



**MINUTES**  
**April 16, 2012, 6:30PM**  
**SPECIAL HEARING**  
**CITY COUNCIL CHAMBERS, CITY HALL**  
**29592 ELLENSBURG AVE**  
**GOLD BEACH OR 97444**

**Call to order:            Time: 6:30PM**

1.     **The pledge of allegiance**
2.     **Roll Call:**

	Present	Absent
Mayor James Wernicke	X	
Council Position #1 Jeff Crook	X	
Council Position #2 Larry Brennan	X	
Council Position #3 Brice Gregory	X	
Council Position #4 Doug Brand	X	
Council Position #5 Tamie Kaufman	X	
City Administrator Jodi Fritts		In audience
Student Liaison Lyndsey Dixon		X
Legal Counsel, Lauren Sommers	X	

3.     **Special Orders of Business:**  
None Scheduled

4.     **Consent Calendar**  
None Scheduled

5.     **Citizens Comments**  
No comments will be taken

6.     **Public Hearing**
  - a.     Grievance appeal of a City Administrator's termination action

Note: These minutes are an almost verbatim transcript rather than a summation.

The Mayor reminded everyone that this was a special session. There would be no public comment, no questions back and forth nor answers given. He asked everyone to please be respectful of the Council since they were between a rock and a hard place. They are going to present the issue, discuss it, and make a decision tonight. And it will be a tough decision. She gave the floor to Legal Counsel, Lauren Sommers.

Sommers explained that this was the time set for consideration by the Gold Beach City Council of Jeff Ferguson's appeal of the termination of his employment with the City. Mr. Ferguson requested that the Council consider his appeal and further requested that the Council consideration be done in open session; therefore this public meeting was scheduled for the consideration of Mr. Ferguson's appeal.

Mr. Ferguson and the City Administrator have each submitted written materials explaining their positions to you, the Council. As a reminder, the Council tonight must confine its decision to the written materials submitted. Although the Council may have received information outside of those written materials. I understand that you had a regularly scheduled council meeting last week and some folks showed up to comment and talked to you about these matters and I'm sure you have gotten information from other sources as well. Tonight the Council needs to base its decision solely on the written materials provided by Mr. Ferguson and provided by the City Administrator.

The Council's task tonight is to decide whether, in light of the information available to her at the time, the City Administrator's termination decision was reasonable. If the Council finds that the City Administrator's was reasonable the Council should affirm the City Administrator's decision. If the Council finds that the CA's decision was not reasonable, the Council has two choices: it can remand—send the decision back to the CA for reconsideration, or the Council could decide tonight to overturn the CA's decision and direct her to rehire Mr. Ferguson. Again, the meeting is limited to Council review and discussion amongst yourselves of the written materials provided there is no opportunity for public comment. There will be no opportunity for any oral statements by the CA, by Mr. Ferguson, or by Mr. Ferguson's attorney. I will be here the entire meeting and you are free to ask me, as the city attorney, any questions you might have.

As a final note, I want to talk a little bit about conflicts of interest. A conflict of interest arises when a public official takes an action or makes a decision or recommendation that could or would create a financial benefit or detriment for the public official, a relative of the public official, or a business with which the public official is associated. An actual conflict of interest arises when the decision or action of the public official will create a financial benefit or detriment. A potential conflict arises when the action or decision could create a financial benefit or detriment but it is not a certainty.

In the case of an actual conflict of interest the public official needs to disclose the conflict and then must not discuss or participate in voting on the issue that gives rise to the conflict. In the case of a potential conflict of interest the public official still needs to disclose the conflict but then can proceed under the state ethics laws to discuss and vote on the issue once that conflict is declared.

So at this point, if any of the councilors have a conflict of interest to declare on this matter now would be the time to do it. And then we can proceed to discussion and a decision.

Councilor Doug Brand read a short statement: Larry Hammer of the Gold Beach Promotions Committee came to talk to me on March 30<sup>th</sup> to attempt to influence me to vote to reinstate Jeff Ferguson. I explained I could not discuss Mr. Ferguson's appeal and the Council's decision is limited to consideration of written material submitted by Mr. Ferguson and the City Administrator. Mr. Hammer stated "you and your business could be affected" depending on how I voted. Therefore, I am declaring a potential conflict of interest in accordance with the state ethics law. On a personal note, I do not appreciate being threaten

personally, professionally, and my family business threatened in an attempt to solicit a particular outcome. That's it. I have a potential conflict.

Council Brice Gregory: It has been brought to my attention that citizens have made the comments that they will not patronize the business that I am employed by in a specific outcome my decision as well as comments have been made to me by citizens that I would benefit from a specific decision made by myself in this case, so I also have to state a potential conflict of interest.

Sommers reminded the councilors that since these were potential conflicts of interest now that you have put them on the record as required by the state's ethics laws you are allowed to participate and vote in the matter that creates these conflicts. So, it is now up to the council. Feel free to discuss the materials you were provided.

Councilor Larry Brennan said he would like to ask the other councilors, as part of the written record on the 7<sup>th</sup> of March, the City Administrator submitted a letter that stated Mr. Ferguson was absent from work on that date. Was there any response from Mr. Ferguson regarding that issue? He said he did not find any and wondered if anyone else saw it?

Councilor Tamie Kaufman said she did not see a response. Councilor Brennan said that was the only question he had.

Councilor Doug Brand (to Counsel Sommers) asked as far as our firm, our counsel, how do you guys feel and does CIS (insurance carrier) feel about the termination?.

Sommers said that speaking as the City's legal counsel; we consider that the City Administrator's decision is a defensible one. And that the City Administrator followed the City's personnel policies when deciding to terminate Mr. Ferguson.

Mr. Mayor said he assumed all the council members had gone through all the written materials and probably more than once. He asked if there was any particular thing that anyone wants to address in the submission from the City Administrator or from the submission from Mr. Ferguson or his counsel. Any specifics?

Councilor Kaufman asked if it would be easier if we went through the specific bullets. Do you want to process like that?

Or, Mr. Mayor asked if they wished to discuss the tenor of the entire email discussions that have been presented?

Councilor Kaufman said a lot of the emails involved the Chamber of Commerce, Chamber Director, Chamber President. Did anybody see in any document here from either party that it was part of the Promotions Directors job to help, direct, in any way the Chamber of Commerce? She could not find it so she thought maybe she missed it.

Councilor Brand said Kaufman didn't miss it and that it was pretty much one-sided. Councilor Brennan said he did not see anything. Councilor Jeff Crook said he believed that in all he saw, that was not supposed to be his function. He read that somewhere and wasn't sure if it was Ellen Barnes who put that in there but remembered seeing someone say that that was not function. Councilor Brand said it thought it was the response on March 25<sup>th</sup>. Councilor Brennan asked what page that was on. Brand said page 79.

Councilor Kaufman said to turn to the second section of the Ferguson testimony. Councilor Gregory asked where she was looking. She said bullet number 1 on page A-2. It was the press release that went out before print. Understood the directive but chose to go without it, and she believed the defense was he took a vacation day and therefore did not come back to check and see if it was approved. She asked if she was reading that correctly. She said she was not where it was located but she thought the City's response was "you should have wrote it earlier". Councilor Crook said it was pages 16-27 and that there was a 3 day weekend.

Councilor Kaufman said there were the facebook issues. She said the council probably had a better idea on the facebook issue than most people since they had attended League of Oregon Cities classes. She thought a basic policy was you could push information only not add responses and that took them a while to finally stop that. Was that the way she understood it?

Councilor Crook asked if anyone knew where the part about the days missed leading up to the termination was located? Councilor Brennan thought it had just been one but there had been scheduled time off prior to that. Councilor Kaufman said he was gone 4-5 days then had an unscheduled day off. Councilor Kaufman said it was page 00018 of Administrator Fritts' packet.

The Mayor asked the council if they found anything significant in the submission of what is entitled Fergusons Summary, document number 00049 in the City Administrator's submission. He directed them to the third and fourth paragraphs. He said he knew when you first became a public servant there are a whole lot of things that come as a surprise to you and it shouldn't take very long for you to realize that working in public service has a lot of limitations and expectations placed on you. Some people can do it, and some people can't. They just aren't cut out for public service. Did anybody put any special consideration on these things that Jeff himself said?

Councilor Brand said we hosted an Oregon Ethics seminar here for 2 hours of credit with League of Oregon Cities. Everybody was invited. Almost all of city hall except for one person on the phones, all of public works but one, the Promo Committee didn't show up, Jeff didn't show up but we had most of the city employees and police and fire were represented in the two hour seminar.

Sommers asked Brand if that was part of the written record. Brand apologized and said no he did not think so.

Mr. Mayor said what he was referring to was the things that Jeff wrote here. Councilor Kaufman started reading the paragraph that began with “admittedly...” Mr. Mayor said the next paragraph also. Councilor Brennan asked the Mayor what the question was. He said he wanted to know if they had considered those passages in advance, particularly he thought it was disturbing that someone would say that they are willing to compromise but they would not conform in areas that do not align with their personal makeup or character. He said he thought that was a significant statement. Councilors Brennan and Crook agreed.

Councilor Kaufman said in Ferguson’s packet page 18 of 27, bullet number 5, she quoted CA Barnes: “you will be required to participate in League of Oregon Cities sponsored workshops and other approved training for public records laws, public meetings laws, ethics and leadership, public contracting and purchasing and other topics as directed by the city administrator.” Sommers apologized to Councilor Brand about the public records question. Brand said he knew it had been in there somewhere.

Councilor Kaufman said Ferguson’s response was he did not hear any more from Ellen on this topic. He said he was not privy to when the League of Oregon Cities meets and was not contacted after this. Kaufman said, as a department head, she found that lacking. She said this was a guy that was smart enough to come up with the geocaching and figure out where to advertise and market but he doesn’t know how to look up the League of Oregon Cities webpage? Councilor Brand said all of the council found time to attend. Kaufman said she was wondering if it was: I didn’t get the opportunity to attend or: I don’t want to do it. She said she was trying to get to the intent and to understand how did this get so awry. How did we get from a person who is pretty good at what they do normally but then segways off into a direction that isn’t conducive with public employees. It’s a different standard.

Councilor Crook said it seemed he has a bit of a problem with authority. At least in this realm. He won’t say that as a blanket statement but there are instances in the record of not following through on directives.

Councilor Kaufman had a question on attachment A-4 and 5 of Mr. Ferguson’s. She did not figure out the chronology of the contract stuff. She asked if anyone else had figured it out. There was a contract that had been signed by Ferguson that Administrator Barnes said no, you should not have signed that, and he said no, no, it was the wrong one—once I knew about it I didn’t sign it. She could not figure out the chronology when she went through the record.

Councilor Brennan said he think he understood that the contract was signed prior to Ferguson being notified that he was not supposed to sign contracts. Kaufman said so CA Barnes thought he had signed it after? Brennan said correct and that Ferguson said it was a different second contract that came in after he had been told and that he had not signed that contract. Councilors Brennan and Crook said that is what they got out of the record.

Councilor Crook said his opinion was not about whether Jeff Ferguson is good at what he does. This is about, for him, is it the right place for him to operate and is it the best place in

the public's interest as well when there are other forums or places he could operate out of that would relieve him of the constraints that the public department head type job creates. So for Crook, it is more of a structure issue. The question is: can he work--through his own admission that he had trouble working in the public arena; do we take him at his word? Councilor Gregory said if we do take him at his word do we give him the ability to give the City his word that he will produce without having these issues and then really give him one more shot, and if not, then cut our ties and our losses? Councilor Brand said clearly he did not see it. He felt given another chance then we do this all over again after the next time. Brand asked what good was that?

Councilor Kaufman wondered where in Mr. Ferguson's defense submission do you see the basis for what you just said (to Gregory). Gregory said he did not see it. Kaufman said she had been looking for it. She said she had been looking for: "I'm sorry I made a mistake, this is my plan to move forward, obviously public is different than private, I gotta figure this out." She said he is smart enough but she doesn't see it in the submission. She said she sees an attitude: "I'm right, they're wrong" she said she hated that. Given the information the council has to work with she said she does not see where the Administrator made a mistake in the chronology of the termination.

She felt a bigger picture in another venue maybe this position does not belong in a bureaucracy. That maybe we have tied someone's hands behind their back when this was setup years ago but that does not change where we are today and she hates it. She asked if anyone saw anything in the packets that contradicted that?

Councilor Crook said he did see some apologies in Ferguson's packet and he appreciated that. That there was some remorse there. Was there enough of it? He did not know but each person had to decide for themselves. The question is not that though. The question is do we think he can operate in that position and do it effectively and tactfully in a way that is good for the City of Gold Beach. Crook said he did not know if he saw that but he knows that Ferguson does a good job of doing what he does. Crook said with all the support Ferguson has maybe there is another arena for him. He said they were not discussing that today that could be something that speaks for itself.

Councilor Brand said speaking to what Crook had just brought up: the apologies that Brand read he felt were at best contrived and weak and more or less needed to be said but not wanting to be said. Brand said that was the flavor he got.

Councilor Kaufman said if it was okay she would like to read something she had read in the standards of conduct and discipline. She felt this addressed Ferguson's attorney's reference: "the corrective action process will not always commence with a verbal warning or include a sequence of steps some acts particularly those that are intention or serious warrant more severe action from the first or subsequent offense. Consideration shall be given to the seriousness of the offense, intent, and motivation to change performance, and the environment which the event took place. There may also be circumstances that are serious enough that justify immediate suspension or in extreme situations immediate termination."

Do I think the email themselves, working outside your job description are enough to terminate someone, probably not. But when you add in the fact that you “will meet with your boss on this date” and he doesn’t show for one administrator and does it again about a year later—that is very disrespectful to your boss. You can’t not show up for a meeting with your boss and not apologize or not say I was sick with the flu. In all of the conduct stuff I have done: employee/employer relationships, that is the first thing they teach you. You call in. When you are a supervisor you have to call your staff and say I can’t make it in can you run the office without me? Is that right? Councilors Brand and Brennan agreed.

Councilor Brennan said his comment would be that there is that issue that Kaufman just brought up. There was also repeated incidences of email issues, the attending LOC conferences or trainings to do with ethics, to do with emails, to do with public contracts, to do with several other things, that it did not appear that those directives were followed that were part of a written reprimand. It just seemed like repeated incidences over 2 years, with 2 different city administrators—it just didn’t change or stop. Brennan said that was his summary of all this paper and submissions.

The Mayor asked if anyone thought that the email that had been provided in these documents were appropriate for a public official? Councilor Brennan and Brand said no. Councilor Kaufman said maybe an elected official could get away with it, but not an employee. The Mayor said he was disturbed by the fact that he felt they were very inappropriate for an employee and a public official and you just don’t use language like that. They were rude, they were arrogant, some were condescending, some were out and out slanderous. But when going through the submission from Jeff he does not say I’m sorry for any of those emails he says things like: “I may have offended somebody—maybe I could have worded this a little differently” It is those kind of qualified...”I regret that I used a word that can be viewed as disrespectful” That is not contrition. That is pretty weak for what I think is generally seen as really inappropriate language and content from a city website.

Councilor Brand said there is another side we do not see there and that is who he BCC’d on top of that. Blind carbon copied, just because you have who it was written to there—it doesn’t tell you who is not listed there but that he also copied to. Mr. Mayor said the most of the emails were CC’d to other people. Councilor Kaufman said that brought up a good point. When you have a problem with a person you deal with that person you don’t go around their back.

Kaufman said one of things she was reading, and marked, was an email transaction in the record between Administrator Barnes and Mr. Ferguson: “I don’t know what I’ve done to piss you off but I find that looking to catch people doing things right is a more effective way to manage than looking to catch someone doing something wrong” and then we have a pile of emails of him telling people what they have done wrong. Obviously a very intelligent person didn’t take his own advice.

Councilor Kaufman said if they were ready to discuss the other packet given to them by Administrator Fritts did anybody see anything in there that they should talk about?

There was a question about the signed contract with the little question mark on it. Brennan asked if that was the at-will issue. Kaufman said she thought the note was on the official copy of the contract. Kaufman asked Sommers if that added/subtracted anything from the contract or is it just neutral? Sommers said it was clear that it was not a formal amendment to the contract if that was what Kaufman was asking. Sommers said she was not sure of the backstory on the marking of the contract. She said that there are a lot of public employees in the State of Oregon that are at-will employees. There are also many employees that are members of unions and employed under union contracts but Mr. Ferguson was not a union member. She asked Kaufman if that answered the question. Discussion on at-will vs. union employees. Sommers clarified that an at-will employee can be fired at any time for cause or without cause. She said there are classes of employees that can only be fired with cause and generally those are union employees. At-will just means you can be fired at any time for any reason or no reason. The Mayor said for a very long time the community did not offer contracts to city employees and it has only been in the past few years that the City has entered into contracts with certain employees.

