

WORKSHOP MEETING MINUTES  
SISTERS CITY COUNCIL  
520 E. CASCADE AVENUE  
NOVEMBER 1, 2007

**MEMBERS PRESENT:**

Brad Boyd	Mayor
Bill Merrill	Council President
Lon Kellstrom	Councilor
Sharlene Weed	Councilor
Shawna Bell	Councilor

**STAFF PRESENT:**

Eileen Stein	City Manager
Brad Grimm	Public Works Director
Lisa Young	Finance Director
Eric Porter	Planning Director
Steve Bryant	City Attorney
Kathy Nelson	City Recorder

The meeting was called to order at 8:00 a.m. by Mayor Boyd.

1. Sheriff's Contract Service Priorities

**City Attorney Bryant** stated the contract between the City and Deschutes County Sheriff Department is coming to an end in June 2008 and it is time to determine what to do in terms of negotiating a new contract. He stated the Council needs to decide where it wants to prioritize the Sheriff Departments efforts and provide staff with guidance.

**Councilor Merrill** asked if the contract is a legal document. **City Attorney Bryant** stated it is. **Councilor Merrill** asked if the word "shall" in the contract means the action is mandatory. **City Attorney Bryant** stated it depends on the context. **Councilor Merrill** asked if "shall" in the City's current contract with the Sheriff's Department indicates the action is mandatory with regard to enforcement of City Codes. **City Attorney Bryant** stated it is not. **Councilor Merrill** asked if code enforcement is not mandatory then why the contract has not been renegotiated to eliminate that function and reduce the cost for services. **City Attorney Bryant** stated that it is not an issue of eliminating the task but rather that the City entered into a contract with the Sheriff's Department to provide 120 hours of police services a week to the City. He stated the hours are the Sheriff's obligation and that historically the Council has allowed the Sheriff's Department to determine its own priorities as to how those hours are spent. He stated the contract does not require them to perform code enforcement but allows them to perform code enforcement if there is time permitting. **Mayor Boyd** stated that in reading the statement of work he sees that the language allows "wobble room" and that the Sheriff's Department is not in breach of contract. **City Attorney Bryant** stated he agrees. He stated the City buys hours and to some extent the City can determine the priorities with whatever hours are left after the Sheriff responds to those events that mandate response.

Councilor Weed arrived at 8:06 a.m.

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**Councilor Merrill** stated he doesn't agree. He stated that the contract's statement of work contains five elements and that all five elements should be performed as part of the contract. He stated he doesn't understand how the only thing the Sheriff's Department needs to do is provide 120 hours of services a week. **City Attorney Bryant** stated that within the 120 hours of weekly service the Council can specify or set priorities but that calls into question the issue of cost effectiveness. He stated that at approximately \$60 an hour, the average wage for a patrol deputy, it underutilizes their services. He stated the City can hire someone to provide code enforcement for approximately \$15 an hour. **Councilor Merrill** stated that \$60 an hour is expensive to have someone driving around in their patrol car. He stated he doesn't debate the 120 hours a week the City contracts. He stated he feels that his questions should have been asked a long time ago by others and that the contract should have oversight.

**City Attorney Bryant** stated that since the contract began the monthly report presented at the Council meetings which briefs the Council on the activities of the Sheriff's Department has been all the oversight the Council requested. He stated that if there have been concerns from other councilors it would have come up previously. **Councilor Merrill** agreed that the monthly report provides oversight but still thinks the City pays a high price to have deputies drive around to patrol the City.

**Councilor Kellstrom** stated if the City had its own police department its patrol officers would also spend a lot of time driving around the City. He stated the purpose of police and fire department is to provide a presence and to wait and respond to emergencies. **Councilor Merrill** stated that he agrees we pay for these services so things don't happen and that he is not against the contract or the Sheriff Department. **Mayor Boyd** told Councilor Merrill that he appears to be in the minority as the only councilor who feels there is a problem with the contract or the level of service being provided by the Sheriff's Department. **Councilor Merrill** stated that there are ethical issues and he feels the contract needs to be fixed. **Mayor Boyd** stated he feels the Sheriff's Department is providing the statement of work they agreed to do and that he refutes Councilor Merrill's claim they are not. **Councilor Merrill** stated they are not providing code enforcement and they only recently started providing nightly business checks. He added that code enforcement is important. **Councilor Weed** stated it is her understanding that the Sheriff is not going to go looking for code violations but will respond to them when called by the City. **Councilor Merrill** stated that he understands that they will only respond if the violation is against State law.

**Mayor Boyd** stated that certainly the City can write a clearer contract. He stated he wants to see the Sheriff's Department address major crime, minor crime, traffic and community policing but that it doesn't make sense to have them address minor code violations, such as mandatory screening of dumpsters or illegal signs. He stated he feels it's the City responsibility to deal with those minor issues. **Manager Stein** stated that in looking through the Municipal Code there are many grey areas and that discovery and abatement violations should be addressed not by a \$60 an hour deputy but instead by a lower cost employee.

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**Councilor Merrill** stated there's a lack of enforcement of standards. **Councilor Weed** stated she feels that some issues need to be enforced by the Sheriff's Department. **Councilor Bell** stated that since the contract doesn't say "*if you call*" she doesn't see why any of these provisions are any less enforceable, but she does feel that is not the real intent of the contract. **City Attorney Bryant** stated that the provision has a very broad brush as the 120 hours of service per week but was the best guess of the time needed to protect the City when the contract was written. If there was nothing happening then certain services were listed to provide guidance as to City priorities, he stated. He stated as it has turned out the 120 hours allows priority work and enforcement of code issues that impact public safety. He stated the real issue that he Council needs to determine is whether the 120 hours per week is adequate for what the City wants.

