

CORRECTIVE ACTION MEMORANDUM

Pursuant to the Council Rules of Procedure, Mayor Cathy Clark submitted a statement of concern regarding Councilor Herrera on April 14, 2021. As required by Section 11.1(a), two additional council members signed and dated the statement, namely Council President Smith and Councilor Kohler. (All section numbers noted in this memorandum are from the previous Council Rules of Procedure adopted April 6, 2020.)

After discussion on this issue by Council at the regular April 19, 2021 meeting, Council directed this corrective action memorandum be prepared. The Mayor, without objection, appointed Council President Smith and Councilor Juran to prepare this memorandum.


The allegations of misconduct and conclusions are set forth below:

1. Councilor Herrera used non-city email system for city business when he forwarded a confidential attorney/client privileged email regarding the City Manager employment matter from his city email address to his personal email address. This action violated Section 5.2 (Decorum) and Section 18.1 (Electronic Mail/Social Media).
2. Councilor Herrera had forwarded emails from his city email address to his personal email address on numerous occasions in addition to the incident noted above. These actions violated Section 5.2 (Decorum) and Section 18.1 (Electronic Mail/Social Media).
3. Councilor Herrera communicated via social media regarding city business during a Council meeting on March 15, 2021. This action violated Section 2.1 (Open Meetings) and Section 7.4 (Councilor should give undivided attention). In addition, the content of such posts implied the Council had reached a pre-supposed outcome, and making such a statement was contrary to advice of legal counsel not to discuss the City Manager employment matter. This action violated Section 5.2 (Decorum).

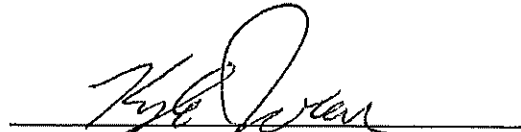
Councilor Herrera has reviewed the matter and has confirmed that the technical issues regarding Councilor Herrera's computers and other electronic devices have been resolved and that there will be no need to transfer city email to his personal email or to conduct city business using a non-city email address in the future. Councilor Herrera agrees this was a violation of the Council Rules.

In addition, Councilor Herrera agrees that it is a violation of the Council Rules of Procedure to post to social media or communicate electronically during the Council meetings and commits to not doing so in the future.

Councilor Herrera agrees not to take any action or make statements contrary to advice of legal counsel.


Elizabeth Smith,
Council President

Dated: 5/12/2021


Kyle Juran,
Councilor

Dated: 5/12/2021

AGREEMENT BY COUNCILOR HERRERA

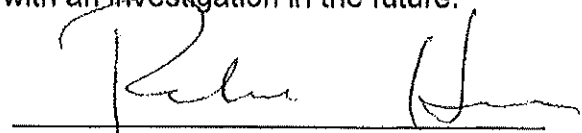
I have reviewed this corrective action memorandum and agree with the conclusions stated above.

I agree that the use of non-city email systems was a violation of Council Rules. I confirm that the necessary technical issues have been resolved and I will not transfer city emails to my personal email address. I agree that I will not in the future use non-city email systems for city business.

I agree and understand that communicating during Council meetings via social media or other electronic means is a violation of Council Rules. I agree that I shall not do so in the future.

I agree to not take any action or make statements contrary to advice of legal counsel concerning city business.

In addition, I agree that if I do violate such rules or other rules, the Council, pursuant to the Council Rules of Procedures may proceed with an investigation in the future.


Roland Herrera,
Councilor

Dated: 5-17-2021

Davis, Tracy

From: Cathy Clark
Sent: Monday, May 17, 2021 12:38 AM
To: Rich Rodriguez
Cc: Keizer City Councilors
Subject: Re: Prudent steward of City and County Policies?

Good morning Mr. Rodriguez,
Thank you for your letter.
I will reference having received it during public comment at the May 17th Council meeting.
be well,

Cathy Clark, M.S.
Mayor
clarkc@keizer.org
503-932-1731

From: Rich Rodriguez <84822tango@gmail.com>
Sent: Thursday, May 13, 2021 6:35:07 PM
To: Cathy Clark
Cc: Keizer City Councilors
Subject: Prudent steward of City and County Policies?

Mayor Clark -

I hope this finds you well.

Likely you recall my attendance at the Council meeting Monday, May 3, 2021. That day I gave testimony supporting the declaration of a climate crisis.