Councilor Brand asked if they were going to hammer the things out a bullet at a time or where they ready for a vote. Councilor Crook said he could make a motion if he wanted to. Brennan said he had no more questions.

Councilor Kaufman said she had hoped it would have been clearer with an employee coming in and saying "I'm sorry, this is what I did wrong, this is my plan of action to go forward, can you please ask the Administrator to give me another chance" but it is not there. It is clear there are a lot of errors and she felt it was more of an attitude problem than an intelligence problem. Does she think Ferguson is a great promoter of Gold Beach-yes, and the community loves him and that makes it difficult? She said he could call her a knucklehead and it would be true but it is not appropriate in an email or a newspaper article. If he were an employee that was directly supervised by somebody else and not a supervisor than you would not expect as much. When you put someone in a department head job, with department head salary and benefits there is more expected. You need to learn more about ethics then you go figure it out. Or if you don't know how then you ask your boss how you do it. Again, I am very annoyed at: "if you need a meeting I will show up, but if you don't I'm not gonna come." Whoa.

Councilor Kaufman said there were no flaws that she could find in the documents. She said she's not an attorney, but our attorneys have not advised us to overturn the decision. Mediation is not an option. It is not in our personnel policy. If we remand to have the City Administrator reconsider it there is a lot of information that we are not allowed to consider tonight that would make it very hard for Mr. Ferguson to probably get a job somewhere else. But on the other side he may have some defenses for some of that. But it might make it uglier than it has already been over the past month. Councilor Gregory asked how so? Kaufman said she has seen documents circulating around probably 30-40 pages of other things that have happened, that have come to light, which we can't discuss but it would affect a reconsideration by the Administrator, who now knows about it, and would have to

investigate all that. She said it was not criminal in nature but more stuff similar to what they already had. She said maybe it is time for everyone to move on.

Kaufman said the options available were: affirm the decision, reconsider the decision, or overturn and order reinstatement. Those are the three choices based on the documents that are in front of them.

Councilor Crook said that this job comes with certain challenges. It comes with challenges that you have to do things that you know are right but are very difficult. But that's okay. It's what we all signed up for. I am of the opinion that things can be made fair and that is what we should always strive to do. But I really believe our hands are tied on this. I don't see, like Tamie said, the outright...I don't see anything that indicates the Mr. Ferguson is really and truly sorry. I don't think he really gets it. He might get it now. I don't know that he really got it then. And it make it...one of those things you don't want to do. You don't want to have to be in this position. And it is a terrible place to be. I think a lot of you can understand that fact, that have been in situations like this. But it does not get you out of having to do what is right. And doing what is right, in my opinion, is affirming what we have going on here with Jodi. I think Jodi's decision is correct. It is not a popular choice. It is not a choice I want to make. I hate making it. But sometimes Right is Right. Sometimes you have to do what is right. I am sure that Jeff will land on his feet as capable as he is. I know he will land somewhere. I am praying here that we can find a way for him to continue on and promote Gold Beach. I think he does a super job but that does not mean that we just fall down and say "well, we are just going to change the rules a bit for you Jeff, all the rest of us will live underneath them but you don't have to" That said:

**MOTION: Councilor Jeff Crook made a motion to affirm City Administrator Jodi Fritts' decision. Councilor Doug Brand seconded the motion.**

**Mayor Wernicke called for discussion or debate, hearing none, he called for the vote.**

Record of Vote	Ayes	Nayes	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
<b>MOTION CARRIES UNANIMOUSLY</b>			

The Mayor said he could add nothing and that Councilor Crook has said it for everybody. With that he asked for a motion to adjourn.

Councilor Kaufman asked if she could make a quick comment. She said that she was really saddened that in this process two of the council members had been kind of threatened. She said that was not the community she knew and loved. The community she knows works

together and we find a way to get things done and she hoped that everyone could go away from here and find new ground and a community that loves each other.

**MOTION: Councilor Doug Brand made a motion to adjourn. Councilor Larry Brennan seconded the motion.**

**Mayor Wernicke called for discussion or debate, hearing none, he called for the vote.**

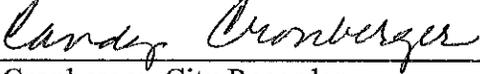
Record of Vote	Ayes	Nayes	Abstain
Council Position #1 Jeff Crook	X		
Council Position #2 Larry Brennan	X		
Council Position #3 Brice Gregory	X		
Council Position #4 Doug Brand	X		
Council Position #5 Tamie Kaufman	X		
<b>MOTION CARRIES UNANIMOUSLY</b>			

7. **Citizen Requested Agenda Items**  
None submitted
8. **Public Contracts and Purchasing**  
None
9. **Ordinances & Resolutions**  
None scheduled
10. **Miscellaneous Items (including policy discussions and determinations)**  
None scheduled
11. **City Administrator's Report**  
No CA report
12. **Mayor and Council Member Comments**  
No comments
13. **Citizens Comments**  
No comments will be taken
14. **Executive Session**  
None scheduled

The next regularly scheduled meeting of the Gold Beach City Council is Monday, May 14, 2012, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon

15. Adjourn Time: 7:21PM

Approved by the Council, May 14, 2012

  
\_\_\_\_\_  
Candy Cronberger, City Recorder

ATTACHMENT TO MINUTES FOR APRIL 16, 2012

ORIGINAL COUNCIL AGENDA PACKET



**AGENDA**  
**April 16, 2012, 6:30PM**  
**SPECIAL HEARING**  
**CITY COUNCIL CHAMBERS, CITY HALL**  
**29592 ELLENSBURG AVE**  
**GOLD BEACH OR 97444**

Call to order:            Time: \_\_\_\_\_

1.     **The pledge of allegiance**

2.     **Roll Call:**

	Present	Absent
Mayor James Wernicke		
Council Position #1 Jeff Crook		
Council Position #2 Larry Brenman		
Council Position #3 Brice Gregory		
Council Position #4 Doug Brand		
Council Position #5 Tamie Kaufman		
City Administrator Jodi Fritts		
Student Liaison Lyndsey Dixon		

3.     **Special Orders of Business:**  
None Scheduled

4.     **Consent Calendar**  
None Scheduled

5.     **Citizens Comments**  
No comments will be taken

6.     **Public Hearing**  
a.     Grievance appeal of a City Administrator's termination action

7.     **Citizen Requested Agenda Items**  
None submitted

8.     **Public Contracts and Purchasing**  
None

9.     **Ordinances & Resolutions**  
None scheduled

10.    **Miscellaneous Items (including policy discussions and determinations)**

Gold Beach City Council Agenda  
April 16, 2012

*The City of Gold Beach is dedicated to enhancing quality of life, while promoting health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community*

None scheduled

**11. City Administrator's Report**

No CA report

**12. Mayor and Council Member Comments**

- a. Mayor James Wernicke
- b. Councilors
  - 1) Jeff Crook
  - 2) Larry Brennan
  - 3) Brice Gregory
  - 4) Doug Brand
  - 5) Tamie Kaufman
- c. Student Liaison, Lyndsey Dixon

**13. Citizens Comments**

No comments will be taken

**14. Executive Session**

None scheduled

The next regularly scheduled meeting of the Gold Beach City Council is Monday, May 14, 2012, at 6:30PM in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon

**15. Adjourn Time:** \_\_\_\_\_

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, Attention Director, Office of Civil Rights, Washington, D.C. 20250-9419

Gold Beach City Council Agenda

April 16, 2012

*The City of Gold Beach is dedicated to enhancing quality of life, while promoting health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community*



City of Gold Beach

29592 Ellensburg Avenue  
Gold Beach, OR 97444  
541-247-7029  
[www.goldbeachoregon.gov](http://www.goldbeachoregon.gov)



I, Candy Cronberger, City Recorder, certify that I received City Administrator Jodi Fritt's written testimony for the April 16, 2012 grievance hearing at the following date and time:

04.06.2012 @ 4:59 P.M.

The testimony contained 98 total pages.

I further certify that Jeff Ferguson will not be given access to this written testimony until after 5PM on Friday, April 6, 2012.

Witnessed By:

Candy Cronberger  
Candy Cronberger, City Recorder

Margaret Bely

## **Testimony to the Mayor and City Council from City Administrator, Jodi Fritts-Matthey**

Jeff Ferguson was hired November 1, 2009, as Interim Promotions Director. In January of 2010, Mr. Ferguson became a full-time city employee and a department head. Department heads and supervisors are required to know City procedures, regulations, policies, and standards of conduct since they provide supervision to employees within in their departments. When a department head or supervisor violates city procedures, regulations, policies and standards of conduct, the violation is more serious due to their supervisory role.

Mr. Ferguson had a difficult time transitioning from private to public sector work. He was counseled by the former City Administrator on at least three occasions in the short time he worked for the City. Each of the sessions included reprimands regarding his inappropriate correspondence with others and his broadcast of the correspondence with others. He was also reprimanded:

- for making negative and disparaging remarks publicly about businesses and organizations,
- exceeded his authority by enter into contracts on behalf of the city,
- presenting false information to his supervisor,
- failure to produce departmental plans as directed
- and insubordination.

These are serious performance concerns for a Department head/supervisor.

When I received the inappropriate correspondence dated in February and March of this year, (see pages 85-95) prior to initiating a disciplinary action, I reviewed Mr. Ferguson's personnel file and discovered the past issues. Based on his former disciplinary actions and the continued behavior that could result in liability to the City, I determined that Ferguson was unwilling or unable to correct his behavior and began the termination process with the city attorneys and City County Insurance Services.

I have enclosed all the materials I used to consider the termination. The packet is lengthy, but I would call your attention to the following:

- The Section 2 narrative which outlines the difficulty in contacting Ferguson regarding the disciplinary action (pages 11-12)
- The Disciplinary Action Form pages 1-4 (pages 13-16)
- The former City Administrator's June 6, 2011, reprimand of Ferguson (pages 18-20)
- Sections of Ferguson's Summary to his February 1, 2011 evaluation. He specifically states: "the transition from the 'private' to 'public' sector has been brutal..." He goes on to say he is "...willing to compromise but will not conform in areas that do not align with my personal 'make-up' & character." He then makes disparaging remarks about the public sector (pages 49-53)
- Mr. Ferguson received an overall Very Good performance rating from the former City Administrator but in reading the narrative attached to Mr. Ferguson's performance review, it is clear she had concerns:
  - Regarding his "understanding of statutes and practices associated with public sector work"

- o "It is very apparent that transitioning to work in the public sector has presented some challenges for Jeff." She states his work presents "risk to the city, especially for civil rights challenges."
- o She also said that Jeff "...struggles to emotionally detach from the issue/matter at hand. This interferes with his ability to objectively make sound decisions."

Clearly there were concerns that the City Administrator was hoping to mitigate through education and mentoring. See pages 54-58.

- Please note that the date of the performance review is February 1, 2011. The inflammatory emails contained in Section 3 of the packet began barely 2 weeks later, after Mr. Ferguson's performance review. The City Administrator then reprimanded Mr. Ferguson in June of 2011. The reprimand clearly notified Mr. Ferguson that continuation of inappropriate behavior, including sending unprofessional, inappropriate, and inflammatory emails, would result in disciplinary action, up to and including termination.

It was, and is, irrelevant that Mr. Ferguson may have worked out his issues with the people that he sent inappropriate correspondence to. The correspondence was unprofessional and contrary to the City's personnel policies and made more so because he was a department head/supervisor and because it was broadcasted to people other than the recipients.

The inappropriate correspondence is not the only reason he was terminated. As I stated in my Disciplinary Action Form he was deficient for the following other reasons:

- He called people disparaging names to others and used city equipment to broadcast it,
- He questioned the motives and practices of businesses and organizations that the City partners with even though he doesn't work for them,
- He has fomented dissention between the Chamber of commerce and local businesses on City time,
- He did not express disagreements with others in an appropriate setting,

This behavior required the former City Administrator and me to go to specific businesses and apologize on behalf of the City. Not just for the correspondence, but for the behavior and the bad will.

Conduct by a public employee, especially in written correspondence, can have legal impacts on the City in the form of defamation or slander lawsuits. If a public employee sends "personal" correspondence from a city owned computer, using a city email address, that presents liability to the city. Upon discovering employee misconduct, in order to protect the City, the City Administrator must deal with the misconduct. In this case, it was my considered determination that Mr. Ferguson's misconduct rose to the level where termination was an appropriate remedy and in the best interest of the City. Therefore, on March 8, 2012, I terminated Mr. Ferguson's employment with the City.

**Because the City Council's decision is limited to the question of whether the termination decision was reasonable given the information available to the City Administrator at the time, this packet only contains materials that were used in my March 8, 2012 termination decision. All public records found post-termination on the city owned laptop, in the office or contained in files, or obtained from other sources are not contained in this packet.**

Attached to this summary report are evidence and supporting documents related to the City Administrator's disciplinary action terminating the employment of Jeff Ferguson. The packet is separated into the following sections:

<b>SECTION</b>	<b>ITEM</b>	<b>PAGE #</b>
1	Copy of Personnel Policy Manual Sections 222 Standards of Conduct/Discipline, 224 Termination, 226 Grievance Procedure	3-10
2	The termination Disciplinary Action Form and supporting documents, and additional evidence considered as part of the disciplinary action	11-66
3	Correspondence contrary to Personnel Policy Section 222: Standards of Conduct/Discipline 222.2 Performance Standards 222.3 Prohibited Conduct	67-96

Each section has a summary of items and introduction.

**SECTION 1: Personnel Policy Manual Sections 222 Standards of Conduct/Discipline, 224 Termination, 226 Grievance Procedure**

## 222 Standards of Conduct/Discipline

### 222.1 Employee Performance and Conduct

To attain the highest standards of performance and conduct from each employee, all employees are expected to conform to the following standards of conduct and, in accepting a position with the city, each employee accepts responsibility for conduct both on and off the job that reflects and builds a positive image for the city. The standards of conduct set out in this section serve as the basis for selection, evaluation, and discipline (including termination) of city employees, but are not meant to be an exhaustive or exclusive list. There will usually be a detailed job description and there may be other types of behavior or conduct that form the basis for performance review or are cause for disciplinary action.

### 222.2 Performance Standards

- a) Achieves and maintains a level of knowledge, skill and ability required by the employee's job classification and assignment.
- b) Is able to carry out assignments with the level of training and supervision appropriate to the employee's job classification and assignment.
- c) Exercises appropriate judgment, decision-making and initiative, including selection of work techniques, procedures and priorities.
- d) Knows and follows all relevant city and departmental policies and procedures.
- e) Carries out work assignments in a diligent, cost-effective, efficient and timely fashion.
- f) Expresses disagreements in an appropriate setting and in a manner that is constructive and not disruptive or harmful to the delivery of services.
- g) Maintains required levels of accuracy and quality.
- h) Develops and maintains satisfactory working relationships with others, including the public, as necessary to effectively carry out job responsibilities.
- i) Maintains necessary licenses and certifications.
- j) Acts with proper authority.

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- k) Maintains the level of punctuality required in the employee's job assignment.
- l) Maintains an acceptable attendance record and follows required procedures for requesting and reporting absences.

### 222.3 Prohibited Conduct

Any action or inaction by a city employee that is a hindrance to the effective performance of city functions or reflects discredit upon the city will be considered cause for disciplinary action. By way of illustration and not limitation, the following list provides examples of cause for disciplinary actions:

- a) Falsification of official records or documents, including applications and pre-employment documents.
- b) Misrepresentation of qualifications for employment.
- c) Unauthorized absence from duty, including failure to return from leave, or taking of unauthorized or excessive breaks while on duty.
- d) Insubordination or refusal to obey instructions that pertain to the employee's work or city requirements issued by a supervisor.
- e) Use of force or intimidation or abusive, offensive, derogatory language or mannerisms or other conduct that is inappropriate in a business setting.
- f) Violation of city rules, ordinances, and policies.
- g) Criminal violations that are related to job performance or are of such a nature that to continue an employee in their position could constitute negligence on the city's part.
- h) Discrimination or harassment based on any prohibited basis in the exercise of the employee's job responsibilities.
- i) Illegal possession, sale or use of controlled substances or intoxicants while on duty.
- j) Use of city property or equipment for personal purposes in violation of the city's policies regarding such use.
- k) Misuse or abuse of city or public funds or theft or misappropriation of the property of others.

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- l) Acceptance of a fee, gift or other item of value in the course of the employee's work for the city.
- m) Unauthorized disclosure of confidential or privileged information.
- n) Actions or conduct that is violations of ethical standards and/or the conflict of interest rules.
- o) Reporting for work under the influence of intoxicants or controlled substances.
- p) Making false accusations that discredit, embarrass, or abuse supervisors, peers, the governing body, or the general public.
- q) Unauthorized destruction of city property and/or equipment.

