responses for an hour-long interview.

1. How would you characterize your style of management?
2. What style of management do you use when in an emergency/stressful situation?
3. How do you relate to employees, department heads, advisory committees, the council, and the general public? How would they describe your ability to relate to them?
4. What do you perceive to be the administrator's role in dealing with the council?
5. What do you do when an individual councilor asks you to perform a task that is not approved by the entire council?
6. How do you view the role of the council in dealing with the administrator and the administration?
7. Based on your education, experience and background, what do you consider to be your strengths in dealing with local government problems? What are your weaknesses?
8. Recognizing the limits of span of control in an organization, how and when do you delegate responsibility and authority?
9. In your opinion, what role should the administrator play in the community?
10. What benefits, if any, would an administrator or the city gain if the administrator became an active member of a service organization within the community?
11. To what extent do you believe contact with citizens and citizen groups is important? How do you typically handle this responsibility?
12. What is your approach in dealing with the news media?
13. What experience have you had in labor negotiations?
14. Describe any experiences you have had in actively negotiating a contract or any other issue at the bargaining table.
15. How have you dealt with mediation, fact finding or arbitration? Have you ever managed a strike?

16. What approach have you used in dealing with personnel problems?
17. What personnel skills have you used in disciplining, demoting or firing an employee?
18. What experience have you had in training or motivating employees?
19. What steps have you taken to adhere to state and federal laws relating to diversity in the work place, non-discrimination and equal opportunity?
20. Describe your experience, if any, in dealing with charges of discrimination or grievances filed against you or the city you served.
21. What involvement have you had in developing personnel rules, regulations and procedures?
22. What is your municipal finance experience?
23. What role have you played in the preparation of a budget?
24. In budgets that you have prepared, how do you communicate the effectiveness of service delivery?
25. Have you ever gone to a vote of the people for a funding measure?
26. What was your role in the campaign?
27. What was your rate of success? What would you consider to be the keys to success?
28. Have you ever been involved in a vote on a new tax base?
29. What is your experience with debt management?
30. What is your experience with enterprise funds?
31. What experience have you had in administering various grant programs?
32. What success have you had in attaining grants for various projects in a city?
33. Specifically, what programs have you administered with either state or federal grants?
34. Describe any experiences you may have had in developing and recommending policies to the council relating to growth (e.g., annexation, expansion of utilities, subdivision standards, etc.).
35. In the field of intergovernmental relations, what experience have you had in dealing with:

- a. Councils of government or regional governments
 - b. Neighbor counties
 - c. Neighbor cities
 - d. State agencies
 - e. Federal agencies
 - f. State Legislature
 - g. Congress
36. What legislative committees have you appeared before?
37. In what way have you been an active participant in the activities of the International City/County Management Association (ICMA) and other professional organizations?
38. What is the extent of your experience in the field of public works, and did it cover the following:
- a. Street maintenance and construction
 - b. Operation, maintenance and construction of utilities
 - c. Supervision of construction projects
 - d. Seeking funding
39. What advantage would there be for a city to form a local improvement district (LID)?
40. If you have been involved with the formation of an LID, what cities were involved?
41. What was being constructed or improved?
42. How would you put together a general obligation bond measure?
43. What experience have you had in land use planning and zoning requirements?
44. Why did you apply for this position?
45. What conditions would you set up for accepting the appointment if it were offered?

46. What will your first steps be upon assuming responsibility in this position?

47. What would you hope to accomplish in the first year?

Appendix F: Sample Oral Interview Rating Form

Applicant: _____ Date: _____

Category	Not Recommended	Somewhat Qualified	Qualified	Well Qualified	Superior
	1	2	3	4	5
Applicability of experience to the city's challenges					
Involvement in all phases of local government operations					
Depth of experience					
Degree of responsibility in previous positions					
Level of education - college or advances degree					
Specialized training					
Keeps updated on new technology, management techniques and advancements					
Ability to transmit ideas clearly					
Ability to organize ideas, summarize and express them with confidence					
Non-verbal communication skills (e.g., physical, eye contact)					
Ability to work with others					
Ability to make decisions					
Openness to alternative approaches					
Individual type of leadership fits with the city					
Fits your idea of individual for the position					
Manner in which applicant presents him/herself					

Category	Not Recommended	Some what Qualified	Qualified	Well Qualified	Superior
	1	2	3	4	5
Personality traits in relation to personality of city					
Approach to news media					
Possible to blend in the organization					
Understanding of mechanics of budget					
Grasp of financial administration					
Formation of Local Improvement Districts					
Ability to work with scarce resources					
Experience with personnel problems					
Ability to delegate responsibilities					
Training and employee motivation					
Overall knowledge of community growth problems					
Experience in downtown/urban development					
Dealing with community development and/or urban renewal					
Knowledge of street maintenance and construction practices					
Knowledge of operation, maintenance and construction of utility services					
Knowledge of public works administration					
Knowledge of application and administration process					
Track record in obtaining grants					
Experience in working with other governmental agencies					

COMMENTS: (Special observations/notes during interview)

Appendix G: Sample Press Release



(City letterhead)

(Date)

Contact Information:

The city of _____ announces that Jane Doe of __ (former position or location) _____ has been selected as the new administrator for (city). Ms. Doe was selected from among seven applicants interviewed by the city following a regional recruitment effort.

Ms. Doe brings to the city ten years of top level administrative experience in the states of Oregon, Washington and Montana. She was instrumental in seeing her last city through the construction of a power plant and a mill closure.

Mayor Mary Jones states, "We are really looking forward to Jane's arrival. We have many projects for her to complete and we believe she will take our city to the next level."

Ms. Doe replaces Ralph Smith, who retired at the end of last year. Ms. Doe will begin her duties July 1, 2015.