



Minutes of the Molalla Joint City Council and Planning Commission

**Molalla Civic Center
315 Kennel Ave., Molalla, OR 97038
November 17, 2021**

*There were no decisions made at this meeting.
It was treated as a Work Session between the City Council and Planning Commission.*

CALL TO ORDER

Mayor Scott Keyser called the City of Molalla Joint City Council and Planning Commission meeting to order at 6:30pm.

COUNCIL ATTENDANCE

Present: Mayor Scott Keyser, Council President Jody Newland, Councilor Elizabeth Klein, Councilor Leota Childress, Councilor Terry Shankle, Councilor Crystal Robles, and Councilor Eric Vermillion.

PLANNING COMMISSION ATTENDANCE

Present: Planning Commission Chair Rae Botsford, Commissioner Doug Eaglebear, Commissioner Jake Giberson, Commissioner Jennifer Satter, Commissioner Connie Farrens, Commissioner Rick Deaton.

STAFF IN ATTENDANCE

Dan Huff, City Manager; Christie Teets, City Recorder, Mac Corthell, Community Development Director; Dan Zinder, Senior Planner; Julie Larson, Planning Specialist; Chad Jacobs, City Attorney.

DISCUSSION ITEMS

- A. Define Roles of:
 - 1. City Council
 - 2. Planning Commission
 - 3. Administration/Staff
- B. Conflict of Interest
- C. State vs. Local Law
- D. Lifecycle & Involvement of Type I, II, III, and IV Applications

City Attorney, Chad Jacobs, spoke to Council and Commissioners regarding the roles of the Council, Commission, and Staff. Mr. Jacobs explained that Council is the policy making body, that has the final decision of a subject. The Planning Commission has an advisory role, however do not make rules. City staff is responsible for day to day operations and administrative work.

Mr. Jacobs then described the Lifecycle & Involvement of Type I, II, III and IV applications. He provided a flow chart to members, explaining the process for each Type. (Please refer to the packet for a copy of these items.)

Mr. Jacobs explained that Conflict of Interest related to Land Use is broken down into three separate areas. They are Ex Parte Contacts, Conflict of Interest, and Bias.

Conflict of Interest are broken down to actual conflict or potential conflict. Mr. Jacob's explained that actual conflict is something that 'would' benefit a councilor/commissioner. Potential conflict is one that 'could' create a conflict. He shared the proper method of claiming conflict of interest is to remove oneself completely from the dais. He also instructed council/commissioners the proper way to announce a potential conflict. He explained that one would need to make a disclosure at every meeting, not just the first meeting being held regarding an issue.

Conflict of Interest is also present when one uses their official position for personal gain. This primarily becomes apparent in the use of City equipment, whether through use of a backhoe, copy machine, or other city owned items. Mr. Jacobs reminded elected and appointed officials that they may not accept a gift in value of more than \$50.

Bias is described as “a decision maker substantially impairs a party’s ability to receive a full and fair hearing”. Bias can be an actual bias, in the form of personal bias or prejudice, or an appearance of bias, when a decision maker is called into question. Mr. Jacobs explained the importance of disclosure again, stating that is better to over disclose than under disclose.

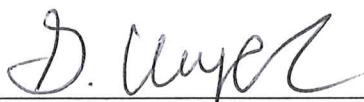
Commissioner Farrens asked about living in a small town and having council/commission members being at the same restaurant for dinner, or them having dinner together. Mr. Jacobs stated that it was not best practice, and to use caution when doing so. He also stated that if multiple council/commission members were at an event together, it would be important for them to spread apart, and not all sit together.

Discussion continued regarding conflict of interest and bias, between council/commission, and the City Attorney.

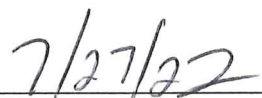
[For the complete video account of the City Council Meeting, please go to YouTube](#)
[“Molalla City Council Meetings – November 17, 2021”](#)

ADJOURN

Mayor Keyser adjourned the meeting at 7:56pm.



Scott Keyser, Mayor



Date

ATTEST:



Christie Teets, City Recorder