#### **222.4 Disciplinary Procedures**

Discipline is intended to be a constructive means of dealing with unacceptable behavior or employee performance deficiencies. Disciplinary actions should be appropriate to the seriousness of the infractions for performance deficiency. Department directors are authorized to take any of the following actions and to recommend termination for cause subject to the guidelines in this section. Only the city administrator has the authority to decide whether to discharge an employee. Therefore, department directors may discharge an employee only with prior written approval of the city administrator.

The corrective action process will not always commence with a verbal warning or include a sequence of steps. Some acts, particularly those that are intentional or serious, warrant more severe action on the first or subsequent offense. Consideration will be given to the seriousness of the offense, intent and motivation to change performance, and the environment in which the offense took place. There also may be circumstances that are serious enough to justify immediate suspension, or in extreme situations, immediate termination.

Also, in addition to the actions listed in this section, other non-disciplinary actions may be appropriate as part, or in lieu, of a corrective action program. These include performance evaluation, additional supervision or training, restructuring of job assignment(s), or other actions as deemed appropriate.

All disciplinary actions, except warnings, must include a completed Disciplinary Action Form that is provided to the employee and that includes: 1) the purpose of the action; 2) the specific nature of performance or conduct problems with supporting facts; 3) the corrective action required; 4) the

fact that more corrective action will be taken (including termination) if the employee does not correct or improve the performance or conduct problems; and 5) the employee's right to appeal the action by filing a grievance under Section 226. The Disciplinary Action Form will be included in the employee's personnel file. Warnings do require documentation, but the documentation does not become part of the personnel file.

Disciplinary actions may include any of the following, in no particular order, depending upon the seriousness of the infraction, previous work record, longevity of the employee and other relevant factors:

- a) Warnings. A warning, whether oral or written, is an official communication to the employee that performance or conduct improvements need to be made. Supervisors or department directors may issue warnings. A written warning should be used when a verbal warning has not produced the necessary corrective action and where the possibility of disciplinary action exists if the improvements are not made. Both types of warnings should indicate to the employee the specific problem, what action is required for correction and that disciplinary action will follow if the employee does not satisfactorily correct the problem. A warning is not subject to the grievance procedure because no punitive action is taken. A written record of a verbal warning and copies of written warnings are kept by the supervisor but do not go into the employee's personnel file. The Disciplinary Action Form does not need to be completed when issuing a warning.
- b) Suspension With Pay. The city administrator may suspend employees with pay while investigating allegations made by the employee or about the employee. The employee will suffer no loss of benefits or accruals during this period of suspension. Upon completion of the investigation, disciplinary action may be taken, or the employee may be reinstated. If no further disciplinary action is taken, no record of the suspension need be made in the employee's personnel file.
- c) Written Reprimand. Supervisors or department directors may issue written reprimands. A written reprimand should state that it is a written reprimand and explain the reasons for the reprimand. The employee will be requested to sign or initial the reprimand to acknowledge its receipt. A copy of a written reprimand is placed in the employee's personnel file.
- d) Suspension Without Pay. Department directors may suspend employees without pay with the city administrator's prior approval. Suspension without pay is involuntary leave without pay coupled with formal notice of unsatisfactory performance or conduct. The period of suspension may not exceed ten (10) working days. Exempt employees will not be subject to suspension without pay for periods of less than a full work week. At the conclusion of the suspension period, the employee will be reinstated or subject to further

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disciplinary action, such as demotion, disciplinary probation or termination.

- e) Demotion. Department directors may demote employees, with the city administrator's prior approval. Demotion is the reassignment of an employee to a lower level classification with a reduction in pay and title based on performance or conduct problems unique to the requirements of the higher classification.
- f) Salary Reduction. Department directors may, with prior approval of the city administrator, reduce an employee's salary to a lower step within the salary range for the job classification based on performance or conduct problems. Salary may be adjusted down temporarily for any length of time or permanently.
- g) Disciplinary Probation. An employee may be placed on disciplinary probation by their department director with prior approval from the city administrator as a final attempt to improve performance or conduct. The probationary period and the consequences for failure to successfully complete the probationary period must be specified in writing. Employees on disciplinary probation may be terminated at any time at the city's discretion during the probationary period if termination is a consequence of unsatisfactory performance.
- h) "Last Chance Agreement". At any point in the discipline process, a department director, with the prior approval of the city administrator, may draw up a "Last Chance Agreement" that will list all of the conditions that must be met, now, and in the future, for the employee to continue working for the city. If the employee signs the agreement and meets all of the conditions, the employee will be allowed to continue employment as long as conditions of the agreement are met. If the employee does not meet the conditions of the agreement, the employee will be discharged.
- i) Discharge. Discharge is the involuntary termination of employment based on unsatisfactory performance or conduct. Department directors may only recommend discharge and generally should not do so unless at least one other form of disciplinary action has been taken. However, as noted above, there may be circumstances that are serious enough or extreme situations warranting immediate termination.

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## 224 Termination

### 224.1 Resignation

Resignation is a voluntary act by the employee to terminate employment with the city. The city requests that all employees provide at least two weeks' written notice specifying the employee's anticipated final day of employment. Resigning employees will be asked their reasons for resignation during an exit interview.

### 224.2 Layoff

A layoff is the termination of an employee due to the elimination of a position or due to city budgetary constraints. A position may be eliminated as part of a reorganization, elimination or contracting out of a program or service, lack of work or funds, or other reasons. Layoff is not an alternative to a disciplinary termination or demotion of an employee. The city administrator is responsible for determining employees to be laid off. The city administrator's decision is final.

### 224.3 Retirement

An employee is considered to have voluntarily terminated employment when they are eligible for and receive a monthly benefit from a qualified retirement plan offered by the city.

### 224.4 Disability

Loss of ability to perform job requirements through illness or injury may result in termination for disability.

### 224.5 Discharge

Discharge is the termination of an employee for cause. Only the city administrator may discharge an employee.

Only the city administrator has the authority to decide whether to discharge an employee. Therefore, department directors may discharge an employee only with the prior written approval of the city administrator. In some cases, the employee may be offered the option of resigning in lieu of discharge. If the employee chooses to resign, the employee will be required to sign a statement indicating that the resignation was voluntary.

### 224.6 Termination Procedure/Exit Interview

An exit interview must be conducted with all terminating employees prior to or at the time of resignation or termination. The purposes of the interview are to secure forwarding addresses, review final hours accrued and due at termination, complete all retirement and insurance forms, and explain the final check due the employee. In some cases, the purposes also will include an

explanation of reasons for termination in the case of discharge and resignation. The city administrator or department director shall conduct the exit interview.

Except as provided through COBRA, all pay and benefits shall cease as of the date an employee terminates. The final check will include all accrued leaves that are payable at termination.

Upon termination, the department director is responsible for ensuring that the terminated employee has turned in all keys, tools, uniforms, and/or other city property used by them or in their possession. Documentation that all city property has been returned shall be placed in the employee's personnel file.

Employees will be asked to sign a Reference Request Release pursuant to which the city will release only the information specified on the form to persons seeking information regarding the employee's employment with the city. If the employee requests that the city administrator, department director, a supervisor or other employee serve as a reference for the employee, the employee must make the request on the Reference Request Release.

No employee discharged for prohibited conduct is eligible for rehire prior to the fifth (5<sup>th</sup>) anniversary of the termination date, unless specifically documented in the employee's exit interview. Employees discharged for reasons related to performance standards and for reasons other than prohibited conduct may be eligible for rehire after the third (3<sup>rd</sup>) anniversary of the termination date. Employees discharged for reasons other than those related to performance standards or prohibited conduct may be eligible for rehire immediately.

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## **226 Grievance Procedure**

### **226.1 General Purpose and Scope**

Any city employees may file a grievance for any decision regarding Employment Policies (Section 200), Compensation and Pay Administration (Section 212), Standards of Conduct/Discipline (Section 222), or Termination (Section 224) by following the procedures outlined below. Employees will not be subject to reprisal of any kind for using the grievance procedure.

### **226.2 Procedure**

After attempting to resolve the dispute informally, the employee must present his or her grievance in writing to their department director (or city administrator in the case of a department director) within five (5) business days of the action or first knowledge of the action causing the grievance. The grievance must include a statement of all of the facts the employee feels are relevant, the nature of the complaint and the relief that the employee requests the city provide.

If not satisfied with the decision of the department director, within five (5) working days of receipt of the department director's decision, the employee may present the grievance in writing, along with the department director's written decision and other relevant materials, to the city administrator for formal action.

The city administrator will investigate the grievance. The investigation will be informal but thorough, affording all interested persons and their representatives an opportunity to submit evidence relevant to the grievance. The city administrator will strive to keep sensitive information confidential, but may not be able to promise complete confidentiality due to the need to properly investigate the issue. The city will not be liable for any expenses incurred by the employee for representation. The city administrator will render a decision in writing to the employee within ten (10) working days of receipt of the grievance. The decision of the city administrator is final.

If the grievance is against the city administrator, the grievance may be appealed to the Gold Beach City Council in writing within ten (10) days of the city administrator's decision. In this situation, the decision of the Gold Beach City Council is final.

Any grievance not taken to the next step of the grievance procedure within the time limits established under this section will be considered settled on the basis of the last decision made.

Time limits prescribed in this section for the initiation and completion of grievance process may be extended by written mutual consent of the parties involved.

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**SECTION 2: Termination Disciplinary Action Form and supporting documents, and additional evidence considered as part of the disciplinary action that was part of the personnel file.**

DOCUMENTS	PACKET PAGES
Disciplinary Action Form documenting the specific nature of the performance or conduct problems with supporting facts	13-39
Employee Acknowledgement Form for policy manual & Employment Agreement	40-44
February 1, 2011 Performance Evaluation: City Administrator's evaluation and Ferguson's self-assessment with his personal notes	45-58
Handwritten notes in personnel file from City Administrator	59
Email exchange regarding inappropriate newsletter item, February 11, 2012	60-62
Notes from discussion with former City Administrator regarding Ferguson	63
Correspondence regarding scheduling of disciplinary action hearing	64-66

Mr. Ferguson did not respond to an email scheduling a meeting March 7, 2012, at 10AM. I contacted the Visitor Center and asked them to leave a note for Ferguson on his desk so that he would see it first thing in the morning. Ferguson failed to appear for the scheduled meeting. I contacted the Visitor Center to speak with Ferguson. They said he had not come in. I asked if he had called in and they said they had not heard from him since Sue Dawson (VC Office Manager) had left on vacation, Friday, March 2<sup>nd</sup>. On March 2<sup>nd</sup>, Ferguson had sent me a copy of an email he sent to the Promo Committee stating he would be gone Sunday and Monday at a conference and then at the doctor the next day which would have been Tuesday the 6<sup>th</sup>. The assumption was that he would be back to work on Wednesday the 7<sup>th</sup>.

When he failed to show for the meeting, and the Visitor Center said he had not called in, I asked them to call his cell phone and ask him to please call me. I called the VC back in a few minutes and they said they had been unable to reach Ferguson and that his voice mail did not pick up. At this point I contacted legal counsel, Lauren Sommers, and asked what the next step should be. She and Christy Monson (associate of Sommers) advised me to write a "strongly worded" letter advising Ferguson to appear for a rescheduled meeting the next day, Thursday, March 8<sup>th</sup> at 10AM. The letter was to be hand delivered to Ferguson. I wrote the letter and requested Police Chief Andrews deliver the letter. Chief Andrews went to deliver the letter but Ferguson failed to answer his door (his vehicle was at the home) so Andrews taped the letter to the front door.

Ferguson did show for the meeting on March 8<sup>th</sup>. Mayor James Wernicke and Chief Andrews were present as witnesses to the meeting. I advised Ferguson of the disciplinary action and that I was terminating his employment effective immediately. I expressed my displeasure at his unexcused absence the previous day and his failure to check in with Visitor Center staff in the absence of the manager for the past 5 days. I also expressed my displeasure at the inability to contact him by phone the previous day given the fact the City subsidized his cell phone specifically for the purpose of keeping in touch with him. Finally, I expressed my displeasure that he appeared to be again exceeding his proper authority by entering into a contract with the

phone book publisher for phone book advertising. He said that he had intended to tell me of the contract.

Ferguson was given his final check which included accrued vacation hours. He was given information regarding COBRA continuation of medical insurance and other benefits. He was given information regarding his right to grieve the disciplinary action. I told him since the 10<sup>th</sup> day for the appeal fell on Sunday that he had until 5PM, Monday the 19<sup>th</sup> to file his grievance. I asked him to turn over city property in his possession and asked where the city owned laptop was since it was not in his office. He said it was at home. I told him he had two options to clean out his office: 1) he could have approximately 15 minutes with Chief Andrews standing by; or 2) Chief Andrews and I would clean the office out and forward the items to him. Since the city laptop was at his home I said it would be easier if he went home and got the computer and Chief Andrews and I could clean out his office and we could meet back at city hall to exchange items. Ferguson felt it was unfair to limit his time, I disagreed. We agreed on option 2 and Ferguson got the computer while Chief Andrews and I gathered his belongings at the Visitor Center. We exchanged the items back at city hall approximately ½ hour later.

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## DISCIPLINARY ACTION FORM

Employee: Jeff Ferguson

Date: March 7, 2012

Disciplinary Action being taken:

Discharge

Department: Visitor Center/Promotions

Hire Date: November 1, 2009

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Pursuant to Personnel Policy Manual Section 222.4, you are being provided this Disciplinary Action Form.

1) **The purpose of the disciplinary action:** The purpose of this disciplinary action is to provide you notice that the City has decided to discharge you and relieve you from your job duties effective March 7, 2012, due to several violations of specific city personnel policies, as provided in detail below.

2) **The specific nature of the performance or conduct problems with supporting facts.** On June 6, 2011, City Administrator, Ellen Barnes met with you to discuss a letter of reprimand that outlined your uncooperative and unprofessional behavior (see Attachment A). This behavior was in violation of the Personnel Policy Manual Sections: 222.1; 222. 2 (c), (f), (h), and (j); and 222.3 (d) and (e). The letter stated, among other things, that you were failing at one of your essential job functions, which is to establish and maintain productive working relationships with local businesses and organizations (See class specification, Attachment B).

It has recently come to my attention that you are still exhibiting continued uncooperative and unprofessional behavior in violation of Personnel Policy Manual Sections: 222.1; 222. 2 (c), (f), (h), and (j); and 222.3 (d) and (e). Specifically, in your documented interactions with the Gold Beach Chamber of Commerce, an essential community organization to Gold Beach Promotions, your behavior has been rude, harassing and abusive. This behavior reflects great discredit upon the City. Because of your behavior, former City Administrator Barnes was forced to apologize last year on behalf of the City, and I have had to apologize this year. The following is a sample of the rude and abusive behavior you have exhibited towards the Chamber:

- You have repeatedly referred to the Chamber President as a "knucklehead" in writing and broadcasted the emails to people other than the recipient.
- You have contacted third parties regarding Chamber staff and members and belittled them in writing and broadcasted the emails to people other than the recipient.
- You have sarcastically questioned the Chamber's practices and events and belittled them in writing and broadcasted the emails to people other than the recipient.
- You have used threatening and abusive language in writing such as:

*"...I've looked out for you and even told you what would happen if you didn't do certain things in a certain way...you should have listened. I live in the real world and it's a tough place...you seem to live in a glitter-covered world..."*

*"I've re-read this 3X before hitting the send button but (harsh as it is) I'm sending it anyway..."*

- You have demanded apologies for supposed actions of Chamber members that in no way relate to you or the City.
- You have repeatedly told the Chamber how to run their organization and belittled them for not taking your advice.
- You have fomented dissension between Chamber partners and local businesses.
- You have improperly used your professional position and your City email address to express unprofessional personal opinions, which were contrary to City policy. You improperly cc'd City policy makers with such emails, providing the appearance that your actions and positions were City policy issues.

Specific Incidents

Email dated February 21, 2012 (Attachment C): you authored a 1,800 word, three page egregiously unprofessional email to the Chamber Director that was broadcast to people other than the recipient. The fact that it was broadcast to so many other persons adds to the seriousness of your unprofessionalism and reflects poorly upon the City. This email demonstrates your inability and unwillingness to establish and maintain productive working relationships with local businesses and organizations, which is a necessary part of your job description. It also demonstrates your continued inability to separate your personal views from your professional duties.

Further, the Chamber Director and Board requested a meeting with you and the Promotions Committee to "clear the air." The Chamber felt you had made "several misstatements/inaccuracies" and wanted the opportunity to address them. You flatly refused. That behavior is uncooperative and unprofessional, harms the City, and is contrary to your stated job description duties.

In another instance of poor professional judgment and inappropriate language, you planned to publish the following in your weekly newspaper column on February 15<sup>th</sup> in regards to the glass ball promotion:

*"We continue to have people who pick up many of the Glass Balls on the Beach, leaving few for our visitors. I cannot name names here (there are several) but those who "just don't care" may be surprised by what I know!! If you live on Old Coast Road, you have a guilty neighbor (couple)!!!"*

When you sent the draft by email, you indicated that you thought that section was particularly good, which shows a continuing lack of professional judgment. Without my intervention, this language would have been published in the paper.