**Councilor Merrill** stated he would like to see the code enforced and that the City shouldn't make provisions in a contract and then not follow them. He stated that if the Sheriff is not going to provide code enforcement the City needs to hire someone who can. **Mayor Boyd** suggested that in order to move forward, staff speak with the Sheriff's Department about those areas of concern they should enforce.

**Councilor Bell** asked if the Black Butte Police Department could provide contract services to Sisters. **Manager Stein** explained this was considered briefly previously, but Black Butte Police Department is a specially deputized unit of the Deschutes County Sheriff's office and not a separate public safety service district. She stated another problem is how to craft an agreement as the City of Sisters and Black Butte Ranch are not contiguous. **Councilor Bell** stated that perhaps the City could put out a request for proposal to see what the City can get for \$300,000 a year from other firms. **Councilor Kellstrom** stated that other alternatives have been discussed with previous Councils and it was concluded that the Deschutes County Sheriff's Department provided the best option.

**Councilor Bell** asked if the City knows that 120 per week of coverage is adequate. **Manager Stein** stated that the Sheriff and past Councils have felt this arrangement has worked up to this point, but the Council can dictate how many hours of weekly patrol coverage it wants. **Mayor Boyd** requested that Manager Stein speak with the Sheriff to determine how to get our code enforced in the most efficient way. **City Attorney Bryant** stated there is not a code enforcement mechanism within the City. **Councilor Weed** asked if the City has any mechanism in place for code enforcement. **Mayor Boyd** stated that someone can fill out a complaint form in the Planning Department regarding a specific issue, and the Planning Department will follow up on the issue as time permits. **Councilor Bell** stated that she wants to see that due diligence is done with regard to code enforcement to see whether it can be handled in house with the existing staff before she is comfortable moving ahead with recommending a part time code enforcement officer. **Councilor Merrill** stated that another option is to combine that position with other duties to provide a full time position.

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**Councilor Weed** asked if the City knows yet what the increased cost for the contract will be.

**Manager Stein** stated that any increase in contracted services is not yet known. She stated that previous conversation about providing a dedicated 24 hour patrol within the city limits have shown the cost to be significantly more. **City Attorney Bryant** stated that in essence the current contract buys three full time deputies and that even with rotation due to training and leave allocation, coverage has never been a problem. **City Attorney Bryant** asked if the Council wants to continue with Deschutes County Sheriff and the **Council** was in agreement that they do.

**Mayor Boyd** stated the City is happy, wants to continue to have a contract with the Deschutes Sheriff's Department and then figure out internally how to get things like code enforcement done.

**Councilor Merrill** asked if the City pays the rent on the Sisters sub-station building and **Manager Stein** stated that the City does not. **City Attorney Bryant** stated that is an advantage to the City to have a local station as it cuts down on response time to calls from citizens.

**Manager Stein** asked which enforcement issues the Council wants her to discuss with the Sheriff. The **Council** listed health and safety, abandoned vehicles, parking, noise, at large animals, curfew and fire arms as areas requiring they feel require support from the Sheriff's Department. **City Attorney Bryant** stated that he feels the Sheriff will enforce everything for public health and safety and public peace. **Councilor Bell** stated she feels it is important to designate which issues should be addressed in a proactive manner versus a reactive manner.

The **Council** concluded their discussion stating they will wait to hear back from Manager Stein.

2. Preview November 8, 2007 Workshop Meeting with the Sisters Area Chamber of Commerce, Urban Renewal Agency Board Meeting and Regular Meeting Agenda

**Manager Stein** distributed an updated draft agenda for the joint workshop meeting with the Sisters Area Chamber of Commerce and provided an overview. The **Council** requested that item #3, *Street Maintenance – Needs and Funding Option*, be pulled from the agenda as they have not had any conversations regarding the issue as a Council so far.

**Mayor Boyd** stated that since the topic of trash receptacles for the downtown core will be discussed with the Chamber of Commerce, he requested that staff research for receptacles that include a cigarette ashtray. **Public Works Director Grimm** stated he will research the matter.

**Councilor Weed** stated she is upset about the coverage given in the Nugget Newspaper on the Economic Development meeting where the Council was presented as having an elitist attitude and would like to discuss the issue with the Chamber. She stated she feels the Council is neither elitist nor anti-industry and that there was misinformation regarding the Council circulated at the meeting. The **Council** discussed the matter and voiced frustration at the misinformation presented. **Mayor Boyd** stated the goal to recruit businesses that will fit well with the community and will stay long term, needs to consider the high cost of homes, rentals and transportation needs.

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The **Council** also suggested discussing the topic of who is responsible for bringing economic development to Sisters with the Chamber Board.

**Manager Stein** provided an overview of the Urban Renewal Agency (URA) Board Meeting stating it will be a very brief meeting to approve a planning services agreement between the City and URA. Manager Stein explained that the agreement allows the City to engage in administrative services and contracts on behalf of the URA.

**Manager Stein** stated that the room tax ordinance was being pulled from the agenda and a public hearing on the proposed burning ban will be included in the regular meeting, with the emergency clause removed from the ordinance. She added that the planning services agreement between the City and URA would be approved on a Council level also. She stated that there will be additional appointments to the Committee for Citizen Involvement.

3. City Manager Update

**Finance Director Young** distributed copies of the FY 2007-08 Annual Budget book to the Council. She informed the Council she will be creating a budget calendar soon and updating the City web site to include information about the FY 07-08 Budget.

The meeting was adjourned at 10:00 a.m.

Respectfully submitted,

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Kathy Nelson, City Recorder

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Brad Boyd, Mayor