

- A. CALL TO ORDER.** Mayor Schirado called the meeting to order at 7:30 pm.
- B. ROLL CALL OF COUNCIL MEMBERS.** *Councilors Present:* Mayor Gery Schirado, Council President Chris Hadfield, Councilor Chuck Van Meter, Councilor Keith Jehnke
Councilors Absent: Leslie Gifford
Staff Present: Linda Tate, City Administrator and Nancy Brewer, Administrative Assistant
- C. COUNCIL MINUTES.** Councilor Van Meter moved to accept the minutes from the September 28, 2021 council meeting as submitted, Councilor Keith Jehnke seconded. Motion passed unanimously 4-0. **MO102621-1**
- D. CALENDAR OF MEETINGS**
- Tuesday, November 2, 2021, Public Hearing of the Planning Commission at 7:30 p.m. at Bridgeport Church
 - Thursday, November 11, 2021, City Hall will be closed in observance of Veterans Day
 - Tuesday, November 23, 2021, Regular Meeting of the City Council at 7:30 p.m. at Durham City Hall
 - Thursday and Friday, November 25-26, City Hall will be closed for the Thanksgiving Holiday
- E. PUBLIC FORUM.** For matters not appearing elsewhere on the agenda. Matters requiring further investigation or detailed answers will be referred to City Staff for follow-up at a future meeting. Please limit your comments to no more than five (5) minutes.
- None, no members of the public were present.
- F. PLANNING COMMISSION UPDATE**
No meeting was held in October.
- G. ORDINANCE 265-21, AN ORDINANCE OF THE CITY OF DURHAM ADOPTING NEWER VERSIONS OF THE STATE BUILDING CODE FOR APPLICATION WITHIN THE CITY, AMENDING ORDINANCE 195-99, AMENDING ORDINANCE 264-20, AND DECLARING AN EFFECTIVE DATE.** Second reading. Motion required.

Councilor Van Meter moved to adopt Ordinance 265-21. Councilor Jehnke seconded. Motion passed unanimously 4-0. **MO102621-2**
- H. RESOLUTION 646-21, A RESOLUTION OF THE DURHAM CITY COUNCIL ADOPTING THE CITY PERSONNEL POLICY HANDBOOK.** (motion required)

Councilor Van Meter moved to adopt Resolution 646-21, Councilor Jehnke seconded.

Discussion: Councilor Hadfield is uncomfortable that the notification and/or potential resolution can be dealt with without any other council members knowing any of this occurred. Hadfield stated that the City Charter establishes that the mayor is co-equal with the rest of the council members. He feels that if information comes to the Mayor that it should be shared with at least one other member of the council.

Tate stated that she sent the council-revised policy from July to the HR attorney at CIS and the issue of confidentiality was a major concern. The attorney stated that if the rest of the council is involved, they all MUST receive appropriate training on how to best handle these types of situations. CIS recommended that the City Administrator or the Mayor be the only points of contact, and then they should contact CIS before proceeding.

Councilor Hadfield said that his conversation went the much same way. She was not “complimentary” to City Councils in general and cited examples of confidentiality being an issue. Hadfield’s concern was that the policy doesn’t specifically state that this type of issue be brought

to the city's insurance attorneys. He said that the LOC has 5 videos to train council members for these types of issues.

Councilor Van Meter suggested that the mayor and council president receive training on how to handle these types of situations – at least once.

Tate stated that the current process is to contact the CIS attorney and let the attorney move forward with the situation. The CIS attorney suggested to Tate that if all council members were involved, then they all need to receive annual training.

Council discussed various situations and types of complaints.

Tate reminded the council that the Personnel Policy only covers City employees and the section being discussed protects the employee from being harassed.

Hadfield stated that the CIS attorney has advised that it not be the entire council, but either the City Administrator or a council member – more specifically, the Mayor or Council President.

Mayor Schirado suggested a more concrete path that is to be taken to get any harassment handled in a proper manner. There is to be no internal investigation, but is to be immediately turned over to the attorney.

Schirado also suggested that when the email reminder is sent to the council members, that it be completed within a prescribed period of time and signed as such. He suggested that it should be a requirement for all city council members to take these video classes on an annual basis. The council discussed more situations.

Tate reiterated that the policy pertains to only employees and pointed out that she is currently the only employee. If she feels she's being harassed, her options are to tell herself or the Mayor per the policy under discussion. A file in the personnel cabinet provides the advice to call CIS about all issues about employees and terminations. The Mayor is the only Council member with a key to City Hall.

Councilor Van Meter moved to accept the resolution the way it is written. Councilor Keith Jehnke seconded. Motion passed 3-0 with 1 nay vote by Councilor Hadfield.

MO102621-3

I. ADMINISTRATOR'S REPORT

In-N-Out. There was no new report/update from Tualatin. Tualatin attempted to contact In-N-Out recently, and no one responded.

ARPA update. The treasury changed the deadline for the first report from October 31, 2021 to April 30, 2022. Durham will receive an additional \$120 allotment because some cities didn't apply for the funds and they were redistributed.

J. FINANCIAL REPORTS

Councilor Keith Jehnke moved to approve payroll checks 622 & 623, vendor checks 16946 to 16968, and electronic funds transfers totaling \$6,541.16. Councilor Van Meter seconded the motion.

The vote passed unanimously 4-0.

MO102621-4

K. COUNCIL COMMENTS & MISCELLANEOUS INFORMATIONAL ITEMS

Mayor Schirado gave an update of the Metro Mayor's Consortium.

Schirado also mentioned that there are two large projects facing the city.

City of Durham
CITY COUNCIL MINUTES
October 26, 2021

First, Durham Heights – 36 units – schematics have been submitted to City Hall and made available for review.

Second, HB 2001 – changing Durham’s land use code to allow middle housing in lots zoned for single homes.

Tate said that the city received a grant to provide for a contractor to help with this project. That contractor is Urbsworks.

Mayor Schirado updated the council that Durham is now in the redistricted congressional district 6 and an election will be held to elect a new representative.

Councilor Hadfield said Kingsgate is a mess after the storm and he wanted the city to sweep the streets.

L. ADJOURN. Mayor Schirado adjourned the meeting at 8:41 pm.

Approved:

GERY SCHIRADO, MAYOR

Attest:

LINDA TATE, CITY ADMINISTRATOR/RECORDER