

**City of Lafayette**  
**City Council Meeting Minutes**  
**October 26, 2021 at 6:30 p.m.**

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**1. CALL TO ORDER**

**2. FLAG SALUTE**

**3. ROLL CALL:** City Administrator Preston Polasek called the Roll:

**Present:** Mayor Marie Sproul, Christine Brungardt, James Drebin, Lee Gilgan, Greg Goularte, Sheila Neuman, Kayla Paulsen

**City Staff Present:** Preston Polasek, City Administrator; Kevin Perkins, Assistant City Administrator; Bill Monahan, City Attorney

**Others:** Sergeant Sam Elliot; Deputy Joshua Schmidt

**4. DISCUSSION ITEM:**

**Law Enforcement Contract with the Yamhill County Sheriff's Office**

*I. Statement of the Problem*

Administrator Polasek stated that this meeting was requested by Councilors Goularte, Drebin, and Neuman. This is a very serious matter as law enforcement is the most important service the City provides. The relationship between the City, the Sheriff's Office, and the individual deputies is suffering based largely on the disrespect shown towards deputies, such as accusing deputies of being lazy or not present in the City. Some in the community are even asking if the City is considering setting up its own police force, which is absurd and absolutely not under consideration. Councilor Goularte asked which Councilors he is referring to. Administrator Polasek stated that it is Councilors Drebin, Neuman, and Goularte that he is addressing with this evening's comments. Administrator Polasek stated that because of certain statements and actions from Councilors our relationship with the YCSO is in crisis. The disrespect toward officers is a complaint that the YCSO management has made to Mayor Sproul. Comments like our officers are not the type of people we want protecting our City are disrespectful and need to stop. The attempts to micromanage the work is unhelpful and undermines the ability of our officers to enforce the law. Administrator Polasek stated that this upsets him personally, YCSO's leadership and our deputies. The City of Lafayette used to be the choice assignment for deputies in Yamhill County, which is no longer the case. Councilor Goularte denied ever making such a comment or attempting to micromanage the deputies' work. Administrator Polasek continued and stated that a Councilor caused the police to be called to a public meeting. Administrator Polasek continued and stated that in another case a councilor was not forthright with our deputies during a criminal investigation. Both cases involved the same, highly experienced and well-regarded Deputy who was hassled until he quit working in the City. In his 30-plus years' experience managing police departments or sheriff's office contracts he has never had a council, or a minority group of councilors, attempt to micromanage law enforcement. Councilor Neuman stated that her intent when requesting the work session was clear in that she wanted to work with the Sheriff's Office to review the municipal code and improve code enforcement. Administrator Polasek stated that this needs to be discussed due to the relationship suffering, but the Council majority also needs to make the statements that 1) they are not interested in micromanaging the contract; and 2) the Council majority needs to reaffirm the proper process for complaints.

Sergeant Sam Elliot stated that he has been working with Lafayette for a shorter amount of time than a few of the deputies. He has worked to address any concerns by the Council and to work for the community to their best of their ability. He has a responsibility to the Sheriff to communicate any concerns from the Council and he has a responsibility to guide and sometimes protect the deputies that work in the community. One of the symptoms of the problems is that one of the current deputies, who has worked with the City for a very long time, has expressed a possible desire to be reassigned to an area where he does not feel so scrutinized and where nothing he achieves will be enough. This deputy is one of the best the Sheriff's Office has and has been personally invested in the well-being of Lafayette for many years. It is urgent to address and repair the relationship between the City Council and the Sheriff's Office in part due to the severity of crimes that are currently being dealt with, such as the two shootings that occurred in the span of a week in the City, no one can remember the last time that such serious incidents have occurred in such a short span of time. He reiterated that the relationship needs to be addressed because the impacts will carry forward with any of the deputies who are assigned in the future.

## *II. YCSO Contract Overview and Policy Issues*

City Attorney Bill Monahan described the existing intergovernmental agreement (IGA) which runs to the end of the fiscal year. The agreement states that the management of County personnel is strictly under the authority of the County. The YCSO operates on a collective bargaining agreement with the deputies' union which governs many of the processes the Sheriff uses to manage staff, such as shift durations and scheduling. The City may make requests for changes to scheduling, which the Sheriff's Office will try to accommodate to the extent that it is feasible and reasonable. Ultimately, the Sheriff's Office has the final decision on how schedule the deputies shifts in Lafayette. An agreement without that understanding would be unlikely to be possible based on the complexity of the needs of the Sheriff's Office, such as time for training, report writing, vacation, and court appearances. He then reviewed other select sections that inform the actions of the City and YCSO. Sergeant Elliot then described the scheduling of the deputies and how they are adjusted when they see trends that need to be addressed, such as when there was a pattern of car prowls several years ago. One deputy voluntarily adjusted his shift and extra patrols were scheduled to end the spate of activity. Councilor Drebin asked what kind of services the City would receive in the absence of a contract. Sergeant Elliot stated that, by law, the Sheriff's Office is required to provide certain services: rural patrol, a jail, and civil service of legal papers and lawsuits. If the City did not contract with the Sheriff's office they would be part of the rural patrol district which typically has one car per shift. The deputies on shift would respond to emergency calls but it is unlikely they would respond personally to property crimes or other low level, non-emergency reports; it is likely the city residents would need to use the online reporting system for non-emergency reports. Council and Sergeant Elliot discussed the possibility of partnering with another City to provide coverage. Ultimately, Sergeant Elliot stated, entities that partner often feel that they are not getting the full value from the partnership and one party or the other ends up withdrawing from the agreement.

