

Russ ([00:00](#)):

Are you going to start the tape?

Dylan ([00:03](#)):

It's going.

Russ ([00:03](#)):

Got it? All right good, then I want to call to order Executive Session of the West Linn City Council for July 2, 2018.

Russ ([00:12](#)):

Quickly around the room, Russ Axelrod, Mayor.

Brenda ([00:16](#)):

Brenda Perry, Council President.

Teri ([00:19](#)):

Teri Cummings, Council.

Bob ([00:20](#)):

Bob Martin, Council.

Lance ([00:21](#)):

Lance Calvert, Public Works Director.

Dylan ([00:24](#)):

Dylan Digby, Assistant to the City Manager.

Eileen ([00:26](#)):

Eileen Stein, City Manager.

Tim ([00:28](#)):

Tim Ramis, City Attorney.

Richard ([00:29](#)):

Richard Sakelik, City Councilor.

Patrick ([00:31](#)):

Patrick Malee, West Linn Tidings.

Russ ([00:33](#)):

Great thank you. You want to read the script?

Dylan ([00:35](#)):

Sure. City Council will now meet in Executive Session pursuant to ORS 192.660(2)(h) to consult with council on the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed and ORS 192.660(2)(e) to conduct deliberations with persons designated by the Governing body to negotiate real property transactions.

Dylan ([01:00](#)):

Representatives of the News Media and designated staff shall be allowed to attend the Executive Session. All other members of the audience are asked to leave the room. Representatives of the News Media are specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the Executive Session except state the general subject of the Session as previously announced. No decision may be made in Executive Session. At the end of Executive Session we will return to Open Session and welcome the audience back into the room.

Russ ([01:31](#)):

Great, thank you. Please go ahead and shut the door.

Russ ([01:39](#)):

Will Eileen and Tim...

Tim ([01:40](#)):

Where should we start?

Eileen ([1:45](#)): Fesser?

Tim ([01:50](#)):

Okay, the first one is a Tort Claim. This is a bit of a puzzle because on the one hand I want to make sure that you know this claim is being made because its substantial. And on the other hand we have the advice of employment council to not be too specific about it because it involves a matter that is currently under investigation. So let me tell you generally what it's about and see if that is satisfactory, at least for now. I suspect we'll be back later to talk about this in more detail with our insurance carrier CIS.

Tim ([02:23](#)):

The claim is that a person who has a job at a... who had employment in Portland, lost that employment after some inappropriate investigation of their activities by West Linn police then passed along to Portland police, but that all police got in wrong and this person should not have lost their employment.

Eileen ([02:49](#)):

That's the claim?

Tim ([02:51](#)):

That's the claim.

Eileen ([02:52](#)):

That's the claim. Okay.

Bob ([02:56](#)):

They should not have lost their claim?

Tim ([02:57](#)):

They should not have lost their employment.

Bob ([02:58](#)):

Oh okay.

Eileen ([02:59](#)):

So I want to make sure we're not saying-

Russ ([03:01](#)):

This was years ago, right?

Eileen ([03:03](#)):

Yes, and I want to make sure we're not saying it was an inappropriate investigation, that's the claim that's being made.

Tim ([03:07](#)):

The claim is that they're entitled to compensation because of this. They've given us a notice of tort claim. They've not yet filed a case but in preparation for filing a case they've said to our carrier we would be willing to enter into some sort of dismissal or waiver of our claims in return for a payment of three million dollars.

Tim ([03:35](#)):

So this one will obviously continue for a while. There is an investigative phase that needs to be conducted first. We've been following the City's regular investigative processes for these matter, we're not doing anything out of the ordinary on it but when we have more information and we have an assessment of our liability from CIS then we'll have them here to talk about it.

Brenda ([04:02](#)):

[crosstalk 00:04:02] You said it was years ago. Can you say how many years ago? How long ago?

Tim ([04:07](#)):

There's a date here. It was 2017. Early in 2017.

Bob ([04:21](#)):

Their claim against West Linn is that our police gave the wrong information to the Portland police and then acted on it?

Tim (04:30):

Yes, there's also sort of an implication that the West Linn police shouldn't have been involved at all but for personal relationship with the owner.

Teri (04:41):

But for what?

Tim (04:41):

The allegation is that the West Linn police should not have been involved in this at all but were because of a personal relationship that someone in the police department had with the owner of the business.

Teri (04:57):

And so this is sort of more of a business person?

Tim (04:59):

This is an employee saying "I should not have lost my employment over what these folks investigated and found, alleged about me".

Tim (05:09):

I'll leave it at that and we'll be back with more detail once CIS... Sorry to leave you with a cliff hanger but I am trying to honor the suggestion of employment council that we not-

Brenda (05:23):

Sounds like an end of season [inaudible 00:05:27]

Eileen (05:28):

Can we mention three employees are implicated in this. Two are former employees and one is a current employee. That's why it's still a personnel matter.

Teri (05:41):

And we're talking about police officers that happened to be involved in something.

Tim (05:47):

Yes.

Russ (05:48):

And for full disclosure, I was copied on the original submittal so I just forwarded it on to Legal. I don't know why they-

Teri (05:57):

The original Court Claim you mean?

Eileen (05:57):

The tort notice.

Russ (06:00):

The tort notice. They copied the Mayor on it. I don't know why.

Teri (06:07):

Doesn't that make that public or something?

Tim (06:11):

I don't think it does at this point. We are only discussing in the context of an Executive Session we will then have further conversation about it with our council. At this point I think its lawyer client privileged and let's proceed and once we peel a couple layers off the onion then well be back.

Brenda (06:39):

Okay, I'm fine with that.

Eileen (06:43):

One other piece in terms of disclosure on this, the attorney that is representing the person that filed the complaint against the city, that law firm, there's different attorney in that same law firm that represents me on my employment contract. So I just wanted the council to know that as well.

Eileen (07:07):

Tim and I talked about it.

Russ (07:08):

That shouldn't have any baring...

Tim (07:08):

No, I put it in the category of coincidence rather than conflict.

Eileen (07:11):

I just wanted the council to be aware of that.

Russ (07:22):

All right next-

REDACT HERE TO END

Russ (59:50):

We are done with Executive Session [inaudible 00:59:52] you can open the doors thank you.