



## **CITY OF LA PINE CITY COUNCIL SPECIAL SESSION AGENDA**

Wednesday, November 20, 2019

**1:00 p.m. Special Session**

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order
2. Establish Quorum
3. Pledge of Allegiance
4. Discussion Regarding Council Member 3 Month Leave of Absence
5. Adjourn Meeting

Pursuant to ORS 192.640, this notice includes a list of the principal subjects anticipated to be considered or discussed at the above-referenced meeting. This notice does not limit the ability of the City Council to consider or discuss additional subjects. This meeting is subject to cancellation without notice. The regular meeting is open to the public and interested citizens are invited to attend. Council may not take formal actions in Work Sessions. The public will not be permitted to attend the executive session; provided, however, representatives of the news media and designated staff will be allowed to attend the executive session. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the executive session as previously announced. No decision will be made in the executive session. 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 before the meeting to City Hall at (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY.



## CITY OF LA PINE

### STAFF REPORT

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Meeting Date: November 20, 2019  
TO: La Pine City Council  
FROM: Melissa Bethel, Staff & City Attorney  
SUBJECT: Discussion regarding Council member 3 month leave of absence

TYPE OF ACTION REQUESTED (Check one):

- |   |   |
|---|---|
| <input type="checkbox"/> Resolution                         | <input type="checkbox"/> Ordinance        |
| <input checked="" type="checkbox"/> No Action – Report Only | <input type="checkbox"/> Public Hearing   |
| <input type="checkbox"/> <b>Formal Motion</b>               | <input type="checkbox"/> Other/Direction: |

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Councilors:

Background:

At the November 13, 2019 City Council meeting Councilor Briesse stated she would be taking a 3-month sabbatical out of the Country. She advised she had worked with staff regarding the ability to call into meetings and would be able to attend via the WhatsApp. Council expressed some concerns regarding the leave and asked staff to obtain an opinion from the City Attorney and agreed to hold a special meeting on November 20, 2019 at 1:00 p.m.

Below is the opinion from the City Attorney:

*There is nothing prohibiting a member of the City of La Pine ("City") City Council ("council") from taking a three-month leave of absence. However, if the councilor ceases to reside in City, or is absent from City for 30 days or more within a 60-day period without permission of council, then council may declare the councilor's seat vacant. Neither City's municipal charter (the "Charter") nor council's rules and procedures (the "Rules") address councilor attendance requirements. City's Charter does permit councilors to appear at meetings remotely.*

- *Chapter VII, Section 31(b)(2) of the Charter provides that upon declaration by council, a council office becomes vacant if a council member is absent from City for 30 days within a 60-day period, without council's consent.*

- *Chapter VII, Section 31(b)(3) of the Charter provides that upon declaration by the council, a council office becomes vacant if a councilor ceases to reside in City. The creation of a council office vacancy under this subsection requires a declaration by council. It is unlikely that a councilor's temporary absence would be deemed to create a potential vacancy under this subsection, especially if the councilor obtains council's consent to the absence.*
- *Chapter III, Section 12 of the Charter provides that council members may attend council meetings via telephonic conference call or other means of conferencing and be considered present provided all members of council and the public attending the meeting can reasonably hear the member's voice and, conversely, the council member attending by conferencing can reasonably hear the proceedings.*
- *Council's Rules, with are set forth in Resolution 2011-11, do not address councilor absences.*
- *ORS Chapter 211 addresses the composition and functioning of city councils. ORS 221.120(9) states that council shall meet publicly at least once each month, however, it does not address attendance requirements for individual council members.*

*If the Council does not consent to leave of absence, and assuming that Councilwoman Briese is absent from City for 30 days or more within a 60-day period, then Council would have the option of declaring the seat vacant.*

*Section 32 of City's Charter, which is consistent with ORS 221.120(4), provides that a "councilor vacancy will be filled by the appointment of a majority of the remaining council members. The appointee's term of office runs from appointment until expiration of the term of office of that last person elected to that office. If disability prevents a council member from attending council meetings or a member is absence [sic] from the city, a majority of the council may appoint a councilor pro tem."*