Likely you also recall how shaken I was as I spoke. Why?

There was a prior speaker that announced she was going to remove her mask... and then proceeded to speak in the public space unmasked.

This speaking in a public space without a mask is against current Marion County Health Department COVID rules and against City guidelines clearly posted on the entrance to City Hall and near the entrance to the Council Chamber.

When she took her mask off and started to speak I and others left the Council Chamber as a protective health measure trying to stay safe from COVID.

Was this woman vaccinated? Was this woman infected and incubating the highly transmissible COVID-19 disease? Was this woman someone with no symptoms but can still cause others to become ill? Will this woman cause a super spreader event?

We don't know the answers to these question.

Ms Mayor, despite Oregon Health Department and Marion County Health Department guidelines and City directives, you did nothing that evening, nothing, to prevent the breaking of these vital health guidelines designed to prevent the spread of COVID-19.

As the chief executive, you had the prerogative and authority to declare this woman was creating a **Public Nuisance**, and then ask the Police in the room to escort this woman out of the room.

You did not do this.

This promiscuous tone from City Hall and reckless disregard to enforcing policies, under your administration, may have spawned the discharge of a gun in the building by the former City Manager and, now, certainly exposed citizens to unknown health risks.

While all the facts are still not in on the gun discharge in City Hall, together these set of behaviors on your part are increasingly building a case that you are not a prudent steward of City and County Policies.

Sincerely

Rich Rodriguez, MBA
Keizer, Oregon
Tel: 503.283.6425

Davis, Tracy

From: carol doerfler <kares97303@comcast.net>
Sent: Monday, May 17, 2021 4:35 PM
To: Davis, Tracy
Subject: Fwd: Gun Violence Awareness Day

For tonights packet-
Thanks
Carol Doerfler

Begin forwarded message:

From: carol doerfler <kares97303@comcast.net>
Subject: Gun Violence Awareness Day
Date: May 17, 2021 at 4:34:01 PM PDT
To: Cathy Clark <clarkc@keizer.org>

Mayor Clark -

In light of all the the gun violence that is occurring in our Nation these past few years, with mass shootings increasing at an unbelievable rate and the loss of life becomes staggering in its numbers I am asking you to support the Proclamation that is coming before you this evening.

I have been extremely fortunate not to have suffered through the agony of losing a loved one in this senseless manner but there are literally thousands out there that have - and we must recognize them and the victims of these senseless crimes-

Carol Doerfler
4615 Shoreline Dr. N.
Keizer ,97303
503-390-0079

Davis, Tracy

From: Wood, Tim
Sent: Thursday, May 13, 2021 9:14 AM
To: Davis, Tracy
Subject: FW: Say NO to the Salem Casino!

Written testimony for the City Council.

From: Cara Fischer <fischer.c@comcast.net>
Sent: Wednesday, May 12, 2021 6:38 PM
To: citycouncil@cityofsalem.net; commissioners@co.marion.or.us; atha.ciera@co.polk.or.us; Wood, Tim <WoodT@keizer.org>; Administrator <Administrator@keizer.org>
Subject: Say NO to the Salem Casino!

Hello,

I am a concerned citizen that is urging you to publically oppose the Siletz Tribe's proposal to build a new Vegas-style casino in the heart of Salem.

A new 180,000 square foot casino right off of I-5 would create unprecedented traffic issues, causing our already congested streets to become more dangerous. In addition, if this casino is allowed to move forward, it would completely change the rules of the game regarding gambling in Oregon, which would open the door to new Vegas-sized casinos all over Oregon's cities. If this were to happen, rural economies that rely on casinos would be devastated, costing hundreds of jobs.

Without your public opposition, this casino is more likely to be built. Please, listen to our community and say "no" to the Salem Casino!

www.nosalemcasino.com

-- Cara Fischer
fischer.c@comcast.net

Davis, Tracy

From: Wood, Tim
Sent: Monday, May 17, 2021 5:51 AM
To: Davis, Tracy
Subject: Fwd: Say NO to the Salem Casino!

Written testimony

Sent from my iPhone

Begin forwarded message:

From: Lynnette Graves <613lmg@gmail.com>
Date: May 16, 2021 at 8:31:30 PM PDT
To: citycouncil@cityofsalem.net, commissioners@co.marion.or.us, atha.ciera@co.polk.or.us, "Wood, Tim" <WoodT@keizer.org>, Administrator <Administrator@keizer.org>
Subject: Say NO to the Salem Casino!

