



City of Rockaway Beach

Special City Council Meeting Minutes

Date: Thursday, January 23, 2025
Location: Rockaway Beach City Hall, 276 Hwy 101 - Civic Facility

1. CALL TO ORDER

Mayor McNeilly called the meeting to order at 5:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Council Members Present: Mayor Charles McNeilly; Councilors Penny Cheek, Mary McGinnis, Tom Martine, Alesia Franken and Kiley Konruff

Staff Present: Luke Shepard, City Manager; and Melissa Thompson, City Recorder

4. CONSENT AGENDA – None scheduled

5. OLD BUSINESS – None scheduled

6. PRESENTATIONS, GUESTS & ANNOUNCEMENTS – None scheduled

7. STAFF REPORTS – None scheduled

8. PUBLIC HEARING – None scheduled

9. CITIZEN INPUT ON NON-AGENDA ITEMS – None scheduled

10. NEW BUSINESS

a. Consideration of Action Related to Litigation Case No. 24CV37762

Start time: 5:02 p.m.

McNeilly explained that the City Council held an Executive Session on January 15, 2025 pursuant to ORS 192.660 (2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. McNeilly stated that since decisions must be made in open session, tonight's Special Meeting was scheduled for the sole purpose of considering action related to election case number 24CV37762 that was discussed in executive session.

McNeilly invited public comment. No audience members wished to comment.

Franken made a **motion**, seconded by Martine, that the City appeal the judgment that the election case is moot and authorize the City Manager to work with legal counsel to file an appeal as discussed in executive session.

McGinnis commented that what was said in Executive Session can't be shared, but she could explain what is on public record, that the court case decision clearly denied people that filed the court case, and the city clearly won. She explained that the City was appealing that when the City requested attorney's fee, the judge determined that the issue was moot since the election was over. McGinnis disagreed that it was moot.

McNeilly commented that this was the right thing for the City to be doing and was glad the Council had decided to consider it.

The **motion carried** by the following vote:

Aye: 5 (Cheek, McGinnis, Martine, Franken, Konruff)

Nay: 0

11. ITEMS REMOVED FROM CONSENT AGENDA – None scheduled

12. COUNCIL CONCERNS – None scheduled

13. MAYOR'S REPORT – None scheduled

14. ADJOURNMENT

Start time: 05:05:33 PM (00:05:47)

Martine made a **motion**, seconded by McGinnis, to adjourn the meeting at 5:05 p.m.

The **motion carried** by the following vote:

Aye: 5 (Cheek, McGinnis, Martine, Franken, Konruff)

Nay: 0

MINUTES APPROVED THE
12TH DAY OF FEBRUARY 2025


Charles McNeilly, Mayor

ATTEST


Melissa Thompson, City Recorder