



**CITY COUNCIL SPECIAL SESSION MEETING MINUTES ~ APPROVED
FEBRUARY 11, 2016 AT 6:00 PM**

City Hall ~ 82877 Spruce St., Westlake, OR

These proceedings of the Dunes City Council were recorded and are on file at Dunes City Hall. Upon approval by the City Council, these minutes will be available online at www.DunesCity.com

1. CALL TO ORDER

Mayor Rebecca Ruede called the February 11th Special Session of the Dunes City Council to order at 6:02 pm.

2. APPROVAL OF THE AGENDA

Council President Sanders made a motion to approve the Agenda. Councilor Scarberry seconded the motion. The motion passed by unanimous vote.

3. ROLL CALL

Roll Call was taken by Interim City Administrator/Recorder, Jamie Mills.

Present: Mayor Rebecca Ruede, Council President Maurice Sanders, Councilor Sheldon Meyer, Councilor Duke Wells, and Councilor Ed Scarberry.

Absent and Excused: Councilor Ken Platt. (There is one vacancy on the City Council.)

Also Present: Interim City Administrator/Recorder Jamie Mills and Administrative Assistant Rapunzel Oberholtzer.

4. CITIZEN INPUT

There was none.

5. NEW BUSINESS

A. City Administrator/City Recorder Job Description, Hours and Wage Payment

Mayor Ruede asked if all Councilors had had an opportunity to review the documents included in their meeting packets and asked if any had comments.

Councilor Wells asked if there was an ORS regulation that prohibited the City from hiring from within and required that the City advertise for applicants for the position(s). City Administrator/Recorder Mills explained that she consulted with the City Attorney about that question. She went on to explain that the City would have to determine whether the position would be filled by a contractor or by a new hire but, according to the City Attor-

ney, under a Goods and Services contract the City does not have to advertise or post notice of the job if the new person is an independent contractor.

Councilor Scarberry suggested that the first task is to determine whether the job would be filled by a contractor or a City employee.

Mayor Ruede explained that she had also spoken to the City Attorney about this matter and learned that there are a number of issues to consider. The City Attorney noted that the City might have to pay PERS for a contract Administrator due to the fact that once City has paid PERS for an employee it can not opt out of the PERS program. Mayor Ruede went on to explain that the City could require a contractor to pay the PERS contribution or the City could pay the PERS portion and, further, the City could pay an Administrator on an hourly basis, rather than a salary basis.

There was some further discussion about hiring a contractor, during which Mayor Ruede noted that the City Attorney had pointed out that there are specific federal guidelines that determine whether or not a contractor is, in fact, acting as a contractor or must actually be classified as an employee. Mayor Ruede also expressed concern about what the City's insurance carrier would think about a contractor and whether or not that contractor would be covered under the City's insurance policy. She went on to note that she asked the City Attorney to provide a list of issues the City would need to consider in making a decision on hiring contracted services or an employee and the Attorney agreed to do so. The City Attorney also suggested other possible options that the Dunes City Council could consider. One, Dunes City could enter into an agreement with LCOG in which the City's Administrator would become an employee of LCOG and Dunes City would contract with LCOG for the City Administrator services. Another option would be for Dunes City to enter into an intergovernmental agreement with another government, such as the City of Florence, to provide City Administrator services.

There was a discussion about PERS requirements. Mayor Ruede suggested that City Administrator/Recorder Mills try to put together some numbers to show what the City's PERS contribution rate would be. City Administrator/Recorder Mills pointed out that the City's PERS rate was scheduled to double at some point this year, but she did not know what the exact rate would be. She also expressed some concern about the financial impact to the City for having to pay sick leave benefits for all of its employees, required by a new law effective January of this year. There was some discussion about how the City might need to start thinking about controlling personnel costs.

During discussion, Councilors agreed that they would not pursue the option for the City to use a third party to provide City Administrator services.

There was some discussion about whether or not to instruct City Administrator/Recorder Mills to proceed with advertising for applicants and beginning the recruitment process while the Mayor and Staff find out from the City Attorney if there will be any employment classification issues. It was generally agreed to instruct City Administrator/Recorder Mills to prepare an ad to be published for 21 days. It was further agreed that the ad content

include language stating that the hire would receive PERS and pay into PERS, be paid by the hour, describe the work hours as possibly less than full time at 28-40 hours per week, and be non-exempt. It was also agreed that the published ad would state a salary range of \$15-\$20 per hour.

In other discussion, it was noted that at some point during the hiring process the City might want to define which off-site meetings the new hire would be required to attend, possibly limiting the number of meetings so that the new hire would spend more time in the office. City Administrator/Recorder Mills pointed out that the City would need to determine its sick leave benefits policy and the City is required to have a flood plains manager, which it currently does not have. She noted that there is training available for flood plain managers. It was generally agreed that the employment contract would include language regarding training. City Administrator/Recorder Mills agreed to look into the requirement that the City have a flood plain manager and the training needed to be one.

City Administrator/Recorder Mills referred to the material included in the Councilors' meeting packets and reminded them that they could refer to the sample interview questions to develop questions for potential candidates.

6. ADJOURNMENT

Mayor Ruede requested a motion for adjournment. Council President Sanders made the motion to adjourn. Councilor Scarberry seconded the motion. There was no vote taken.

Mayor Ruede adjourned the meeting at 6:40 pm.

APPROVED BY THE DUNES CITY COUNCIL ON THE 10th DAY OF MARCH 2016.

[Signed copy available at City Hall]
Rebecca Ruede, Mayor

ATTEST:

[Signed copy available at City Hall]
Jamie Mills, Interim City Administrator/Recorder