## *III. Priorities, enforcement of non-criminal matters*

Mayor Sproul stated that despite past discussions of priorities she could not find a stated, explicit list of priorities established by the Council for law enforcement. The codes referenced as priorities are used by the deputies and dispatchers to code calls for the FBI and other reporting rather than as priorities for response. The only priority really discussed is in the enforcement of City ordinances, which for the deputies are a lower priority than other law enforcement activities. Sergeant Elliot added that the dispatchers' coding for a report may not match the actual crime cited or forwarded

to the district attorney for prosecution and then reported to the FBI. The individual deputies also have the authority and responsibility to determine what order they will respond to calls in based on the situation on the ground and other factors. Code enforcement is, in his experience, always a task that the deputies tackle as they have time. Code Enforcement complaints rarely come through dispatch; usually they are forwarded by City staff. Now, with the hiring of the Code Enforcement Officer, that process has changed to deputies responding primarily when the Code Enforcement Officer asks for their assistance.

After discussion about how the municipal codes are enforced, the actual process and what the process has been perceived to be, Council agreed that, for the deputies, code enforcement is to be a task that will be taken on when other duties permit and is not to take priority over other, criminal matters.

#### *IV. Vehicles Parked in the Right-of-Way and Code Revisions*

City Attorney Monahan reviewed the parking ordinances as they stand; part of the issue with the City's current codes is that there are few definitions to help inform and enforce the code, such as what constitutes a "block." He then reviewed parking purposes that are prohibited on public rights of way, such as for the sale of the vehicle or selling merchandise from a vehicle. Council and Monahan discussed the way other municipalities are addressing these enforcement problems. He reviewed selected parts of the municipal code, some that work very well and some that need to be updated. Council consensus was to first address cars parked illegally in the right of way, and then illegal cars (inoperable, expired licenses, etc.) parked in the right of way. A comprehensive review and update of the entire municipal code would take much more time than is practical for staff. Staff does and will continue to note areas of the code that need amendment as they arise.

Administrator Polasek asked Council to affirm that the proper procedure when a councilor has a question about or issue with the deputies or Sheriff's Office in general that they are to go to the Administrator or go to the Mayor. Mayor Sproul concurred and stated that the first place to ask a question is with the Administrator and if they are still unhappy then they should go to the Mayor to discuss how to further proceed. Councilor Drebin asked that any email to the Sheriff's Office from the Administrator be copied to the full Council. Councilor Brungardt stated that that suggestion is what the administrator refers to as micromanagement. She feels that it is inappropriate and wants the deputies to be able to work to their fullest ability and training without worrying about the Council's priorities. She stated that the only change she would like to see is to convince the experienced deputies to stay and to persuade a prior, highly experienced and well regarded deputy to return. Councilor Goularte concurred, but stated that the administrator failed to respond to a question about the YCSO using the former fire department bays for parking; he was not made aware of the fact that the Sheriff's Office has used the bays for training exercises. Mayor Sproul concurred with Councilor Brungardt, and reiterated a desire not to micromanage the deputies or City staff. Councilor Goularte reiterated his concerns about scheduling when there is no direct coverage. Mayor Sproul noted that only 7% of the calls are during times the City is not staffed by the assigned deputies, and asked why the City would want to expend 30% of its police time for that little number of calls. Councilor Goularte expressed a concern over the lack of data presented in the Sheriff's Office's annual report. Councilor Gilgan noted that many of the shifts are dictated by the deputies' contract, which the City is not a party to. Additionally, none of the Councilors are expert criminologists; he himself has a degree in criminology and does not feel comfortable dictating schedules or operations to the Sheriff's Office. Sergeant Elliot reiterated his earlier comments regarding how the Sheriff's Office assigns schedules and reviews the data from reports to maximize the coverage possible by the City's two deputies; it is not possible to have 24/7

coverage with only two deputies. He added that if there is a problem with the data he would like to know what that is, since the Council has received more data in the past year than they ever have before. Councilor Goularte stated that there has been some confusion over which deputies are assigned as he did not know that a long-term deputy had been reassigned and a new deputy with a new code number was now assigned to the City. Administrator Polasek added that the current schedule was set to allow a deputy to be present during drop-off and pick-up times at Wascher elementary school. Mayor Sproul reiterated that the process for concerns or questions regarding the Sheriff's Office is to speak to the Administrator first then approaching the Mayor if they are not satisfied. She also cautioned the Council about statements they make in public; their statements have greater impact and can be taken for more than they are intended. Mayor Sproul confirmed with each Councilor that there are no issues with the current contract; each individual councilor stated that they have no further issues with the current contract.

#### **5. MAYOR'S STATEMENT**

Mayor Sproul stated that she appreciates the Council, staff, and Sergeant Elliot taking the time to express and respond to their concerns. She is certain that the City's residents appreciate the time and dedication of the deputies.

#### **6. ADJOURNMENT**

Councilor Brungardt moved to adjourn the meeting. Councilor Neuman seconded the motion. There was no discussion and the motion passed unanimously.

Minutes approved on 4 day of November, 2021.

CERTIFIED:

ATTESTED:

  
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Marie Sproul, Mayor

  
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Kevin Perkins, Assistant City Administrator