Hello,

I am a concerned citizen that is urging you to publically oppose the Siletz Tribe's proposal to build a new Vegas-style casino in the heart of Salem.

A new 180,000 square foot casino right off of I-5 would create unprecedented traffic issues, causing our already congested streets to become more dangerous. In addition, if this casino is allowed to move forward, it would completely change the rules of the game regarding gambling in Oregon, which would open the door to new Vegas-sized casinos all over Oregon's cities. If this were to happen, rural economies that rely on casinos would be devastated, costing hundreds of jobs.

Without your public opposition, this casino is more likely to be built. Please, listen to our community and say "no" to the Salem Casino!

www.nosalemcasino.com

-- Lynnette Graves
613lmg@gmail.com

Davis, Tracy

From: Wood, Tim
Sent: Monday, May 17, 2021 5:52 AM
To: Davis, Tracy
Subject: Fwd: Say NO to the Salem Casino!

Written testimony

Sent from my iPhone

Begin forwarded message:

From: Tim Emmerich <CasSIm.9.ridlrtim@dfgh.net>
Date: May 16, 2021 at 5:18:07 PM PDT
To: citycouncil@cityofsalem.net, commissioners@co.marion.or.us, atha.ciera@co.polk.or.us, "Wood, Tim" <WoodT@keizer.org>, Administrator <Administrator@keizer.org>
Subject: Say NO to the Salem Casino!

Hello,

I am a concerned citizen that is urging you to oppose the Siletz Tribe's proposal to build a new Vegas-style casino in the heart of Salem. There are just too many concerns to pursue this venture.

A major concern is that a new 180,000 square foot casino right off of I-5 would create unprecedented traffic issues, causing our already congested streets to become more dangerous. In addition, if this casino is allowed to move forward, it would completely change the rules of the game regarding gambling in Oregon, which would open the door to new Vegas-sized casinos all over Oregon's cities. If this were to happen, rural economies that rely on casinos would be devastated, costing hundreds of jobs. Further, another source of gambling addictions could devastate families and cost the public infrastructure.

Without your public opposition, this casino is more likely to be built. Please, listen to our community and say "no" to the Salem Casino at this time!

Thank you for your time, Tim

-- Tim Emmerich
CasSIm.9.ridlrtim@dfgh.net

Davis, Tracy

From: Cyndi swaney <mefilmgal@hotmail.com>
Sent: Monday, May 17, 2021 3:31 PM
To: Davis, Tracy
Subject: June 4th Wear Orange Proclamation Request
Attachments: 2021 PROCLAMATION.docx

5-17-21

Dear Mayor Cathy Clark,

The photos I've shared with you are personal, and I do not want them in public record (I will give the photos tonight in person). The one on the top was taken at the Vegas concert the night before the mass shooting that forever changed thousands of lives and where 58 were murdered. I wanted you to see some of the faces of those traumatized and lost to gun violence.

My cousin, far left in the photo- was killed the next night. The other picture is of her memorial that was placed at the main one in Vegas. When you hear the stories, when you read the data on the proclamation, and especially if you don't have a loved one you've lost to gun violence, please look at these photos to remind you that these numbers represent ACTUAL people.

Over 20,000 lives were traumatized by the actions of one human with LEGAL guns and accessories that no human needs unless they desire mass destruction. I see the strangers in the photo there behind my cousin & surviving family, and can't help but wonder what nightmares they've lived since? Are they the ones from the support chats with shrapnel in their bodies? Have they lost their jobs because of PTSD? Are they paralyzed? Are their loved ones mourning their loss? For sure, they are suffering trauma of gun violence from that horrific event, and most likely will for the rest of their lives.

When the nightmare hit our family and I met others in support chats online, I had no idea the ramifications of one human with a gun can have on the security, incomes, and complete lives of literally thousands of others with the deadly choices they can make. As an educator, I've had several students affected by multiple instances of gun violence, including in Salem this past year, and I know that our children and teens are not feeling safe.

Perhaps no one will fully understand until it hits them personally. I'm here because I hope that doesn't happen, but rest assured that if we don't work together to make changes that are proven to save lives, every single person in this room will experience the trauma of gun violence according to statistics, if they haven't already.

The thing that the Vegas shooting that should alarm us the most is that this is just ONE mass shooting that our communities have suffered, ONE human with guns traumatized THOUSANDS within a few minutes, and the armed police could NOT help with their own guns. How much more violence are we going to allow? How many more lives?