Lastly, you repeatedly state in your email exchanges how much time you have wasted on Chamber issues. These were not and are not issues that you are tasked with and you were not asked to be part of these issues. Based on these emails, I believe that you have improperly wasted a lot of City time on Chamber issues that were not part of your job duties and that you should not have inserted yourself into.

Below are the specific excerpted provisions of the Policy Manual that you have violated by your above-referenced actions:

### **Section 222 Standards of Conduct**

**222.1 Employee Performance and Conduct:** To attain the highest standards of performance and conduct from each employee, all employees are expected to conform to the following standards of conduct, and in accepting a position with the city, each employee accepts responsibility for conduct both on and off the job that reflects and builds a positive image for the city. The standards of conduct set out in this section serve as the basis for selection, evaluation, and discipline (including termination) of city employees, but are not meant to be an exhaustive list or exclusive list. There will usually be a detailed job description and there may be other types of behavior or conduct that form the basis for the performance review or are cause for disciplinary action.

#### **222.2 Performance Standards** (*note: not all items a through l are listed*)

**The specific performance standards relevant to this disciplinary action are:**

- c) Exercises appropriate judgment, decision making and initiative, including selection of work techniques, procedures and priorities.
- f) Expresses disagreements in an appropriate setting and in manner that is constructive and not disruptive or harmful of the delivery of services.
- h) Develops and maintains satisfactory working relationships with others, including the public, as necessary to effectively carry out job responsibilities.
- j) Acts with proper authority.

**222.3 Prohibited Conduct:** Any action or inaction by a city employee that is a *hindrance to the effective performance of city functions or reflects discredit upon the city will be considered cause for disciplinary action* (emphasis added). By way of illustration and not limitation, the following list provides examples of cause for disciplinary actions (*note: not all items a through q are listed*):

- (d) Insubordination or refusal to obey instructions that pertain to the employee's work or city requirements issued by a supervisor.
- (e) Use of force or intimidation or abusive, offensive, derogatory language or mannerisms or other conduct that is inappropriate in a business setting.

As described above, you have violated or failed to meet these specific performance standards. Your interactions with the Chamber have demonstrated:

- your lack of appropriate judgment;
- your inability to express disagreements in an appropriate setting and in a constructive and not disruptive manner;
- failure to develop and maintain a satisfactory working relationship with the Chamber, which is necessary to effectively carry out your job duties;
- poor judgment in exceeding your proper authority in arguing with the Chamber about their role and responsibilities;
- use of abusive, offensive and derogatory language that is inappropriate in a business setting; and
- failure to use good judgment and use of embarrassing and abusive accusations towards Chamber members and staff in an attempt to discredit them publicly.

**3) Corrective action required:** Due to the egregious and repeated nature of the prohibited conduct, there is no corrective action that will remedy the situation. Less than a year ago you were notified and reprimanded for the same prohibited conduct. For these reasons, the disciplinary action being taken is discharge.

**4) Corrective action to be taken:** Due to the severity of the prohibited conduct, and a demonstrated pattern of the violation of the standards of the city, there is no corrective action that can be taken except discharge (termination).

**5) You have a right to appeal the disciplinary action by filing a grievance under Section 226 of the Personnel Policies (below).**

#### **226 Grievance Procedure**

##### **226.1 General Purpose and Scope**

Any city employees may file a grievance for any decision regarding Employment Policies (Section 300 (sic) 200), Compensation and Pay Administration (Section 312 (sic) 212), Standards of Conduct/Discipline (Section 322 (sic) 222), or Termination (Section 324 (sic) 224) by following the procedures outlined below. Employees will not be subject to reprisal of any kind for using the grievance procedure.

##### **226.2 Procedure**

After attempting to resolve the dispute informally, the employee must present his or her grievance in writing to their department director (or city administrator in the case of a department director) within five (5) business days of the action or first knowledge of the action causing the grievance. The grievance must include a statement of all of the facts the employee feels are relevant, the nature of the complaint and the relief that the employee requests the city provide.

If not satisfied with the decision of the department director, within five (5) working days of receipt of the department director's decision, the employee may present the grievance in writing, along with the department director's written decision and other relevant materials, to the city administrator for formal action.

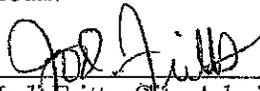
The city administrator will investigate the grievance. The investigation will be informal but thorough, affording all interested persons and their representatives an opportunity to submit evidence relevant to grievance. The city administrator will strive to keep sensitive information confidential, but may not be able to promise complete confidentiality due to the need to properly investigate the issue. The city will not be liable for any expenses incurred by the employee for the representation. The city administrator will render a decision in writing to the employee within ten (10) working days of the receipt of the grievance. The decision of the city administrator is final.

If the grievance is against the city administrator, the grievance must be appealed to the Gold Beach City Council in writing within ten (10) days of the city administrator's decision. In this situation, the decision of the Gold Beach City Council is final.

Any grievance not taken to the next step of the grievance procedure within the time limits established under this section will be considered settled on the basis of the last decision made.

Time limits prescribed in this section for the initiation and completion of grievance may be extended by written mutual consent of the parties involved.

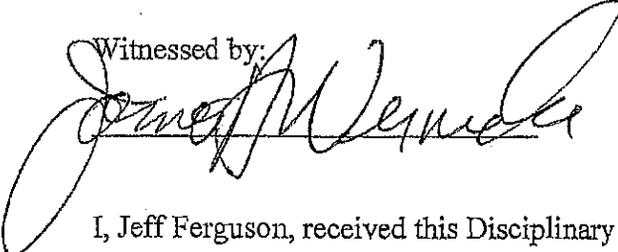
I, Jodi Fritts, personally delivered this Disciplinary Action Form to Jeff Ferguson on March 7, 2012.

  
\_\_\_\_\_  
Jodi Fritts, City Administrator

<sup>JF</sup>  
3/08/2012  
\_\_\_\_\_  
Date

March 19, 2012

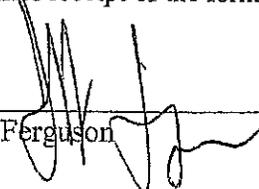
Witnessed by:

  
\_\_\_\_\_  
Witnessed by:

3/08/12  
\_\_\_\_\_  
Date

I, Jeff Ferguson, received this Disciplinary Action Form on March 7, 2012.

(Signature of Employee does not indicate agreement with the statements in this Form, but merely signifies receipt of the form.)

  
\_\_\_\_\_  
Jeff Ferguson

3-08-12  
\_\_\_\_\_  
Date



# MEMORANDUM

Office of the City Administrator

**Ellen Barnes**  
*City Administrator*

DATE: 6 June 2011

TO: Mr. Jeff Ferguson

SUBJECT: Letter of Reprimand for Unprofessional and Uncooperative Behavior and Behavior Unbecoming a City Employee

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According to City policy, "Any action or inaction which is a hindrance to the effective performance of City functions or reflects discredit upon the City will be considered just cause for disciplinary action." Over the past several months, you have demonstrated unprofessional behavior that is unbecoming a City employee. This behavior is disruptive and affecting city operations...and it is becoming more aggressive and belligerent. Below is a summary of some of the more recent unacceptable behavior:

- **Failure to develop and maintain positive working relationships with the press.** As Executive Director of Gold Beach Promotions, one of your primary responsibilities is to establish and maintain effective working relationships with the local press. In March, while away at a conference, I received copies of an email exchange between you and Joel Summers, editor of the local paper (Attachment A). This exchange is unprofessional, reflects poorly on the City and does not foster positive working relationships. I met with Joel and Rebecca afterward to apologize for your behavior and to reassure them the City wants to maintain a productive working relationship with their business.
- **Failure to follow the directives of the City Administrator/ insubordination/ failure to perform assigned work to City standards/ demonstrated uncooperative behavior.**

The Executive Director of Gold Beach Promotions and Visitor Center is an employee of the City of Gold Beach. As the director of a department within the City of Gold Beach, you report to and take direction from the City Administrator. The City Administrator is your direct supervisor. Ignoring directives of the City Administrator, intentionally misinforming the City Administrator or

00018

Attachment A-1

misrepresenting events is unacceptable and will result in disciplinary action. Recently, a pattern of insubordination has started to emerge.

- o For example, in March, 2011, the attached email exchange (Attachment B) clearly shows that you failed to follow my directive regarding obtaining CA approval of press releases before they go to print. It is clear from the e-mail that you knew and understood the directive. You intentionally chose to allow it to go to press without approval.
- o Example next involves Facebook. During the May 12, 2011 meeting of the Promotion Committee, you clearly stated that you were unaware of any directive from the City Administrator regarding allowing third-party posts to the City's Facebook page. However, the email exchange in Attachment B, which occurred in March, 2011 clearly shows our communication on the topic.
- o In Attachment C, your response to my request to speak with you regarding the contract matter demonstrates direct insubordination.

This is an official letter of reprimand. Recent behavior displayed is unacceptable and will not be tolerated. Continuation of this behavior will result in additional disciplinary action up to and including termination.

Beginning this day forward, the following plan of action will be implemented.

- Beginning the week of June 6<sup>th</sup>, 2011 - weekly meetings to review city policies, procedures, city ordinances, and state statutes relevant to the Executive Director of Promotion and Visitor Center position. The first meeting is scheduled for Wednesday, June 8, 2011 at 9:00 am to review Class Specification, job responsibilities, organizational chart.
- You will be required to participate in League of Oregon Cities sponsored workshops and/or other approved training related to public records laws, public meetings laws, ethics and leadership, public contracting and purchasing, and other topics as directed by the City Administrator.

Expectations of employee.

- When I schedule a meeting with you, you are not to second-guess the need for the meeting. I expect you to show when scheduled. If the day and time is not convenient, I expect you to communicate the reason(s) and propose an alternative time or times.
- I expect courteous, polite, and professional communications with employees and individuals outside the organization.

00019

A-2

- I expect you to consistently demonstrate cooperative behavior by promptly and politely responding to direction from the City Administrator. I expect complete and truthful answers to questions and inquiries.

00020

A-3

Ellen,

I have also researched this fully.

The only 'issue' here is that neither you nor I remembered the sequence of events correctly.

It was 'Northwest Brochures' (NWB) that prompted you to inform me about "All contracts go to City Hall and you can't sign them", after I had signed the renewal for NWB.

When I answered your recent question as I did, I was thinking of 'Certified Brochures' (CB)...which came in after NWB. I got the CB contract and passed it on to you.

You are correct...I did sign the NWB renewal agreement March 15th. You then informed me of the policy to pass all contracts to you...which I have done (CB).

The purchase requisition for NWB went to City Hall on March 22nd (you and I were both aware of the contract issue at that time), as Sue checked with your staff and was told, "Just submit the request and Ellen will handle once she gets the contract issue straightened out".

On May 11, we received a bill from NWB and submitted a request for payment on May 19th (Sue assumed that everything was OK and was instructed by your staff to "just send it in").

So, if the only reason you want me in your office at 9:00am Monday is this...I don't see that it warrants the time.

Please let me know and I will be there, if you choose.

Jeff

PS- I'm going to stay on the 'high road' here but must say that I just don't understand the 'tone' of many of your emails. They seem 'accusatory' and even a little 'caustic' given the circumstances of each. I seem to be 'guilty until proven innocent' in most situations...no 'benefit of the doubt', etc. In all cases, I have taken the time to explain and everything then is, seemingly, OK. I hope that you will call me when you have questions such as this (and several past instances)...something is getting 'lost' in these emails. We are supposed to be on the same 'team' but I feel a huge 'disconnect' with City Hall right now (goes back several months). I am doing a very good job for GB and only ask that I be treated fairly...the 'tone' of some of your emails does not seem 'fair' and really bothers me. I can't be as productive as I might, when I'm constantly wondering what I've done to piss you off.

I find that looking to 'catch' people doing things 'right' is a more effective way to manage than looking to 'catch' someone doing something wrong.

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**From:** Ellen Barnes [mailto:ebarnes@goldbeachoregon.gov]  
**Sent:** Thursday, June 02, 2011 10:54 AM  
**To:** Jeff Ferguson  
**Subject:** RE: Northwest Brochure Distribution

Thanks, Jeff.

00021

Interesting...I just received a fax from Northwest Brochure Distribution showing they have a contract you signed on March 15th, 2011. Why didn't you share with me the fact that you sent them a copy of the contract you gave me? Responding to my question with "No, I did not sign anything" obviously was inaccurate. I want to see you in

*Attachment* (A)  
<https://mail.goldbeachoregon.gov/exchange/ebarnes/Inbox/RE:%20Northwest%20Brochure...> 6/6/2011

AA

my office Monday morning 9 am.

So you know, you will receive a copy of a letter I am sending to Northwest Brochure Services with a revised contract. The contract they have is invalid. I have corrected the contract.

Ellen Barnes, City Administrator  
City of Gold Beach  
541-247-7029 (office)  
[ebarnes@goldbeachoregon.gov](mailto:ebarnes@goldbeachoregon.gov)

*NOTICE:* This email, including any attachments thereto, is intended only for the use of the addressee(s) named herein unless otherwise indicated in the text, and contains information that is confidential and/or legally privileged. If you believe you have received this message in error, please notify the sender by reply email, delete the message from your computer and destroy any paper copies.

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**From:** Jeff Ferguson [<mailto:director@goldbeach.org>]  
**Sent:** Wed 6/1/2011 9:52 AM  
**To:** Ellen Barnes  
**Subject:** RE: Northwest Brochure Distribution

I'm aware of this. No, I did not sign anything. This particular contract came by my desk after you informed me that all contracts go to you.

Jeff

---

**From:** Ellen Barnes [<mailto:ebarnes@goldbeachoregon.gov>]  
**Sent:** Tuesday, May 31, 2011 4:31 PM  
**To:** Jeff Ferguson  
**Subject:** Northwest Brochure Distribution

Jeff,

I have an invoice for brochure distortion for the next year. Did you sign a contract for this service? If so, please bring me a copy of the contract.

Ellen Barnes, City Administrator  
City of Gold Beach  
541-247-7029 (office)  
[ebarnes@goldbeachoregon.gov](mailto:ebarnes@goldbeachoregon.gov)

*NOTICE:* This email, including any attachments thereto, is intended only for the use of the addressee(s) named herein unless otherwise indicated in the text, and contains information that is confidential and/or legally privileged. If you believe you have received this message in error, please notify the sender by reply email, delete the message from your computer and destroy any paper copies.

No virus found in this incoming message.  
Checked by AVG - [www.avg.com](http://www.avg.com)  
Version: 9.0.901 / Virus Database: 271.1.1/3671 - Release Date: 05/30/11 23:34:00

No virus found in this incoming message.  
Checked by AVG - [www.avg.com](http://www.avg.com)

00022

<https://mail.goldbeachoregon.gov/exchange/ebarnes/Inbox/RE:%20Northwest%20Brochure...> 6/6/2011

AS

Version: 9.0.901 / Virus Database: 271.1.1/3673 - Release Date: 05/31/11 23:34:00

0002

<https://mail.goldbeachoregon.gov/exchange/ebarnes/Inbox/RE:%20Northwest%20Brochure...> 6/6/2011

AG

Jeff,

We will discuss this Monday.

It is NOT an unavoidable circumstance. It has been a year now that you have given me the excuse that my emails go to your SPAM folder. Why haven't you corrected this? It is your responsibility as a director to fix/correct problems when you encounter them...Not allow them to continue and NOT use them as an excuse. At the VERY least, you should be checking your SPAM folder knowing that messages from your supervisor end up there. Jeff, remember...you sent me the article to review via email (as you always do). How is it that it when to print without approval? You should have been expecting my email approving the article. You are responsible for securing my approval before a press release goes to print. You need to plan ahead if you are to be out of office or check your email from home. Being out of office isn't an acceptable explanation in this situation.

Ellen Barnes, City Administrator  
City of Gold Beach  
541-247-7029 (office)  
[ebarnes@goldbeachoregon.gov](mailto:ebarnes@goldbeachoregon.gov)

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**From:** Jeff Ferguson [mailto:director@goldbeach.org]  
**Sent:** Thu 3/31/2011 2:30 PM  
**To:** Ellen Barnes  
**Subject:** RE: GOLD BEACH PROMOTION1

Ellen,

I just got done with budget and prep for today's Promo meeting at 3:30...and just 'fished' your email out of spam.

I don't know if I could have 'caught' this, even if I would have seen it in time. I came in early last Friday (scheduled day off, no internet at home up river), and created the column. I then went home and enjoyed time off. Even if I would have seen your email early in this week, I'm not sure if it would have been too late for CCR to delete.

Of course I'm not ignoring directives...this looks to be nothing more than an unavoidable circumstance. For over a year, I have waited for your approval and there was just once when you had me make a slight change. In this case, I didn't think twice about it nor did I drive back into town to check on it.

Jeff

---

**From:** Ellen Barnes [mailto:ebarnes@goldbeachoregon.gov]  
**Sent:** Wednesday, March 30, 2011 4:40 PM  
**To:** Jeff Ferguson  
**Subject:** FW: GOLD BEACH PROMOTION1

You and I need to talk ASAP!

I saw in today's paper that you did not do as I asked. Your article that was printed was NOT approved. Please explain. Are you ignoring my directive? Are you not reading my messages? You MUST HAVE MY APPROVAL to go to print.

Ellen Barnes, City Administrator

<https://mail.goldbeachoregon.gov/exchange/ebarnes/Message%20File/Promotions/RE:%20...> 6/3/2011

Attachment

00024  
(R)

A7

City of Gold Beach  
541-247-7029 (office)  
[ebarnes@goldbeachoregon.gov](mailto:ebarnes@goldbeachoregon.gov)

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**From:** Ellen Barnes  
**Sent:** Fri 3/25/2011 8:49 AM  
**To:** Jeff Ferguson  
**Subject:** RE: GOLD BEACH PROMOTION1

Jeff,

It appears that you are allowing individuals to post on the city's Facebook page. It doesn't matter if Sue is moderating the post or if individuals post directly to the site. The liability for the City is the same. By allowing the posts, you are creating a public forum, which opens the city to freedom of speech challenges. Please do not post individual comments to the city's Facebook site. Please do not allow individuals to post directly to the city's Facebook site. The site can be used by us to push information ONLY. You can encourage people to visit the site to learn about the community and upcoming events.

Please modify your Facebook comments to reflect that people can visit the City's Facebook to learn more about the city and upcoming events. Remove mention of people's comments. With that change, this will be acceptable to publish.

Ellen Barnes, City Administrator  
City of Gold Beach  
541-247-7029 (office)  
[ebarnes@goldbeachoregon.gov](mailto:ebarnes@goldbeachoregon.gov)

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**From:** Jeff Ferguson [mailto:director@goldbeach.org]  
**Sent:** Fri 3/25/2011 6:22 AM  
**To:** joel@currycountyreporter.com  
**Cc:** Ellen Barnes; 'Gold Beach Visitors Center'; 'Amy, Jots Resort'; cstrig2006@yahoo.com; 'PACIFIC REEF RESORT'; 'Bob Manners'; 'Larry Hammer'  
**Subject:** GOLD BEACH PROMOTION1

ready to go upon Ellens review and approval

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## GOLD BEACH PROMOTIONS & VISITORS CENTER

**Glass Balls & Geocaching:** Both of these promotions continue to bring people to town and we will draw the March winners on April 1<sup>st</sup>. The newest contributors to our prize packages are 'Hawk's Rest Ranch' and Motel 6. Thanks!

**National Tourism Week:** The 'Hospitality & Tourism' industry will celebrate 'National Tourism Week' May 7-14. We will host our annual 'May Day Mixer' here at the Gold Beach Visitor Center and hope the entire business community will join us in kicking off our 2011-2012 'visitor season'!!

**Facebook:** Enjoy these refreshing & recent comments from our Gold Beach facebook pages; "Most beautiful place in the world", "My town" and "OMG that is amazing. Where were you? I so want to go".

00025

<https://mail.goldbeachoregon.gov/exchange/ebarnes/Message%20File/Promotions/RE:%20...> 6/3/2011

A-8

**Budget Time:** It's budget time, so I'll be making plans for both Gold Beach Promotions and the Gold Beach Visitors Center. Stay tuned...another exciting year lies ahead!

**Governors Conference:** Promotions committee member Debra Way and I will attend the 'Governor's Conference on Tourism' in Eugene April 10, 11 and 12<sup>th</sup>.

**Wave Bash:** Windsurfer 'insiders' tell me there is a big push on to add 'Stand-Up Paddling' to the list of competitions for this years 'Wave Bash' (think June in Pistol River). The 'Wave Bash' is part of the 'American Windsurfing Tour' this year and is being highly-promoted.

**Adventure of Week:** Kanaan Shaw and I explored Elk River (above the hatchery). This area is worth the trip! The waterfalls were too numerous to count and the water in the river was an incredible emerald green!! We were going to push through for a burger in Powers but got stopped by the snow right at Laird Lake...what fun!!!

**4<sup>th</sup> of July:** Our 'Party at the Port' 4<sup>th</sup> of July celebration will be here sooner than we realize. Over the years, a small group of individuals have volunteered to organize this event but this group has assumed other duties and citizen volunteers are needed (especially fundraisers!). The community needs to decide whether we want to support and fund this 'All-American'/'Old-Fashioned Family Fun' gathering!!

**Promotions meeting:** The GBP committee will meet next on March 31. 3:30 at City Hall. Public comment is welcome. Please limit to 4 minutes. Contact [director@goldbeach.org](mailto:director@goldbeach.org) or call 541-247-7526.

# # #

No virus found in this incoming message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 9.0.894 / Virus Database: 271.1.1/3540 - Release Date: 03/30/11 02:54:00

00026

<https://mail.goldbeachoregon.gov/exchange/ebarnes/Message%20File/Promotions/RE:%20...> 6/3/2011

A-9

Joel,

I have not read your email (somewhere below), nor do I plan to.

Please re-read my prior email and honor my request.

As it said, if you have further comments/questions about anything to do with GB Promotions please contact your favorite committee member or city hall.

I have expended an inordinate amount of time and energy this past year (and here we go again...), with topics/situations involving you and the CCR. Most of this has not been productive.

I am now choosing to take this same time and energy to accomplish positive results for GB, rather than allow 'Energy Vampires' to take up any of my time.

Again, I encourage you to attend our next meeting. If you do choose to attend and plan to speak, please keep in mind that public comments need to be limited to 4 minutes. If you feel this is not enough time, contact a committee member and request to be placed on the meeting agenda. If this request is granted, you will be allowed up to 15 minutes.

If at some time, in the distant future, you are willing to work with me for the betterment of Gold Beach, I would consider meeting with you.

Have a pleasant day,

Jeff

---

**From:** joel.summer@comcast.net [mailto:joel.summer@comcast.net]  
**Sent:** Thursday, February 24, 2011 10:33 AM  
**To:** Jeff Ferguson  
**Cc:** Amy Gaddis; Carolyn Trigueiro; Larry Hammer; Pacificreef Resort; Dr. Bob Manners; Gold Beach Visitors Center; Ellen Barnes; Matthew Smith  
**Subject:** Re: GBVG

Jeff,

We will continue to publish your column and we will continue to give the Visitor's Center complimentary newspapers. We will report your promotions if they are 'newsworthy'. As to the Visitor's Guide, we have not raised our prices for five years. I am not privy to the Pilot's pricing or what special deals they may be giving you. However, we gave the Promotions Committee a special deal as well last year (same as the Pilot). Not only did you get your half page ad on the back cover, but you got a 1/4 page color ad on Page 52 at no cost. Customarily ads on the back cover cost more than inside ads so unless your ad is on the back of the Pilot's visitor's guide we talking apples and oranges. The Pilot and The Triplicate does a combined Visitor's Guide. You're right they distribute more copies. They have a larger combined circulation area.

As to Matthew working for you that is entirely between you and Matthew. And by the way he asked not to be copied on these e-mails. You work out your arrangements with Matthew. We did give him permission to 'moonlight' for you as long as it doesn't get in the way of his job with us. I'd ask that you work with Matthew on all your Visitor Guide ads and any other ads you

Attachment (C)

<https://mail.goldbeachoregon.gov/exchange/ebarnes/Message%20File/Promotions/Promotio...> 6/3/2011

00027

A-10

wish to place.

Other than that I have nothing more to say and considering how you and I feel about each other at the moment I do not feel it would be productive to attend your Promotions Committee meeting next Thursday.

Joel

----- Original Message -----

From: "Jeff Ferguson" <director@goldbeach.org>  
To: "joel summer" <joel.summer@comcast.net>  
Cc: "Amy Gaddis" <amy@jotsresort.com>, "Carolyn Trigueiro" <cstrig2006@yahoo.com>, "Larry Hammer" <lhammer@visitoregonsouthcoast.com>, "Pacifcreef Resort" <pacifcreef@charterinternet.com>, "Dr. Bob Manners" <stormwatchercu30@yahoo.com>, "Gold Beach Visitors Center" <visit@goldbeach.org>, "Ellen Barnes" <ebarnes@goldbeachoregon.gov>, "Matthew Smith" <matthew@currycountyreporter.com>  
Sent: Thursday, February 24, 2011 7:55:12 AM  
Subject: RE: GBVG

Joel,

I encourage you to attend our next Promotions Committee meeting (Thursday, March 3rd. 3:30 at City Hall).

You, I and the committee are worlds apart and I'm mystified as to why. You have been in the room during discussions about most of the topics in your email (below). I'm sure the committee will find it entertaining reading.

I'm choosing to not spend any more time debating with you because we just don't 'connect'. This is interesting to me because I don't have that challenge with anyone else. Please direct any further comments/questions to a committee member or city hall.

See further comments below.

Jeff

---

**From:** joel.summer@comcast.net [mailto:joel.summer@comcast.net]  
**Sent:** Wednesday, February 23, 2011 4:48 PM  
**To:** Jeff Ferguson  
**Cc:** Amy Gaddis; Carolyn Trigueiro; Larry Hammer; Pacifcreef Resort; Dr. Bob Manners; Gold Beach Visitors Center  
**Subject:** Re: GBVG

Seems to me Jeff that the Reporter has been VERY supportive of what you're trying to do. We have played up every one of your promotions -- win \$10,000 in gold, the glass balls, the geochaching, the pick up litter on the beach. WE DO APPRECIATE WHAT YOU DO BUT WHAT WE DO IS 'NEWSWORTHY' AND BELONGS IN THE PAPER ANYWAY. YOU SPEAK AS THOUGH YOU ARE DOING US 'FAVORS'. PLEASE NOTE: GBP SPENDS A GOOD AMOUNT OF MONEY WITH YOU EACH YEAR.

00028

<https://mail.goldbeachoregon.gov/exchange/ebarnes/Message%20File/Promotions/Promotio...> 6/3/2011

A-11

We give the Visitor Center free newspapers and we give YOU a weekly column. We let Matthew Smith moonlight for you, which takes time away for what he does for us! IF IT IS A HARDSHIP FOR YOU TO PROVIDE FREE NEWSPAPERS TO THE GBVC, FEEL FREE TO STOP. MY COLUMN IS 'GOOD' FOR YOUR PAPER. AGAIN, DON'T DO ME ANY 'FAVORS'. I WASN'T AWARE THAT OUR USE OF MATTHEW SMITHS SERVICES WERE TAKING AWAY FROM WHAT HE DOES FOR YOU. YOU CAN BREAK THE NEWS TO HIM THAT WE WON'T DO THIS ANYMORE. SORRY FOR THE INCONVENIENCE.

As to the Gold Beach Visitor's Guide, yes, I'm VERY frustrated with you and the Promo Committee. It was YOUR idea about taking out a double truck in the middle of our Visitor's Guide -- and then you decided no. It was YOUR idea about paying for a glossy cover for our Visitor's Guide -- and then you decided no. It was YOUR idea about paying for additional copies of the Visitor's Guide so you'd have them for your Sportsmen's Shows -- and then you decided no. THIS IS A 'BROKEN RECORD' AND I'M TIRED OF HEARING IT. YOU KNOW, VERY WELL, WHY THIS FELL APART AND I'M NOT ABOUT TO GO THRU IT WITH YOU AGAIN. WE SPEND \$1140.00 ON OUR VISITOR GUIDE AD TO SUPPORT YOUR EFFORTS. IT REALLY MAKES LITTLE SENSE CONSIDERING THAT OUR VISITORS ARE ALREADY HERE WHEN THEY SEE THE GBVG. WE DO IT BECAUSE THAT'S THE TYPE OF THINGS YOU DO IN A SMALL COMMUNITY...SOMETHING NOT EVERYONE IN THIS CONVERSATION HAS FIGURED OUT. BTW- I BUY 2 HALF PAGE ADS IN THE PILOT/TRIPPLICATE VISITOR GUIDES FOR THE SAME MONEY AS WE SPEND WITH YOU (\$1150.00)...AND THEY PRINT 60K COPIES TO YOUR 25K AND THEY ARE 'WORKING' FOR US OUT OF THE LOCAL AREA (MAYBE YOU CAN EXPLAIN THIS DISCREPANCY AT THE MEETING?).

So we kind of feel we've been led down a Primrose path with you and the Promo Committee and we're just left with the thorns. And since you have this annoying habit of copying in every member of your committee when I think our e-mails are just between you and me I will copy them as well. So I guess I feel very hurt by your broadcast e-mail because I believe the Promo Committee and the City of Gold Beach gets a huge amount of support from us. I COPY THE COMMITTEE BECAUSE YOU NEVER REMEMBER OUR CONVERSATIONS THE WAY THEY TAKE PLACE. I'M FORCED TO CMA BECAUSE YOU ONLY 'REMEMBER' WHAT 'WORKS BEST FOR YOU'. NOW...THAT'S ANNOYING!!!!

Yes, I'm sure you're tired and you were in the hospital, and you're stressed out because people keep picking up your glass balls, but I don't appreciate getting 'hammered' in an e-mail that goes to Amy, Carolyn, Larry, Deb, and Bob. We appreciate the ad you're taking out in our Visitor's Guide and we will do a good job of putting it together for you. Other than that I would really rather not talk about the GBVG with you or your committee except to say that with your efforts and the Reporter's efforts, maybe we can get more folks to spend more time in Gold Beach -- despite gas at \$5 a gallon this summer. IF I HAVE ANY STRESS AT ALL, IT COMES FROM FOLKS WHO SIT ON THE SIDELINES AND THROW DARTS WHEN THEY SHOULD GET INVOLVED AND BE PART OF THE SOLUTION.

JOEL, I'VE TRIED MY BEST TO WORK WITH YOU BUT IT'S NEXT TO IMPOSSIBLE, AS YOU CONTINUE TO BE COMBATIVE ON NEARLY EVERY ISSUE. I AM NOW, 'OFFICIALLY' OUT OF PATIENCE WITH YOU. WHERE THIS GOES IS NOW TOTALLY UP TO YOU. IT'S YOUR CALL...

JEFF

0002^

A-12

Joel

Joel Summer  
Publisher  
Curry County Reporter  
(541) 247-6643  
[joel@currycountyreporter.com](mailto:joel@currycountyreporter.com)

----- Original Message -----

From: "Jeff Ferguson" <[director@goldbeach.org](mailto:director@goldbeach.org)>  
To: "joel summer" <[joel.summer@comcast.net](mailto:joel.summer@comcast.net)>  
Cc: "Amy Gaddis" <[amy@jotsresort.com](mailto:amy@jotsresort.com)>, "Carolyn Trigueiro" <[cstrig2006@yahoo.com](mailto:cstrig2006@yahoo.com)>, "Larry Hammer" <[lhammer@visitoregonssouthcoast.com](mailto:lhammer@visitoregonssouthcoast.com)>, "Pacificreef Resort" <[pacificreef@charterinternet.com](mailto:pacificreef@charterinternet.com)>, "Dr. Bob Manners" <[stormwatchercu30@yahoo.com](mailto:stormwatchercu30@yahoo.com)>, "Gold Beach Visitors Center" <[visit@goldbeach.org](mailto:visit@goldbeach.org)>  
Sent: Wednesday, February 23, 2011 4:02:22 PM  
Subject: RE: GBVG

Joel,

Thanks but no thanks.

No need to debate this but I looked at several visitor guides before I made the comment and that is what I discovered.

No problem, we'll just go in a different direction.

I'm tired of battling over every little issue with you. We don't even need to 'advertise' the GBVC (because visitors are already here when they see the GBVG), but we do to support the effort. I feel like you are constantly 'combative' with everything we are trying to do.

Jeff

---

**From:** joel.summer@comcast.net [mailto:[joel.summer@comcast.net](mailto:joel.summer@comcast.net)]  
**Sent:** Wednesday, February 23, 2011 3:53 PM  
**To:** Jeff Ferguson  
**Subject:** Re: GBVG

Jeff,

Unless you're willing to pay extra to have your web address on the cover, I'd say no. I have to disagree that "most visitor guides list their main tourism site on the front cover." In fact most visitor guides published by newspapers do not put the tourism agency's website on the cover. We're much more inclined to put the Reporter's e-mail address on our cover -- or none at all. May we suggest your Promo Committee buy a spot on our website and then when people go on the Reporter's website they can click on your button to get to yours. The price is very inexpensive. \$35 a month of \$350 a year. Let me know.

Joel

00030

<https://mail.goldbeachoregon.gov/exchange/ebarnes/Message%20File/Promotions/Promotio...> 6/3/2011

A-13

Joel Summer  
Publisher  
Curry County Reporter  
(541) 247-6643  
[joel@currycountyreporter.com](mailto:joel@currycountyreporter.com)

----- Original Message -----

From: "Jeff Ferguson" <[director@goldbeach.org](mailto:director@goldbeach.org)>  
To: [joel@currycountyreporter.com](mailto:joel@currycountyreporter.com)  
Cc: "Jots Resort" 'Amy' <[amy@jotsresort.com](mailto:amy@jotsresort.com)>, "Carolyn Trigueiro" <[cstrig2006@yahoo.com](mailto:cstrig2006@yahoo.com)>, "Bob Manners" <[stormwatchercu30@yahoo.com](mailto:stormwatchercu30@yahoo.com)>, LHAMMER@visitorsouthcoast.com, "Pacificreef Resort" <[pacificreef@charterinternet.com](mailto:pacificreef@charterinternet.com)>, "Matthew Smith" <[matthew@currycountyreporter.com](mailto:matthew@currycountyreporter.com)>  
Sent: Friday, February 11, 2011 12:23:43 PM  
Subject: GBVG

Joel,

Gold Beach Promotions will take the 1/2 page 'back cover' space in the GB Visitor Guide again this year. I will work with Matthew on changes.

What are the chances of getting [www.goldbeach.org](http://www.goldbeach.org) on the front cover? Most visitor guides list their areas main tourism site on the front cover.

Jeff Ferguson, Director  
Gold Beach Promotions & Visitor Center  
P.O. Box 375  
Gold Beach, Oregon 97444  
800-525-2334  
Fax 541-247-0187  
[Director@GoldBeach.org](mailto:Director@GoldBeach.org)  
[www.GoldBeach.org](http://www.GoldBeach.org)

No virus found in this incoming message.  
Checked by AVG - [www.avg.com](http://www.avg.com)  
Version: 9.0.872 / Virus Database: 271.1.1/3463 - Release Date: 02/23/11 03:32:00  
No virus found in this incoming message.  
Checked by AVG - [www.avg.com](http://www.avg.com)  
Version: 9.0.872 / Virus Database: 271.1.1/3463 - Release Date: 02/23/11 03:32:00  
No virus found in this incoming message.  
Checked by AVG - [www.avg.com](http://www.avg.com)  
Version: 9.0.872 / Virus Database: 271.1.1/3465 - Release Date: 02/23/11 23:34:00

00031

<https://mail.goldbeachoregon.gov/exchange/ebarnes/Message%20File/Promotions/Promotio...> 6/3/2011

A-14



*City of Gold Beach Class Specification*

**Executive Director of Gold Beach Promotions  
and Visitor Center**

Effective Date: January 2011

SALARY

\$3,750 - Monthly

\$45,000 - Annually

NATURE OF WORK:

Serves as the director of City of Gold Beach Promotions and Visitor Center, responsible for planning, organizing, staffing, directing, and coordinating all city promotion activities and Visitor Center operations.

DISTINGUISHING CHARACTERISTICS:

This class is distinguished as being at the department head level having responsibility for oversight of all activities and operations of the City of Gold Beach Visitor Center including staffing, program development and facility management. This position also collaborates with the City Council appointed Gold Beach Promotion Committee and community partners to develop and implement marketing campaigns and promotional activities that effectively market the Gold Beach community to increase tourism and interest in the area. An incumbent performs the duties and responsibilities of the classification with considerable independence and receives general direction from the City Administrator. Work is subject to review for results and conformance with City Council policies by the City Administrator. The employee of this class is expected to resolve the administrative and policy problems for promotions and the Visitor Center and to work with other governmental agencies, community organizations, local businesses and citizens in promoting the Gold Beach area. An employee in this class must establish and maintain effective working relationships with elected officials, city administrative staff, co-workers, vendors, and the general public. This is a full-time, regular, exempt position.

SUPERVISION RECEIVED AND EXERCISED:

Receives general administrative direction from the City Administrator or his/her designee. The Gold Beach Promotion Committee provides guidance and direction in development and implementation of promotional and marketing plans for the City.

Exercises direct supervision over support staff and volunteers.

ESSENTIAL FUNCTIONS: *Duties may include, but are not limited to, the following:*

- Direct development of the annual City of Gold Beach promotion and marketing plan; facilitate development of a three to five year promotion and marketing plan for the Gold Beach region that focuses on opportunities to enhance local tourism; annually present plans to the Gold Beach City Council;

Exhibit A

- Direct, plan, or administer any special studies or investigations related to promotions, marketing, tourism or other closely related field as directed by the City Administrator and prepare reports and recommendations on any such matters;
- Establish and maintain productive working relationships with local businesses and organizations;
- Facilitate meetings of the Gold Beach Promotion Committee; arrange for times and meeting places; post appropriate legal notices; assemble and distribute meeting materials; ensure preparation and proper filing of meeting minutes; attend and actively participate in all meetings of the Gold Beach Promotion Committee;
- Research new sources of program funding; prepare and/or assist others in the preparation of grant requests; coordinate the application process and oversees activities related to administration of program grants;
- Evaluate promotional program activities and Visitor Center operations for cost effectiveness to ensure optimum use of resources; make recommendations for changes to strengthen and improve activities and operations; evaluate the effectiveness of promotional strategies and activities and provide recommendations for enhancing city promotions work;
- Perform related duties as directed.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES:

**Knowledge of:** the Gold Beach Community and southern Oregon coast; organization, function and activities of local government; principles and practices of marketing, promotion, and public relations; organization and management principles and practices as applied to the analysis and evaluation of programs, policies and operational needs of marketing, promotional and tourism programs; fundamentals of public speaking; principles, techniques, and methods of preparing information, news releases, and promotional materials; principles of supervision, training and performance management; written and oral communications, including language mechanics, syntax and English composition; report writing and basic statistics, and their application; market research methodology; facilities management; visitor center operations, services, and activities; goal setting, program development, implementation, and evaluation; pertinent federal, state, and local laws, codes, and ordinances; principles and practices of municipal budget preparation and administration; electronic media applications including web-based applications and social media;

**Ability to:** manage and direct a comprehensive public marketing and promotion program; manage and direct visitor center operations; develop and administer departmental goals, objectives, and procedures; establish and manage community marketing and promotional goals, objectives; and strategies; analyze and assess programs, policies, and operational needs and make appropriate adjustments; identify and respond to sensitive community and organizational issues, concerns, and needs; determine the priority of goals and assignments and complete projects with minimal supervision; plan, organize, direct and coordinate the work of lower level staff; select, supervise, train, and evaluate staff and volunteers; analyze problems, identify alternative

B-2

Exhibit A

solutions, project consequences of proposed actions, and implement recommendations in support of goals; research, analyze, and evaluate new service delivery methods and techniques; provide administrative and professional leadership and direction; identify and respond to community and City Council issues, concerns and needs; prepare clear and concise departmental reports; conduct market research; analyze, prepare, and manage departmental budget; allocate limited resources on a cost effective and cost beneficial basis; interpret and apply applicable federal, state, and local policies, laws, and regulations; interpret and apply city policies, procedures, rules and regulations; exercise initiative and act with considerable independent judgment; communicate clearly and concisely, both orally and in writing; write and edit original press releases, news articles, brochures, pamphlets, and other promotional materials; speak publicly, both formally and extemporaneously; before a variety of diverse groups in an effective manner; use a variety of software applications relative to communications, desk-top publishing and presentations; and establish and maintain effective working relationships.

ACCEPTABLE EXPERIENCE AND TRAINING:

**Education:** Any combination of education and/or training that would provide an opportunity to acquire the knowledge and abilities previously identified. Normally, possession of a bachelor's degree from an accredited college or university with academic course work in public administration, communications, marketing, public information, business administration, or a closely related field would provide such an opportunity.

**Experience:** Any combination of training and experience that would provide an opportunity to acquire the knowledge and abilities listed. Normally, three years of experience in tourism promotion, related advertising and public relations, travel industry trade groups, and the hospitality sector would provide such opportunity.

REQUIRED SPECIAL QUALIFICATIONS, LICENSES, AND CERTIFICATIONS:

Must possess a valid Oregon driver's license.

WORKING CONDITIONS:

**Environmental Conditions:** The work environment characteristics described here are representative of those an employee in this class typically encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed primarily in a standard office setting and in a vehicle. Some regional and statewide travel is required. Out of state and international travel may be required.

**Physical Conditions:** The physical demands listed are representative of those that must be met to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Primary functions require sufficient physical ability and mobility to work in an office setting; to stand or sit for prolonged periods of time; to occasionally stoop, bend, kneel, crouch, reach, and twist; repetitive hand movement and fine coordination including use of a computer keyboard; and to verbally communicate to exchange information.

## EMAIL THREAD: CHAMBER SUPPORT

**From:** Jeff Ferguson [mailto:director@goldbeach.org]  
**Sent:** Tuesday, February 21, 2012 9:08 PM  
**To:** 'Sandy Vieira'  
**Cc:** 'Amy Gaddis'; 'Bob Manners'; debrakway@yahoo.com; 'Carolyn Trigueiro'; 'Larry Hammer'; 'Sue at Gold Beach Visitors Center'  
**Subject:** GB Promotions

Sandy,

I had hoped to share this with you in person (request to meet sent yesterday) but will state here that I am withdrawing my personal support of the GB Chamber of Commerce (until current Chamber leadership changes).

I, of course, will continue to support the Chamber professionally.

I have spent hours and hours (guiding, suggesting, informing of Chamber history, introducing you to peers who are/were willing to help, etc, etc) with you the past 2 years and I have to conclude that it may not have been the best use of my time. Most of it seems to have fallen on 'deaf ears'. I don't know if it's you or just 'not-so-great' advice/guidance from your board and/or those you choose to listen to. I, like many others, have supported the GB Chamber up to this point "Because of Sandy" but it appears there are issues well-beyond your control and my patience level. No one is blaming you personally for what appear to be several pretty serious blunders but I can no longer 'run interference' for the GB Chamber when business owners talk to me about their concerns. As I've said many times, these are not just my opinions but those of a growing number of local residents.

The situation with the current GB Chamber President In Eugene (Sportsman Show) was the 'final straw' for me (he offended vendors and the promoter so badly he is not welcome at any shows from now on...he was aggressively selling raffle tickets for the boat and by his own admission "Only sold 9 in 3 days and that's ONLY because I shamed them into it"). It was terribly embarrassing for Gold Beach and me. His actions definitely caused some damage. The fact that I did not get an apology, which I fully expected, makes it even worse. The time in which an apology would be accepted has long passed. If anyone at the Chamber had asked any of us who have been around for a long time about the whole 'Raffle tickets for a boat' idea before the purchase of the boat...we would have said, "It's worked before but it's gotta be the right type of boat." Seems to many that all the time and energy that went into selling raffle tickets may have been better used elsewhere, as it really didn't work out as slick as some hoped. Another thing is that we were all told the boat had a value of \$16,000+. Jim Carey tells me (and your President) 4 months ago that a guy with "the exact same boat, motors and outfitting" pulled up outside of Rogue Outdoor Store and told him that he "just paid \$10,000 for it" at Y Marina (the same place Pres. Bob made his deal). He either paid way too much for the boat or fluffed up the value to encourage ticket sales. Either way, not good business or cool. I had agreed to "keep all this in-house" but since Pres. Bob is chatting up my name around town, the gloves are off. I've made this statement every time I've mentioned his name, "I don't think Bob is a bad guy and I think his heart is in the right place...he's just misguided and thinks he knows a lot about a lot of things."

As long as I'm ranting, I'll touch on some of the 'high points' ('low points'?) that have been brought to my attention and/or been observed personally. I've shared all of this with you (Sandy) but I'm taking this time for the benefit of my committee, which needs to have the 'whole picture' so they don't think I'm totally insane ☺

00030

Attachment C-1

First, a little history. My heart has always been with the GB Chamber. My Dad was an 'involved' member of the GB Chamber every year of his 43 years in business here. I became President of the Board at my very first meeting about 12 years ago. At that time, the Chamber was nearly defunct and, most certainly, dysfunctional. If there were (even) monthly luncheons, the attendance at the time was 5-7 people. With a lot of help from a lot of people, I brought the Chamber back to life and within months we had 35-55 people in attendance at the luncheons (for the 4 years I was on the board), held many 'After Hours Mixers' and 'Ribbon Cuttings, started the first official 'Shop Local' program and did what we could to encourage and promote local businesses. Most of that time we did not even have a director, the remainder of that time the director was part-time. I also acted as the Director (free of charge) for 5 months at one time, so I have a pretty good idea what I'm talking about....

A part of GB Chamber history that still bother some folks is the fact that the Chamber "lost" (4-5 years ago?) somewhere in the neighborhood of \$2800-\$3200 of funds that were dedicated to the 4<sup>th</sup> of July Fireworks. This still remains a mystery. This was the last year that Buck Rosendahl ran the 'Party at the Port'/4<sup>th</sup> of July event (he did an excellent job taking over for Tony and I) . He's still mad because he should have had a \$3000 carry-over but was told by (then) Chamber officials "We don't have it." What happened was that the Chamber co-mingled the fireworks monies in their general fund, spent them and then could not make it up. The following year, the GB Chamber of Commerce 'took over' the organizing/fundraising of this event but came to GB Promo 3 weeks before the 4<sup>th</sup> begging for \$5000...they had not done much of anything and with Virginia McKinney leading Promo at the time...we balled 'em out.

That leads to the GB Chamber announcing they would not continue to organize our communities 4<sup>th</sup> of July festivities this past year. I've stated to you, "This was handled poorly." The reasons given by President Bob (and a board member) at public meetings was that, "It cost the Chamber 200 hours and \$5000 of our Directors time and we are really concerned about the liability." This all seems reasonable to those who aren't paying attention but if anyone takes the 30 seconds it takes to 'do the math', these statements look to be nothing more than 'smoke and mirrors'. Tony/I and Buck organized and raised funds for this event in our 'spare time'. According to your President and, at least, one board member, you (Director) spent 5 full 40 hour weeks working on nothing but the 'Party at the Port'/4<sup>th</sup> of July at \$25 per hour. I even warned the people making these statements to stop...because others would figure out what I and a few others already knew and it wouldn't be good for GB Chamber if the public knew about (this is just one of many times I ran 'interference' for the Chamber, trying to give you/them a chance to get organized and running effectively and efficiently). As you can see, this is an 'impossible' statement (my buddy Steve could do it in 3 weeks), and more than a bit offensive considering that they expected people to buy it (and it worked for those not paying any attention). I would say 'good thing' I and others decided to keep this under wraps. As for the "concerned about liability" part- how does a 'Mud Race' have less liability than a 4<sup>th</sup> of July celebration???

The Mud Race is a whole 'nother animal that just doesn't look as though the GB Chamber is thinking clearly. Love the concept, hate the 'lack of' thought process. The Chamber says "We are doing this to bring people to town" (seems to some that the 4<sup>th</sup> of July had a bit more of a chance to draw a crowd than this?). The Chamber hires a promoter at \$900 to help out and certainly, there will be other expenses to the Chamber for putting this on. Sounds good but again, doesn't 'pencil'. If entry goals are met (75) at \$25/person that's \$1875. When you subtract t-shirts and other costs, that's not much ROI. We were told that one of your board stated, "This year is just practice" (if true, we would rather you practice with your own funds). Chamber Reps came to Promotions with very little information and a

000062

very tight time frame. We 'tagged' our current TV spot with RRR Mud Race and agreed to support at the \$200 level. Now, we are being asked to subsidize the commitment to promoter you made prior to coming to us. We will likely do just that (give the \$200 to help fund contractor)but understand that this just doesn't look good...the way this whole thing has played out. And, some might ask if it might not be wiser to spend this same time, energy and money on making sure the 25<sup>th</sup> anniversary of WAM is awesome. Lastly on this topic (simplified version), it is GB Promotions job to "bring people to town" and the GB Chambers job to "take care of 'em while they're here".

One more but I could go on and on...'Indoor Treasure Hunt'. Even after all the frustrations I've been through with the GB Chamber the past two years, I attempted to do something that I was sure would be 'Good for Gold Beach..and the GB Chamber'. I offered you a 'gift' in the form of this 'Indoor Treasure Hunt'. I told you Promo was funding everything and I believed it would garner a lot of (much needed?) 'Goodwill' for the GB Chamber. You offered to send out an email to "see if there was interest" but declined to take on the coordination of this project (it took me parts of 4 days to coordinate). As predicted, this is the very type of thing the local merchants wanted to see..it's hugely successful and I'm getting 'high fives' and hugs. Both locals and visitors alike are participating in numbers I didn't even expect...and spending lots of money in our local shops!!! I truly wish it was the Chamber earning the 'goodwill' and not GB Promotions and VC. For real.

Now you know why I requested a meeting with you personally. I was not and am not interested in meeting with you and "members of my board", as you suggested. I have tried and tried but apparently I don't have the skills necessary to 'help' the GB Chamber.

**If anyone would like to hear how the GB Chamber can operate within their means and do more good (than they are now) for our business community, let me know and I'll share. That will be another 2 hours of my time on Chamber issues but I'm happy to do it for GB ☺☺**

*Jeff Ferguson*

Director

Gold Beach Promotions and Visitor Center

**From:** Sandy Vieira [mailto:sandy@goldbeachchamber.com]

**Sent:** Wednesday, February 22, 2012 7:06 AM

**To:** 'Jeff Ferguson'

**Cc:** 'Amy Gaddis'; 'Bob Manners'; debrakway@yahoo.com; 'Carolyn Trigueiro'; 'Larry Hammer'; 'Sue at Gold Beach Visitors Center'; Abel Insurance- Sarah Davis; Amy Timeus; Bob Chibante; Karlie Wright; Laura Smith; Lindsey Moore; Rachel Hoefler

**Subject:** RE: GB Promotions

Jeff,

I understand you and everyone on GBP committee as well as I and my board are terribly busy but in light of this email I feel it is imperative that we schedule a day and time to meet and clear the air. You made several misstatements/inaccuracies in this email and I would like the opportunity to address them and clean up the perception of things. I don't believe a descriptive email reply would be the best manner to handle this. In an earlier email you mentioned you had Mon., Tues., or Wed. of next week available to meet with me; I can meet on Monday or if you schedule changed, Thursday is open for me too.

**From:** Jeff Ferguson [mailto:director@goldbeach.org]

**Sent:** Wednesday, February 22, 2012 10:48 AM

**To:** 'Sandy Vieira'

00037  
CB

**Cc:** 'Amy Gaddis'; 'Bob Manners'; debrakway@yahoo.com; 'Carolyn Trigueiro'; 'Larry Hammer'; 'Sue at Gold Beach Visitors Center'; 'Abel Insurance- Sarah Davis'; 'Amy Timeus'; 'Bob Chibante'; 'Karl Wright'; 'Laura Smith'; 'Lindsey Moore'; 'Rachel Hofer'  
**Subject:** RE: GB Promotions

I am no longer interested in meeting. I truly do not have the time to keep getting pulled into chamber issues.

Even if there are "inaccuracies" in my email, I think there are still plenty of facts to support my position and choice to no longer be personally involved with the chamber.

I'm done with this...except professionally and as required by what I'm paid to do.

---

**EMAIL THREAD RE: WINE, ART AND MUSIC FEST**

**From:** Jeff Ferguson [mailto:director@goldbeach.org]  
**Sent:** Tuesday, February 21, 2012 6:39 PM  
**To:** 'Sandy Vieira'  
**Cc:** Amy Gaddis; 'Bob Manners'; debrakway@yahoo.com; 'Carolyn Trigueiro'; 'Larry Hammer'  
**Subject:** GB Promotions

The GB Promotions Committee discussed your request for Wine, Art and Music support at length (Feb. 16<sup>th</sup> meeting).

Before deciding at what level they will support, if any, the committee would like to know "What difference you feel it will make?" Do you plan to spend it in same way as the past 2 years? The concern here is that this event (WAM) was down 25% last year, while Brewfest (for example) was up substantially. Another concern was that when asked at the prior meeting, "if Promotions only gave \$1000, would you take the other \$500 out of your budget?" The answer you gave was "Probably not". The impression that this left with some was, "Seems to make a difference whether it's their money or Promotions..the decisions on how to spend marketing/promotional money should be based on whether or not they believe it's a wise investment, not whether or not it's their money or ours."

The committee is well-aware that this is the 25<sup>th</sup> anniversary of this event and wants to be supportive but we need to make sure that all money for event support is spent wisely, as it is our fiduciary responsibility to the City of Gold Beach.

*Jeff Ferguson*  
Director  
Gold Beach Promotions and Visitor Center

**From:** Sandy Vieira [mailto:sandy@goldbeachchamber.com]  
**Sent:** Wednesday, February 22, 2012 6:49 AM  
**To:** 'Jeff Ferguson'  
**Cc:** 'Amy Gaddis'; 'Bob Manners'; debrakway@yahoo.com; 'Carolyn Trigueiro'; 'Larry Hammer'; Abel Insurance- Sarah Davis; Amy Timeus; Bob Chibante; Karl Wright; Laura Smith; Lindsey Moore; Rachel Hofer  
**Subject:** RE: GB Promotions

00038  
C-A

Jeff and GB Promotions Committee,

It goes without saying that \$500 one direction or another would have impact on how we get the word out; Jeff you are familiar with advertising, its costs and the exposure (or not if you don't advertise) and the effects advertising has. We did experience a 25% drop in attendance last year, sometimes that just happens. I don't know that I would compare the WAM with Brewfest simply because they are both drinking based events. Though we see many of the same folks at both events (it's the locals that enjoy both or the very least enjoy supporting all things GB ☺) these two events attract different audiences; I suspect socio-economics could explain better the spending habits of different groups.

This year we plan to reach out via every media type and spend the advertising budget as wisely and sound as possible. When asked if we would increase the Chamber's ad budget for WAM if given less by GBP I said I wasn't sure as I would need to confer with the board and ask if we could renegotiate the money we had budgeted for WAM advertising; we have an extremely lean budget and cannot just make 'at the moment' commitments when it comes to budget line items. On this note, when reviewing our budget we actually did increase our ad budget for WAM from \$1000 to \$2000 this year as it is our 25<sup>th</sup> Anniversary.

I do believe perception is everything and hope that GBP recognizes we are a strong, hard working organization trying to do the most for our community.

**From:** Jeff Ferguson [mailto:director@goldbeach.org]

**Sent:** Wednesday, February 22, 2012 10:54 AM

**To:** 'Sandy Vielra'

**Cc:** 'Amy Gaddis'; 'Bob Manners'; debrakway@yahoo.com; 'Carolyn Trigueiro'; 'Larry Hammer'; 'Abel Insurance- Sarah Davis'; 'Amy Timeus'; 'Bob Chibante'; 'Karlie Wright'; 'Laura Smith'; 'Lindsey Moore'; 'Rachel Hoefler'

**Subject:** RE: GB Promotions

This is the committees decision and it was not I who made the comparison with the Brewfest (I was just asked to ask the questions). The point was we have one event dropping in attendance and another growing substantially...some folks just wondering why that is?

00039  
CS

# City of Gold Beach Policy Manual

## Employee Acknowledgement Form

This city policy handbook describes important information about the city and its employment and operational policies. I understand that I should consult my supervisor, the administrative services director, or city administrator regarding any questions not answered in the handbook.

Because the information, policies, and benefits described in this handbook are necessarily subject to change, I acknowledge that revisions to the handbook may occur and that I am subject to whatever policy is in effect at the time an event occurs. All changes to the handbook will be communicated through official notices, and I am aware that revised information may supersede, modify, or eliminate existing policies. Only the Gold Beach City Council of the City of Gold Beach has the authority to adopt any revisions to the policies in this handbook.

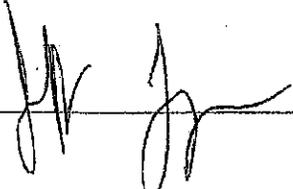
I acknowledge that this handbook is neither a contract of employment nor a legal document. I understand that this handbook is not to be construed by myself, or any employee, as binding terms and conditions of employment.

Some employees of the City of Gold Beach are covered by collective bargaining agreements. If there is a difference between the policies in this handbook and a collective bargaining agreement clause, the collective bargaining agreement provisions govern for union represented employees.

I acknowledge that I have received a copy of this handbook, and I understand that it is my responsibility to read and comply with the policies contained in it and any revisions made to it. I further understand that this handbook supersedes any previous handbook or written policies or oral communications.

I acknowledge that I have read and understood the above paragraphs.

EMPLOYEE'S NAME (printed): JOFF FERGUSON

EMPLOYEE'S SIGNATURE: 

DATE: 8-31-11

HANDBOOK DATE: 8/8/2011

Please sign and date this acknowledgement and return it to your supervisor for placement in your personnel file.

00040



City of Gold Beach  
**Employment Agreement**  
*Executive Director of Gold Beach Promotions  
and Visitor Center*

THIS AGREEMENT, made between the City of Gold Beach, state of Oregon, a municipal corporation, hereinafter called the "City," and Jeff Ferguson, hereinafter called "Ferguson", who agree as follows:

WHEREAS, the City desires to employ the services of Ferguson as the Executive Director of Gold Beach Promotions and Visitor Center; and

WHEREAS, it is the desire of the City to provide certain benefits, establish certain conditions of employment, and to set working conditions of the Executive Director of Gold Beach Promotions and Visitor Center; and

WHEREAS, Ferguson desires to serve as the Executive Director of Gold Beach Promotions and Visitor Center.

NOW, THEREFORE, in consideration of the mutual promises herein contained, City and Ferguson agree as follows:

**Section 1. Duties and Job Requirements**

- 1.1 City agrees to employ Ferguson as the Executive Director of Gold Beach Promotions and Visitor Center to perform the functions and duties set forth in the class specification set forth in Exhibit A, which is attached hereto and incorporated by reference.
- 1.2 Ferguson agrees to professionally and competently perform the duties set forth in Exhibit A, as well as all other duties that may be assigned to him from time to time by the City Administrator, the City Administrator's designee, or the duly appointed City Administrator Pro Tem.
- 1.3 Ferguson further agrees to professionally and competently operate Gold Beach Promotions and the Gold Beach Visitor Center in compliance with all applicable federal, state and local laws and with all policies, standards and regulations and orders established by the City and the state of Oregon.
- 1.4 Ferguson understands and acknowledges that his position is exempt from overtime and he is expected to be able to work more than forty (40) hours per week.

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## Section 2. Compensation

- 2.1 In consideration for services to be performed by Ferguson as the Executive Director of Gold Beach Promotions and Visitor Center, the City agrees to pay Ferguson \$3,750 per month, which is equivalent to \$45,000 per year.
- 2.2 Thereafter, Ferguson may be eligible for any COLA increases given to city employees.
- 2.3 Ferguson will receive, as part of his taxable compensation, a \$40 per month allowance for cell phone usage. Ferguson is responsible for cell phone costs in excess of \$40 per month, including any cost to replace a lost cell phone.
- 2.4 Ferguson will receive the same medical and dental insurance coverage on the same terms as they are provided to other city employees. This currently includes payment by City of one hundred percent (100%) of premium for city employees and seventy percent (70%) of the premium for eligible dependent family members. Both the insurance plans and the City's share of premium payments are subject to change at any time, so long as the change is generally applicable to employees of the City of Gold Beach.

## Section 3. Personnel Policies and Vacation Benefits

- 3.1 Ferguson understands and acknowledges that in his position as Executive Director of Gold Beach Promotions and Visitor Center, he is subject to all City employment and operational policies as described in the City of Gold Beach Policy Manual, except for the provisions regarding accrual of vacation leave. The City's disciplinary policies also apply to Ferguson. All disciplinary processes will be conducted in accordance with the City policy and Oregon law.
- 3.2 Notwithstanding city policy whereby regular full-time employees accrue vacation at a rate determined by months of service with the City, the City hereby agrees to provide Ferguson with 120 hours paid vacation leave annually beginning July 1 each year.
- 3.3 Ferguson understands and acknowledges that unused vacation hours will not carry over between years. Vacation hours not used by June 30 each year will be forfeited. There will be no pay in lieu of vacation not taken except at termination at which time any remaining vacation hours will be paid in full.
- 3.4 Vacation leave will not be granted beyond the amount allocated each year.
- 3.5 Ferguson understands and acknowledges that vacation leave may be taken only with the advance approval of the City Administrator, City Administrator's designee, or City Administrator Pro Tem.

**Section 4. Modification**

No modification of this Agreement shall be valid unless in writing and signed by the parties. This contract may not be modified by any oral promises or assertions.

**Section 5. Integration**

This Agreement embodies the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein. This Agreement supersedes all prior communications, representations or agreements, either verbal or written between the parties.

**Section 6. Severability**

If any provision of this Agreement is held by any court of competent jurisdiction to be invalid, such invalidity shall not affect any other provisions of this Agreement, and this Agreement shall be construed as if the invalid provision had never been included in the Agreement.

**Section 7. Waiver of Breach**

The waiver by either City or Ferguson of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any other provision or of any subsequent breach of the same provision by either City or Ferguson.

**Section 8. Exhibits**

All exhibits attached to this Agreement shall be deemed part of this Agreement and incorporated herein where applicable, as if fully set forth in the Agreement itself.

**Section 9. Governing Law**

This Agreement shall be construed in accordance with and governed by the laws of the state of Oregon.

**Section 10. At Will Status: Notice**

*- STATE OF OREGON - ALL PUBLIC EMPLOYEES*

City and Ferguson acknowledge and agree that Ferguson is an "at will" employee and may be terminated at any time, with or without cause. Ferguson agrees to provide City with at least two (2) weeks' notice before terminating his employment with the City. During such time, at the City's option, Ferguson will continue to work and provide his best efforts in the position.

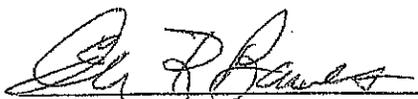
**Section 11. Exclusive Employment**

Ferguson agrees that he will remain in the exclusive employ of the City for the term of this Agreement and will dedicate all of his professional time and effort solely to the benefit of the City of Gold Beach. During the term of this Agreement, Ferguson shall not be engaged in any business activities that interfere with his current duties and will not accept remuneration for services from any source other than City, except as approved by City. Any amendment of this provision requires written approval by the City Administrator, after consultation with the City Council.

**Section 12. Opportunity for Legal Review**

At all times City has been represented by attorney Lauren Sommers of the Local Government Law Group. Mr. Ferguson has been counseled to seek legal representation and has the right and ability to contact independent legal counsel of his own choosing in regards to the evaluation of this agreement.

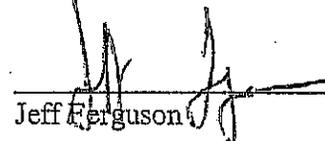
City of Gold Beach



Ellen Barnes, City Administrator

Date: 7-26-11

Jeff Ferguson

  
Jeff Ferguson

Date: 7-26-11

CITY OF GOLD BEACH

DEPT HEADS PERFORMANCE EVALUATIONS EMPLOYEES

Jeff Ferguson, Executive Director Promotions
Employee Name and Title

15 January 2010 Employment Date
1 February 2011 Evaluation Date
This is the first Last Evaluation
Ellen Barnes, CA Supervisor/Reviewer

Reason for Evaluation: Six Month Review Merit Raise Annual Review Other

Definitions of Performance Ratings

O - Outstanding Exemplary performance For exceeding performance criteria.

I - Improvement Needed Performance Deficient in certain areas.

V - Very Good Performance is of a high Quality and achieved on a consistent basis.

U - Unsatisfactory Unacceptable Performance which requires immediate Improvement

G - Good Competent and dependable level Of performance.

GENERAL FACTORS

1. Quality - The extent to which an employee's work is accurate, thorough and neat:

Outstanding Very Good (checked) Good (checked) Improvement Needed Unsatisfactory
Handwritten: ELLEN

2. Productivity - The extent to which an employee produces a significant volume of Work efficiently in a specified period of time:

Outstanding Very Good (checked) Good Improvement Needed (circled) Unsatisfactory
Handwritten: ELLEN

3. Job Knowledge - The extent to which an employee possesses the practical/technical Knowledge required on the job:

Outstanding Very Good Good (checked) Improvement Needed Unsatisfactory

4. **Reliability** – The extent to which an employee can be relied upon regarding task Completion and follow-up:

- Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

5. **Attendance** – The extent to which an employee is punctual, observes prescribed work break/meal periods and has an acceptable overall attendance record:

- Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

6. **Independence** – The extent to which an employee performs work with little or no supervision:

- Outstanding                       Good *ABLE TO*                       Unsatisfactory  
 Very Good                       Improvement Needed

7. **Creativity** – The extent to which an employee proposes ideas, finds new and better ways of doing things:

- Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

8. **Initiative** – The extent to which an employee seeks out new assignments and assumes additional duties when necessary:

- Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

9. **Adherence to Policy** – The extent to which an employee follows safety and conduct Rules, other regulations and adheres to City policies:

Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

10. **Interpersonal Relationship** – The extent to which an employee is willing and Demonstrates the ability to cooperate, work and communicate with coworkers, Supervisors, subordinates and/or outside contacts:

Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

11. **Judgment** – The extent to which an employee demonstrates proper judgment and decision-making skills when necessary:

Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

*BE "EMOTIONAL" "ATTACHED"*

**OVERALL PERFORMANCE RATING**

Check the term that best describes the employee's overall performance:

Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

**REVIEWER'S COMMENTS**

\_\_\_\_\_  
Reviewer's Signature

**EMPLOYEE'S COMMENTS**

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I acknowledge that this performance evaluation was discussed with me.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

## **\*FERGUSONS SUMMARY**

**Gold Beach Promotions & Visitor Center Director**

**END OF FIRST YEAR- SUBMITTED FEBRUARY 1, 2011**

(\*detail to any topic/subject in this document gladly provided, if requested)

I jumped in 'feet first' and fully-immersed myself in the job. While unconventional/creative in the way I approach challenges, I am extremely logical in my thought processes...in everything I do.

With a 'sense of urgency', I did everything possible and was involved in nearly all areas concerning this job both directly and indirectly.

Now is the time to 'pull-back' and focus on the priorities which I have identified this past year. I will make substantial changes in how I go about my job functions. I will do less 'doing' & more 'managing'. I will say "no" more often and delegate more efficiently. I will take better control of my time (office and phone appoints, email vs. phone calls, communicating with the committee, etc). I will drop out of, at least, one organization which I have found to be time-consuming and non-productive.

Admittedly, the transition from the 'private' to 'public' sector has been brutal...much more difficult than I anticipated. I am perfectly willing to compromise but will not conform in areas that do not align with my personal 'make-up' & character. I fully realize that 'rules are rules' and 'policies are policies' and will, when made aware, adhere to all of them.

I am optimistic that I will lead GB Promotions in a positive direction but I am also aware that I may not be 'cut-out' for the public sector and the inherent inefficiencies. These comments are in no way directed at GB City Hall or any of our public officials but general comments as to how the public sector is required to operate. My relationships with my peers at the City of Gold Beach have been very positive.

The Gold Beach Visitor Center Staff (GBVCS), led by Sue Dawson, has been a 'bright spot'. They provide much support for Gold Beach Promotions and deliver outstanding customer service to our visitors. I'm confident that the money spent to staff the GBVC is 'returned' many times over because of their efforts.

I've listened, took notes and formulated ideas & possibilities. Like any 'start-up' business, I believe developing Gold Beach Promotions into a full-blown 'marketing machine' will be a 3-5 year process. We need to keep 'pressing' without 'forcing' anything.

I 'took stock' of our areas assets and liabilities, to determine what we have to 'sell', what challenges we face in doing so and the best course to get us there in the shortest possible time.

I've asked the questions, "What do we want GB to be"? "How do we 'sell' that"? What can we do to make people remember us in a way that will 'move them' to visit and move here"? (EX: Why don't we have 'gold themed' businesses (main street)? LED reader board, Cannon Beach, Port Orford or Seaside? Hwy. 101 'target market'.

Currently, we work with the 'Beaches, Boats and Fishing' theme that Gold Beach has been known for...for years. We need a fresh, unique 'new' identity. I feel strongly that an expanded 'Menu of GB Offerings' needs to be created & marketed. We have a good start on this (hiking, photography, whale watch, bird/wildlife watch, horseback riding, etc).

While not an 'event organizer/coordinator', we have added an 3-month long annual promotion (glass balls & geocaching), and a 'May Day Mixer/Madness' event.

We have provided 'event support' (existing events), like never before. I, personally, attended all events which GBP supported and for the most part... found them worthy of continued support. Fishing derbies need to be looked at closely and a 'signature event' (one we are known for), is critical (4<sup>th</sup> of July?, 'May Day Madness?', RogueFest?- EVERYTHING ROGUE; Spring Salmon derby, seafood and bierfest, 'Lemons Grand Prix', music & merriment, hydroplane races, special jet boat tours, lodging & dining specials. \*

I am looking closely at the cost versus benefit of; NTA and Sportsmen Shows. Both have value but need to be reevaluated and changes made.

\* \$3000,00

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⊗

In 2011, there will be substantial changes in how I go about my duties. I intend to average no more than 45 hours/week. I expected to work as 'long as hard' as necessary the first year but this pace is not humanly possible. 'Work & life is a marathon, not a sprint'

My focus, from this point forward, needs to be solely on GB Promotions. I will limit/eliminate other activities which have, at times, distracted me from my duties as Promotions Director.

I will work even harder (more focused), to operate the GBVC and GB Promo like private business, while staying within the understood boundaries of the public sector.

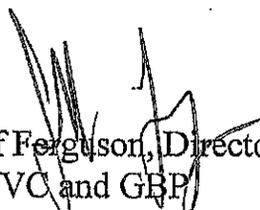
While there are many, many things I would like to see GB Promotions accomplish in 2011, it is not realistic to believe they can all be done in such a short period of time.

**Short term (3-6 months), priorities are as follows;**

1. Complete 'Sportsmen Show' circuit & evaluate costs versus benefits (month of February/first week of March)
2. Continue 'media blitz' for 3-month long 'Treasure Hunting' promotions (glass balls & geocaching). Evaluate in May.
3. Continue with 'drive and walk-a-bouts' to gain perspective/insight into what our area has to offer and determine what is promotable. I am 'playing visitor' and have found this exercise to be invaluable. I will continue to 'explore' our area through the 'eyes of a visitor' (all activities, stay in our motels, visit our unique shops, get around to all dining establishments, etc).
4. Schedule time to focus on short/long range plan for GBP (will likely be 1 week in March). Technically, it is the responsibility of the GBP Committee to create and implement this plan but I feel that I am much better equipped to do this than the committee. **The Promotions Committee decided at our January 27<sup>th</sup> meeting to create 'The**

**Plan' themselves. I am 'good' with this...it can only help me. I intend to provide lots of input, once the first-draft is presented.**

5. Schedule time to focus on GB brochure redesign (will likely be 1-2 weeks in April). Focus on our website will follow this task. **Both of these can have the largest impact of anything GBP does. In addition to my talent for 'writing', my knowledge of the area makes this an easy decision when it comes to, "Who should do it"?** (vendor, contractor or myself- with support)
6. Focus on the budget, utilizing the knowledge I have gained this past year to refine. Must create more specific line items to better track where we are spending money.
7. Sub-committees will need to be formed if there are other items that are deemed to be high-priority, which do not fit this time-frame.

  
Jeff Ferguson, Director  
GBVC and GBP

**GREEN WATER FILMS (GWF)**

You know my story, which is the truth and you know their 'story', which is less than the truth.

In my mind, this issue is closed and does not warrant any more time spent.

I have learned from this not-so-pleasant experience and have moved on.

While I have some major doubts, my hope for GWF is that they also 'learn' from this experience and, eventually, become productive members of our community.

Jeff Ferguson

A handwritten signature in black ink, appearing to be 'Jeff Ferguson', written over the printed name.

CITY OF GOLD BEACH

DEPT HEADS PERFORMANCE EVALUATIONS EMPLOYEES

Jeff Ferguson, Executive Director Promotions
Employee Name and Title

15 January 2010 Employment Date
1 February 2011 Evaluation Date
This is the first Last Evaluation
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Reason for Evaluation: Six Month Review
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Definitions of Performance Ratings

- O - Outstanding Exemplary performance for exceeding performance criteria.
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V - Very Good Performance is of a high quality and achieved on a consistent basis.
U - Unsatisfactory Unacceptable performance which requires immediate improvement
G - Good Competent and dependable level of performance.

GENERAL FACTORS

1. Quality - The extent to which an employee's work is accurate, thorough and neat:

- Outstanding
Very Good
Good
Improvement Needed
Unsatisfactory

It is obvious that Jeff takes considerable pride in his work. He appears to be meticulous about accuracy and detail, a trait I've observed in written materials as well as visual promotional pieces. Producing quality work is very important to him. Jeff will reject work that is not of high quality, even when doing so causes considerably more work for him (revisions to the Gold Beach brochure offers and excellent example of this). As a normal course of action, Jeff takes the time to ensure what he produces or what he approves is high quality and reflects well for the Gold Beach community.

2. Productivity - The extent to which an employee produces a significant volume of work efficiently in a specified period of time:

- Outstanding
Very Good
Good
Improvement Needed
Unsatisfactory

Without question, Jeff produces a significant volume of work...and that is the problem. Jeff is taking on more work than he can effectively manage. Members of the Promotion

Committee have expressed concern about the amount of work Jeff attempts to manage. I am concerned about the amount of work as well. Because of the workload, Jeff works incredibly long hours and often works on weekends. The volume of work is affecting his ability to efficiently complete tasks. Additional emphasis on time management, prioritization and planning are needed to identify those tasks and projects that are critical and effectively manageable given resources available and prevent job burnout.

3. **Job Knowledge** – The extent to which an employee possesses the practical/technical knowledge required on the job:

- Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

Jeff clearly has significant knowledge of promotions and marketing. He uses this knowledge to leverage some amazing promotional opportunities for Gold Beach. His understanding of promotions and marketing has enabled Jeff to develop meaningful networks with regional promotional associations (SOVA, OCVA, AWRC) and neighboring promotional programs that benefit Gold Beach.

With the promotions work comes real liability risk to the city, especially in areas of first amendment protections and public records management. To enhance his effectiveness in the position and minimize risk to the city, Jeff needs to enhance his understanding of statutes and practices associated with public sector work.

4. **Reliability** – The extent to which an employee can be relied upon regarding task completion and follow-up:

- Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

Overall, Jeff is very reliable. However, as noted earlier, his extreme workload interferes with his ability to complete tasks efficiently.

5. **Attendance** – The extent to which an employee is punctual, observes prescribed work break/meal periods and has an acceptable overall attendance record:

- Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

Given the location of our offices, I am unable to observe whether Jeff observes the prescribed work breaks and meal periods. Jeff has an overall acceptable attendance record. As noted earlier, he works many more hours than is expected.

6. **Independence** – The extent to which an employee performs work with little or no supervision:

- Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

It is very apparent that transitioning to work in the public sector has presented some challenges for Jeff. Prior to this position, Jeff has not worked for a public agency and the differences between public and private sector work can be significant. As noted earlier, promotion's work can be particularly challenging in the public sector and presents liability risk to the city, especially for civil rights challenges. While Jeff works with a high level of independence with regard to developing marketing and promotional strategies for the city and with regard to managing activities at the Visitor Center (which he has done exceptionally well) he will need continued supervision to ensure implementation of those activities complies with state statutes and does not infringe upon civil liberties.

7. **Creativity** – The extent to which an employee proposes ideas, finds new and better ways of doing things:

- Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

Jeff is highly creative. It is reflected in the promotional activities and materials he develops for city promotions. Jeff regularly seeks non-conventional ways to promote Gold Beach (e.g. networking with regional associations), many of which are cost effective for the city. Jeff's creativity also is reflected in Visitor Center operations in which he has implemented several ideas that have improved efficiency and made the Visitor Center more inviting and accessible for visitors to the city.

8. **Initiative** – The extent to which an employee seeks out new assignments and assumes additional duties when necessary:

- Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

Jeff demonstrates a great deal of initiative. He routinely takes on new projects. For example, Jeff has identified several tasks that have improved Visitor Center operations (improvements in restrooms, changes to bio swale, resealing parking lot, new entry). He also has identified and undertaken new promotional projects for the city (e.g. Trails map). However, Jeff's initiative also has contributed to issues with overworking noted earlier.

9. **Adherence to Policy** – The extent to which an employee follows safety and conduct rules, other regulations and adheres to City policies:

- Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

Jeff abides by city policies.

10. **Interpersonal Relationship** – The extent to which an employee is willing and demonstrates the ability to cooperate, work and communicate with coworkers, supervisors, subordinates and/or outside contacts:

- Outstanding                       Good                       Unsatisfactory

Very Good

Improvement Needed

Jeff has demonstrated exceptional ability to cultivate strong positive working relationships with various groups. Co-workers often speak favorably about working with Jeff. Jeff has established a strong positive, working relationship with the Promotions Committee. In December 2010 Promotion Committee members submitted a letter to the editor in the Curry County Reporter to publicly commend Jeff for the work he does. Jeff has cultivated strong working relationships with regional promotion associations and neighboring agencies. In January 2011 the Port Orford Chamber of Commerce recognized Jeff for his work with their community.

11. **Judgment** – The extent to which an employee demonstrates proper judgment and decision-making skills when necessary:

Outstanding

Good

Unsatisfactory

Very Good

Improvement Needed

Overall, Jeff demonstrates sound judgment in conducting City work. There are occasions, however, when Jeff struggles to emotionally detach from the issue/matter at hand. This interferes with his ability to objectively make sound decisions. In the situation involving Green Water Films, Jeff's speculations about the business owner's motivations inhibited his ability to resolve the matter efficiently. The result was a significant amount of staff time expended and involvement of the city's attorney on an issue that should have been resolved at the director level.

#### OVERALL PERFORMANCE RATING

Check the term that best describes the employee's overall performance:

Outstanding

Good

Unsatisfactory

Very Good

Improvement Needed

Overall, Jeff is doing a fantastic job. Never-the-less, two areas are of concern to me. 1) Workload: I have serious concerns about job burnout. Jeff needs to scale back the number of tasks he undertakes. Better planning and prioritization may help with managing tasks. 2) Familiarity with Public Sector Work: We need to improve Jeff's understanding of and comfort working in the public sector.

#### REVIEWER'S COMMENTS

The City is VERY fortunate to have Jeff at the helm of promotions. Not only does Jeff have incredible vision, he cares deeply about this community. I am fearful that he may burn out with the workload he places on himself.

  
\_\_\_\_\_  
Reviewer's Signature

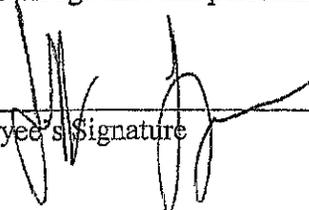
**EMPLOYEE'S COMMENTS**

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I acknowledge that this performance evaluation was discussed with me.

  
\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date 2-14-11

Jeff } Resp. to unles. fund City and  
Comply w/ city policy & proced.  
and applicable state statutes

- Wanton disregard for city policy & procedures

- Brochure, dist. contract

- Facebook posts

- CA approval of Press release

- failure to perform duties as Dept. Dir

- Ex. session notice

- Promos plan

- ~~Challenging~~ - ~~Request for~~  
Direct of CA

2 yrs, asked for a promo plan

① End of July, promo plan delivered to CA

~~②~~

③ Measurable outcomes

- failure to estab. <sup>effective</sup> working relationship w/ CA

- ~~Request~~

- Lied RE: Brochure dist.

**Jodi Fritts**

**From:** Jodi Fritts **Sent:** Sat 2/11/2012 7:34 PM  
**To:** Jeff Ferguson; Joel Summer; 'Amy Gaddis'; visit@goldbeach.org; 'Bob Manners'; 'Debbie Way'; 'Carolyn Trigueiro'; 'Larry Hammer'  
**Cc:**  
**Subject:** RE: Emailing: GOLD BEACH PROMOTION1  
**Attachments:**

I understand your frustration on the glass balls but I am going to ask Joel to please not print the part calling out the culprits. Spanking people in the newspaper is not professional and it doesn't make the City or the Visitor Center look very good—even if we feel justified. We need to find a less critical way to get the "Leave the Balls Alone" message out. There will always be a small group of folks that won't pay attention no matter what we say but we aren't their parents and spanking them isn't going to help the matter. Think Honey not Vinegar.

Joel: can I respectfully ask that you redact that portion of the newsletter?

Thanks,

*Jodi Fritts-Matthey*

City Administrator  
 City of Gold Beach

This electronic communication, including any attached documents, may contain

confidential and/or legally privileged information that is intended only for use

by the recipient(s) named above. If you have received this communication in

error, please notify the sender immediately and delete the communication and

any attachments.

*"Forget it Jake. It's Chinatown..."*

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**From:** Jeff Ferguson [mailto:director@goldbeach.org]  
**Sent:** Fri 2/10/2012 4:47 PM  
**To:** Joel Summer; Jodi Fritts; 'Amy Gaddis'; visit@goldbeach.org; 'Bob Manners'; 'Debbie Way'; 'Carolyn Trigueiro'; 'Larry Hammer'  
**Subject:** Emailing: GOLD BEACH PROMOTION1

Maybe it's just me but I just love the 'Please Don't' entry. I can think of some people who will not think it so humorous but I have to keep trying to discourage these knuckleheads!

Another 'breaking news story' is that one of our participating businesses for 'Indoor Treasure Hunt' (the owner) has been finding glass balls on the beach and selling them in their shop. Great example of a being part of a fouled-up gene pool :)

Jeff

Your message is ready to be sent with the following file or link attachments:

00060

## **GOLD BEACH PROMOTIONS & VISITORS CENTER**

**Roseburg Sportsman Show:** Our Gold Beach Promotions (GBP) 'Sportsman Show Team' is headed to Roseburg tomorrow for a 3-day show.

**Fishing Report:** