

MINUTES

**CITY COUNCIL CHAMBERS, CITY HALL
29592 ELLENSBURG AVE
GOLD BEACH OR 97444
THURSDAY, JULY 17, 2008
SPECIAL MEETING: 11:30 A.M.**

CALLED TO ORDER BY MAYOR POPOFF AT 11:30 A.M.:

THE PLEDGE OF ALLEGIANCE:

ROLL CALL:

	<u>PRESENT</u>	<u>ABSENT</u>
Mayor Karl Popoff	<u> X </u>	<u> </u>
Council Position #1 Sue Johnson	<u> X </u>	<u> </u>
Council Position #2 Don Flynn	<u> X </u>	<u> </u>
Council Position #3 Peter Peterson	<u> X </u>	<u> </u>
Council Position #4 Vacant	<u> </u>	<u> </u>
Council Position #5 David Alexander	<u> X </u>	<u> </u>

CITIZEN AND/OR AGENCY REQUESTED AGENDA ITEMS:

7/14/08 Request by citizens for an independent investigation re Paul Bunyan incident

POPOFF STATED: The public is invited to attend but no further public input will be taken at this meeting.

Popoff asked for comments from the council, starting with position # 1.

Johnson-I am concerned that the police department, and the city council are under attack by our public. I'm like the rest of the people, I only know what I've read in the paper and heard on the streets. I don't believe the D.A. involve themselves in conducting investigations, they don't have the staff. I think for the sake of the police department, this council and our public, we should authorize an independent investigation.

Flynn-I believe anytime an agency receives a complaint, it needs to be looked into. I am not saying that our officers have broken any laws or policies. Every story has 2 sides. This is very concerning, to say the least.

There have been allegations on both sides that physical contact was made. Both sides were involved in breaking up the fight. The tourists were not part of a gang; they were a

family - Mom, Dad and 3 children. No one knows exactly what happened, except the people that were involved.

As liaison to the police department I met with Chief Merkley to discuss the situation. The chief said that no laws were broken. Yes, it could have been handled differently. The chief called a department meeting to address the situation. Notes will be provided to the council when they are transcribed.

I would like to see another agency do an investigation regarding the incident - not a criminal or policy type investigation but a procedural type investigation and deal with it on those grounds.

May be able to get together with other agencies to have a training session regarding procedures & attitudes. Our overtime budget is for situations like this. More officers need to be called in to assure proper procedures are followed regarding interviews, collection of evidence, etc.

Regarding the comment that was made "the jail was full". In fact, the jail was not full. The Chief told me he has dealt with this inappropriate comment made by his officer(s).

This is a very serious situation. I want to look at the entire picture.

Peterson-Happy to hear that Flynn met with the Chief. I can't find fault with anything that Flynn has said. I agree.

Alexander-I have not taken a position on which side may or may not be right. It doesn't appear any laws or policies have been broken. I am a strong believer in open government. I agree with everything Flynn has said. I think it would be extremely helpful to have an outside investigation regarding procedures.

We can't go back, the past teaches us to be better in the future. We can learn from this.

POPOFF asked for more information (for the benefit of the audience) on a "procedural" investigation.

Flynn-Like how the interviews were conducted, what pictures were taken, what evidence was collected, were the people treated in a respectful manner, were inappropriate comments

made by the police department, look at the way the whole situation was handled. Tempers flare in situations like this; did our police department keep a check on their tempers?

Johnson-I agree an investigation should be conducted. What we do is very important. There may be lawsuits, civil or ?? filed over this. I have faith that Don (Flynn) would be the one to properly take care of this and follow through on it. Last time we requested an investigation it never happened.

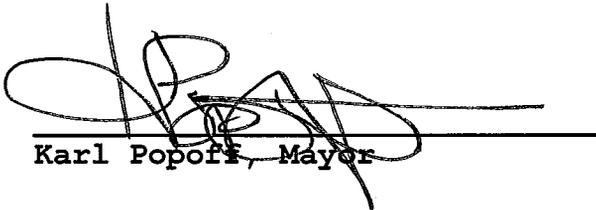
Alexander-This may or may not be a legal issue. It involves perception-how the public perceives us as a council and how they perceive our police department. I would think the police chief would welcome an outside investigation.

Johnson-I move that the council authorize, under the coordination of Don Flynn, an investigation by Oregon State Police, or another independent law enforcement agency, into the Paul Bunyan incident, second by Peterson. Johnson, Flynn, Peterson and Alexander voted "AYE". VOTE 4 AYES

ADJOURNED AT 11:55 a.m.:

The location of the hearing/meeting is accessible to the disabled. Advance notice is requested if special accommodations are needed. Call (541) 247-7029 so that appropriate assistance can be provided. The City of Gold Beach is an affirmative action EEOE and complies with section 504 of the rehab act of 1973. Complaints of Discrimination should be sent to: USDA, Director, Office of Civil Rights, Washington, D.C. 20250-9419

PASSED BY THE GOLD BEACH CITY COUNCIL ON AUGUST 11, 2008


Karl Popoff, Mayor

ATTEST:


Shirley Walker, Recorder