



City of

GOLD HILL

P.O. Box 308 • Gold Hill, OR 97525
(541) 855-1525 Fax (541) 855-4501

**GOLD HILL CITY COUNCIL
COUNCIL MEETING AGENDA**

October 21, 2019

Regular Council Meeting at 6:00 P.M.

The City of Gold Hill will meet on Monday October 21, 2019, at 6:00 P.M. For the regular City Council Meeting in the Council Chambers, 420 6th Avenue. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-855-1525. Council Meetings are recorded.

The City Council may elect to go into an Executive Session per ORC 192.660 (2) (a) to discuss a Personnel and/or Contractual Matter during the scheduled meeting.

1) Call to Order/ Roll Call/Pledge of Allegiance -

2) Agenda Adjustments

Adjustments to the agenda are limited to a change in the order of business to accommodate visitors making presentations or citizens who are attending for the purpose of a single agenda item. Adjustments in the form of additions to the agenda are discouraged because the general public has had no prior notice of their consideration, and therefore interested persons will not have an opportunity to participate. Adjustments in the form of deletions from the agenda may be accomplished here so long as there is disclosure of the reason for the deletion and an indication as to when or if the item will be placed on a future agenda.

3) Public Input

Limited to 5 minutes or less per Mayors discretion.

4) Public Hearing - NONE

5) Presentations – NONE

6) Staff Reports - NONE

7) Proclamations – NONE

8) Resolutions - NONE

9) Ordinances

9.1 AB2019-036 – Ordinance 19-04 Gold Hill Municipal Court Re-Activation

- 10) Consent Agenda:** to be approved by a single motion in the affirmative; Council Member(s) may elect to pull any and all Items which will then be automatically added as the next item under section “12) – NEW BUSINESS”

10.1 Approval of City Council Meeting Minutes for October 7, 2019 and October 14, 2019

- 11) Old Business –**
11.1 AB2019-033 Municipal Court Judge’s Employment Contract – City Manager Staven
- 12) New Business - NONE**
- 13) City Manager Report -**
- 14) Mayor Comments –**
- 15) Councilor Comments -**

Adjournment

Note: This agenda and the entire agenda packet, including staff reports, referenced documents, resolutions and ordinances are available at the Gold Hill City Hall in advance of each meeting 420 6th Avenue (P.O. Box 308), Gold Hill, OR 97525. Information can also be viewed at www.ci.goldhill.or.us

City of Gold Hill

AGENDA BILL

ITEM INFORMATION			
SUBJECT: Gold Hill Municipal Court Re-Activation	Agenda Date		AB2019-036
	Department/Committee/Individual	Created	Reviewed
	City Council/Mayor		
	City Manager	x	
	City Attorney		
	Other		
Cost Impact: None			
Fund Source: Fund 20			
Timeline:			
Attachments: SUMMARY STATEMENT: <p>City Council at its regularly scheduled meeting on October 7th received a presentation from Jen Zammetti regarding the re-opening of the Gold Hill Municipal Court. At that meeting the City Council directed the City Manager Staven to draft an employment contract for Jen Zammetti to serve as the Gold Hill Municipal Court Judge effective November 1, 2019. The Council further instructed Staven to draft an emergency ordinance to re-open the municipal court and to install into the ordinance language to address the voter-approved charter amendment dating back to 1988. Council further agreed to address the charter amendment by seating a charter amendment committee and/or placing a ballot measure on the November, 2020 ballot for the voters to elect a qualified municipal judge.</p>			
STAFF REVIEW AND RECOMMENDATION: To approve Ordinance 19-04 as presented			
RECOMMENDED ACTION: MOTION to approve staff recommendation.			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	

ORDINANCE 19-04

AN ORDINANCE OF THE CITY OF GOLD HILL, JACKSON COUNTY, OREGON RE-ACTIVATION OF THE GOLD HILL MUNICIPAL COURT AND DECLARING AN EMERGENCY

WHEREAS, City of Gold Hill has operated a municipal court in the past; and

WHEREAS, the Gold Hill Municipal Court has not operated within the past twelve (12) months; and

WHEREAS, a functioning municipal court is vital public safety component.

NOW, THEREFORE, LET IT BE ORDAINED BY THE CITY OF GOLD HILL COUNCIL

Section 1: The City of Gold Hill Municipal Court shall re-open to hear cases effective November 1, 2019.