To be clear, this is NOT an ask against the 2nd amendment. I personally believe in the right to carry arms that are regulated and in "safe" hands, but I do NOT believe in the rights to own guns or accessories like the legal ones used in Vegas that kill, injure, and forever alter lives within seconds.

I ask you to PLEASE HELP! Here's how:

Moms Demand Action for Gun Sense in America is a national, grassroots, non-partisan movement of Americans fighting for public safety measures that can protect people from gun violence and keep our families safe. We are

asking for a proclamation declaring the first Friday in June to be National Gun Violence Awareness Day by the City of Keizer.

The color orange has a long and proud history in the gun safety movement. Orange is the color that Hadiya Pendleton's friends wore in her honor after she was shot and killed in Chicago at the age of 15 — just one week after performing at President Obama's 2nd inaugural parade in 2013. Whether it's worn by hunters in the woods of Pennsylvania, activists in New York City, or Hadiya's loved ones in Chicago, orange honors the 100 lives cut short and the hundreds more wounded by gun violence everyday —and demands action.

Friday, June 4th will be recognized as the 7th National Gun Violence Awareness Day, followed by Wear Orange Weekend. During #WearOrange, everyone who believes we can and must solve the problem of gun violence in America, will take action and stand together in a bold statement of resilience and fortitude as we advance our efforts together. Together we will recognize individuals and communities impacted by gun violence, elevating stories and successes in working to reduce gun violence in our country and here in Oregon, and we will share our dedication and commitment to each other to take on the fights ahead. Moms Demand Action volunteers are committed to collaborating with local partners to develop a meaningful day beginning with city proclamations.

Will Keizer join in our Wear Orange Event with a National Gun Violence Awareness Day proclamation for June 4th? I have included a draft of this year's proclamation in an attachment. Would you like me to read it to you?

Please feel free to contact me with questions or concerns.

And on June 4th I hope you'll join me and thousands around the Nation, and please wear orange to honor all those lives lost and to pledge to work to make awareness and legislative change that will save lives.

Sincerely,
Cyndi Swaney,
Keizer Resident

**2021 PROCLAMATION
DECLARING THE FIRST FRIDAY IN JUNE TO BE
NATIONAL GUN VIOLENCE AWARENESS DAY**

This proclamation declares the first Friday in June to be National Gun Violence Awareness Day in the City of Keizer, Oregon. We honor and remember victims and survivors of gun violence and declare we as a country must do more to reduce gun violence.

WHEREAS, every day, more than 100 Americans are killed by gun violence, alongside more than 230 who are shot and wounded, and on average there are more than 13,000 gun homicides every year; and

WHEREAS, Americans are 25 times more likely to die by gun homicide than people in other high-income countries; and

WHEREAS, Oregon has on average 522 gun deaths every year, with a rate of 11.9 deaths per 100,000 people. Oregon has the 33rd highest rate of gun deaths in the US; and

WHEREAS, gun homicides and assaults are concentrated in cities, with more than half of all firearm related gun deaths in the nation occurring in 127 cities; and

WHEREAS, cities across the nation, including in Keizer, are working to end the senseless violence with evidence-based solutions; and

WHEREAS, protecting public safety in the communities they serve is mayors' highest responsibility; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people with dangerous histories; and

WHEREAS, mayors and law enforcement officers know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and

WHEREAS, gun violence prevention is more important than ever as the COVID-19 pandemic continues to exacerbate gun violence after more than a year of increased gun sales, increased calls to suicide and domestic violence hotlines, and an increase in city gun violence;

WHEREAS, in January 2013, Hadiya Pendleton was tragically shot and killed at age 15; and on June 4, 2021 to recognize the 24th birthday of Hadiya Pendleton (born: June 2, 1997), people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to -

(1) Hadiya Pendleton and other victims of gun violence; and (2) the loved ones of those victims; and

WHEREAS, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and

WHEREAS, anyone can join this campaign by pledging to wear orange on June 4th, the first Friday in June in 2021, to help raise awareness about gun violence; and

WHEREAS, by wearing orange on June 4, 2021 Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE BE IT RESOLVED, that Cathy Clark of the city of Keizer, Oregon declares the first Friday in June, June 4, 2021, to be National Gun Violence Awareness Day. I encourage all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives. _____, 2021