Section 2: The Jackson County Sheriff, Deputies and Community Service Officers are hereby empowered to enforce the City of Gold Hill ordinances and code and to also bring cases under the State of Oregon code for traffic infractions to the Gold Hill Municipal Court.

Section 3: The Jackson County Sheriff Deputies and Community Service Officers are hereby empowered to serve summonses to appear and serve as the bailiff for the municipal court.

Section 4: Carry Randall is hereby assigned to serve in a part-time Municipal Court Clerk capacity, effective November 1, 2019.

Section 6: The City of Gold Hill will establish a charter amendment committee to amend the city chartered or if the charter amendment is not passed by the voters, the municipal Court Judge position will become a ballot measure on the November, 2020 ballot.

Section 5: The City Council of the City of Gold Hill hereby declares this as an emergency and Ordinance 19-04 shall have the full power and affect upon one reading and the signature of Mayor Newport.

PASSED AND APPROVED by the City Council of City of Gold Hill on this 21st day of October, 2019.

Approved:

Attest:

Peter Newport, Mayor

Jessica Simpson, Recorder

**City of Gold Hill City Council
Meeting Minutes
October 7, 2019**

Mayor Newport called the meeting to order at **6:02 p.m.**; immediately followed by the **Pledge of Allegiance**.

- 1) Roll Call:** Mayor Newport, Councilors Canon, Hinkley, Lowe, Palmer, Studebaker, and Wilson responded as present. **QUORUM PRESENT.**

2) Agenda Adjustments – NONE

3) Public Input

Carol Holm gave an update on the progress of Christmas decorations.

Gus Wolf asked if the public input portion of the meeting could be moved to the end, so that the public could hear the presentations and then give informed comments. Mayor Newport explained to him that he usually calls for any last inputs from the public before closing the meeting each week.

Anita Frobek and Nikki Johnson were both concerned that their last few water bills had been excessively high.

Chris Stanley was troubled that a resolution had been passed to raise the base rate of the water services, but that the raise was not reflected in the bills. She asked that the system be updated with the new water and sewer base rates.

4) Public Hearing – NONE

5) Presentations – Gold Hill Whitewater Park - Alex Campbell/John Vial

Alex Campbell from Oregon Regional Solutions and John Vial, Director of Parks for Jackson County, spoke at length with the Council about the options the City has for working with the County on shared responsibility for the Whitewater Park. Director Vial said that he would provide more data about the services they could offer.

6) Staff Reports

a. Public Service Coordinating Committee (PSCC) Meeting Report -

Councilor Lowe – Councilor Lowe attended the meeting and said they are doing some good things. He is now our Liaison with the Committee, and he will keep us up to date with what they are doing.

b. Personnel Committee Benefits Package Report – Mayor Newport –

Mayor Newport reported that the city is looking for alternatives to CIS and PERS.

7) Proclamations – NONE

8) Resolutions - NONE

9) Ordinances – NONE

- 10) Consent Agenda:** to be approved by a single motion in the affirmative; Council Member(s) may elect to pull any and all items which will then be automatically added as the next item under section “12) – NEW BUSINESS”

10.1 Approval of City Council Meeting Minutes for September 23, 2019

Councilor Studebaker moved that the Meeting Minutes be approved; Councilor Lowe seconded. All other Councilors were in favor, with the exception of Councilor Wilson, who abstained. **MOTION PASSED.**

11) Old Business

11.1 AB2019-033 Municipal Court Judge’s Employment Contract – City Manager Staven

Attorney Jen Zammetti appeared before the Council to discuss the Municipal Court. She brought up the need for the systems and forms to be in place first, but she’s willing to do the work. She also noted that she would not be able to start as the Judge until November 1, due to training requirements.

City Manager Staven noted that there was a conflict between our Charter and an Ordinance. The Charter states that a Judge should be appointed; while Ordinance 88-003 states that the Judge should be elected.

Motion was made by Councilor Lowe that Judge Zammetti should be seated using an emergency ordinance, and then to place her on the ballot in the November 2020 election. Seconded by Councilor Palmer; all Councilors voted in favor. **MOTION PASSED.**

12) New Business

12.1 AB2019-034 Authority to destroy documents per the current records retention schedule

Councilor Wilson made the Motion to authorize city staff to perform in-house records destruction per the schedule. Councilor Hinkley seconded the Motion. All Councilors voted in favor. **MOTION PASSED.**

13) City Manager Report

City Manager Staven had nothing to report.

14) Mayor Comments

Mayor Newport said that the League of Oregon Cities annual conference was full of useful information, and he and the Councilors brought back lots of new ideas for Gold Hill. He also

spoke well of the ACCESS Mayors United dinner. He reminded everyone of the 100 Years of Jackson County Library celebration, to be held on October 19 at 5:30 pm.

15) Councilor Comments

Councilor Lowe commented on his tour of the Bend water facility during the League of Oregon Cities conference. His two main takeaways were that (1) their failure to do good community outreach prior to the installation led to lots of litigation and (2) a good water facility should plan for the future and be scalable.

Councilor Studebaker asked that Ron and Judee Brown be reimbursed for the water damage their residence incurred during flooding that was caused by the city's inadequate storm protection. He suggested that we split the bill with them, since part of the damage was due to the property owner's negligence.

Mayor Newport told City Manager Staven that he had spoken with the auditors, and the 17/18 trial balance needed to be generated and sent to them.

Mayor Newport recessed the meeting at 8:11 pm.

Minutes Approved by: _____

Pete Newport, Mayor

Attested by: _____

Jessica Simpson, City Recorder

**City of Gold Hill City Council
Meeting Minutes
October 14, 2019**

Mayor Newport called the meeting to order at **6:09 p.m.**; immediately followed by the **Pledge of Allegiance**.

- 1) Roll Call:** Mayor Newport, Councilors Canon, Hinkley, Palmer, Studebaker, and Wilson responded as present. Councilor Lowe was excused as being on vacation.
QUORUM PRESENT.

2) Agenda Adjustments – NONE

3) Public Input

Ed Cooper, the VP of Can-Do invited everyone to the next Can-Do meeting at the library on Thursday, October 17, at 6:30 pm. He also mentioned a book talk at the library on Saturday, October 19, at 1:00 pm. Paul Fattig will be discussing his new book. Following the author's presentation, the library will be celebrating 100 years in Jackson County at 5:30 pm.

4) Presentations –

a. Letter of Support for “Tribal Salmon Ceremony” – Steve Kiesling

Steve Kiesling told the story of the Salmon Ceremony, and the difficulties of Grandma Aggie in getting a fishing license for the ceremony. He encouraged the City to send a letter of support to Governor Kate Brown, asking her to approve the fishing license.

b. “Safe and Welcoming Community” Resolution – Jessie Kinney

Jessie Kinney brought the latest draft of the “Safe and Welcoming Community” Resolution with the changes that City Council had requested at her last appearance.

Amy Fann read a letter from Melia Biedscheid urging the Council to adopt the resolution without further delay. Steve Kiesling and Mary Buckley Mikkelsen also offered their support of the resolution.

5) Resolutions – 05-R-19 “Safe and Welcoming Community”

After discussion, the majority of the Council agreed that they were satisfied with the new language of the proposed Resolution. Councilor Canon moved that the resolution be adopted, with the caveat that it go through legal review first. Councilor Palmer seconded. Councilors Canon, Hinkley, Palmer, and Wilson voted “YES”; Councilor Studebaker voted “NO”.

MOTION PASSED.

6) Old Business -Letter of Support for “Tribal Salmon Ceremony”

The Council agreed that City Manager Staven and Steve Kiesling should draft a letter of support to the Governor for the Mayor and Council to sign.

Mayor Newport recessed the meeting at 7:13 pm to adjourn to an Executive Session for a personnel matter.

Minutes Approved by: _____
Pete Newport, Mayor

Attested by: _____
Jessica Simpson, City Recorder

City of Gold Hill

AGENDA BILL

ITEM INFORMATION			
SUBJECT: Employment Contract for Judge Zammetti	Agenda Date		AB2019-033
	Department/Committee/Individual	Created	Reviewed
	City Council/Mayor		
	City Manager	X	
	City Attorney		
	Jen Zammetti, Judge		X
Cost Impact: budgeted for the current fiscal year			
Fund Source: 20-1-616-00			
Timeline: Immediate			
Attachments: Employment Contract			
<p>SUMMARY STATEMENT:</p> <p>City Council, on 09/23/10, directed City Manager Staven to initiate negotiate an employment contract for municipal judge services with a qualified and willing to serve local attorney to serve as a municipal judge.</p> <p>Subsequently, at the October 7th Council meeting, the City Council further directed City Manager Staven to complete the contract negotiations with Ms. Zammetti and to bring forward the final contract for Council consideration.</p> <p>The attached contract is a Professional Services Contract where Ms. Zammetti serves as an independent contractor for a term subject to 1) city charter is amended to make the judge an appointed position or 2) an elected judge is seated by the vote of the people; until such time, Judge Zammetti will be a council appointment judge.</p>			
STAFF RECOMMENDATION: To approve Judge Zammetti's Professional Service Contract as presented			
RECOMMENDED MOTION: Motion to approve Judge Zammetti's Professional Service Contract as presented and to instruct City Manager to sign the contract.			
RECORD OF COUNCIL ACTION			
Meeting Date	Action	Vote	
10/21/19			

Professional Services Contract for Municipal Court Judge

1. The laws of the State of Oregon govern the interpretation, construction, and enforcement of this Professional Services Agreement ("Agreement").

2. Parties. The Parties to this Agreement are the City of Gold Hill, Oregon ("City") and Jen Zammetti ("Zammetti").

3. Recitals.

3.1. As authorized by Chapter 221.336 of the Oregon Revised Statutes ("ORS"), the City has established the Gold Hill Municipal Court. The Municipal Court has jurisdiction and exercises all powers vested in municipal courts, as are generally conferred upon such courts in the State of Oregon, either by common law or by express statute or ordinance.

3.2. Zammetti has sought the appointment to the part-time position of Municipal Court Judge for the Gold Hill Municipal Court.

3.3. The Council deems Zammetti qualified to hold such position, and hereby appoints Zammetti to hold the position of a Municipal Judge beginning November 1, 2019 until an elected municipal judge is seated, or city charter amendment changes it to an appointed position, at the following terms and conditions:

3.4.1 Zammetti shall be an independent contractor and shall solely set her working and on-site contact hours with the city.

3.4.2 City shall pay Zammetti a monthly retainer of \$650 with no additional benefits or compensation other than those specifically identified herein. This provision shall be reevaluated at the end of the current City biennium.

3.4.3 City shall budget adequate funds to operate the municipal court and to assign one part-time clerical staff to the court.

3.4.4 City shall budget adequate funds to send Zammetti to participate in the National Judicial College's Courts of Special Jurisdiction course, as required by ORS 221.142. The budgeted funds will include travel and lodging expense in addition to the cost of the course. The course takes place October 19-29, 2020, in Reno, Nevada. In-person attendance is required.

3.4.5 The Municipal Court shall be an independent branch of the City of Gold Hill government and Zammetti shall have the sole power to set rules and procedures for municipal court operations with no outside influence from elected or appointed city officials. Zammetti shall strictly adhere to the provisions of the State of Oregon Code of Judicial Conduct.

3.4.6 Zammetti is not subject to discipline or removal from office, except by a majority City Council action. The City, however, will reserve its right to promptly notify the Commission on Judicial Conduct if it believes that Zammetti is disqualified to serve as a judge for any reason.

3.4.7 Zammetti agrees to perform the following services:

- a. Serve as Gold Hill Municipal Court Judge;
- b. Oversee the Municipal Court operations;
- c. Supervise all employees assigned to perform court functions;
- d. Perform the services enumerated above in accordance with all laws, rules, and regulations governing the administration of a court of limited jurisdiction;
- e. Comply with each provision in the Code of Judicial Conduct; and,
- f. Zammetti will allow the City to perform periodic compliance and/or financial audits of the municipal court operations and, at a minimum annually during the city's annual independent audit.

4.0. The City agrees to pay for Zammetti's membership in the Oregon Municipal Court Judges' Association. The City will not pay for any benefits not specifically stated in this Agreement.

5.0. Zammetti may not sign a contract on behalf of the City without approval of the City Manager.

6.0 Zammetti agrees not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability.

7.0 Zammetti may appoint a qualified pro tem judge to allow Zammetti to miss court dates for personal reasons (vacation, illness) or in the event of a conflict of interest. Pro tem judge is an unpaid volunteer position.

7.0.1 If a pro-tem judge is used because of a conflict of interest on Zammetti's part, or because of the filing of an affidavit of prejudice, Zammetti is not excused from fulfilling any other administrative or calendar duties as may be necessary during such usage.

8.0 If it is determined by appropriate third-party authority having jurisdiction over Court activities (such as the Commission on Judicial Conduct or the Oregon State Supreme Court) that the use of pro-tem judges resulted from the wrongful acts of Zammetti, then Zammetti is responsible and liable for the costs and expenses incidental to the use of such pro-tem judge(s).

9.0 The City will provide a suitable place for holding court and will pay for all of the expense of maintaining it. The City will also furnish supplies and equipment sufficient for the operation of the Court.

10.0 If it does not interfere with her duties as judge, Zammetti may maintain her private law practice.

11.0 The City will not require Zammetti to obtain private liability insurance and will cover her activities under the City liability policy.

12.0 Zammetti agrees to comply with all applicable state standards for the licensing, certification, operation officialities and accreditation, if any, necessary to serve as Gold Hill Municipal Court Judge. Expenses related to the mandatory standards, aside from Oregon State Bar membership, shall be the responsibility of the City.

13.0 The City Manager will administer this Agreement on behalf of the City. The parties must serve or mail any written notice required by this Agreement to the following addresses:

Jan Zammetti: 3002 Wards Creek Road, Rogue River, OR 97537

City of Gold Hill: c/o City Manager P.O. Box 308 Gold Hill, OR 97525

14.0 Zammetti represents and affirms that she is: 1) a citizen of the United States of America; 2) a citizen of the State of Oregon; 3) a resident of Jackson County; 4) an attorney admitted to practice law before the courts of record of the State of Oregon, and 5) a registered voter in Jackson County.

15.0 Zammetti represents that she: 1) considered the terms of this Agreement for a reasonable time; 2) had the opportunity to have this Agreement reviewed by an attorney of her choosing; 3) fully understood the significance and consequences of each term of this Professional Services Contract for Municipal Court Judge; and 4) voluntarily signed this Agreement after full reflection and analysis.

16.0 Zammetti agrees not to disclose to third parties information that is not otherwise subject to public disclosure without the prior written consent of the City, unless:

- a. The information is known to Zammetti prior to receiving the same directly or indirectly in connection with the work;
- b. The information is in the public domain at the time of disclosure by Zammetti; or
- c. The information is received by Zammetti from a third party who does not have an obligation to keep the same confidential.

17.0 Zammetti releases and will defend, indemnify and hold harmless the City, its elected officials, officers, employees, agents and volunteers for any and all claims, demands, losses, negligent acts or omissions, and liabilities (including costs and all attorney's fees) to or by any and all persons and entities, including without limitation, their respective agents, licensees, or representatives, arising from, resulting from, or connected with this Agreement to the extent caused by the negligent acts, errors or omissions of Zammetti or by the Zammetti's breach of this Agreement.

18.0 This Agreement and all attachments form all of the covenants, promises, agreements and conditions, between the parties.

- 19.0. If any provision of this Agreement is declared invalid, the remaining provisions remain in full force and effect.
- 20.0. The obligations of Zammetti under all provisions of this Agreement, which may reasonably be interpreted or construed as surviving the completion, termination, or cancellation of this Agreement, survive the completion, termination, or cancellation of this Agreement.
- 21.0. Each individual executing this Agreement on behalf of the City and Zammetti represents and warrants that such individuals are duly authorized to execute and deliver this Agreement on behalf of Zammetti or the City.
- 22.0 Zammetti may not offer, or accept gifts, gratuities, loans, trips, favors, special discounts, work, or anything of economic value in conjunction with the Municipal Court business practices. Zammetti must strictly adhere to the statutes and ordinances for ethics in contracting and purchasing, including the City Ethics Code.
- 23.0 Zammetti represents that she does not have a business interest or close family relationship with any City officer or employee who was, is, or will be involved in Zammetti’s selection, negotiation, drafting, signing of this Agreement.
- 24.0 This Agreement constitutes the entire agreement between the parties; neither party may unilaterally modify this Agreement.
- 25.0 Jackson County, Oregon Circuit Court is the venue for any legal dispute regarding this Agreement.
- 26.0 If any legal action or other proceeding is brought for the enforcement of this Agreement, each party must bear its or his own attorney's fees, expert witness fees, filing fees, or other costs incurred in that action.
- 27.0 If a competent court of law determines any section or portion of this Agreement to be unlawful, such determination does not affect the remaining terms and conditions of the Agreement.
- 28.0 By waiving a default or breach of this Agreement, a party does not waive any other prior or subsequent default or breach. A waiver does not modify the terms of this agreement.

CITY OF GOLD HILL

CONTRACTOR

Harry A. Staven, City Manager

Date

Jen Zammetti, Contractor

Date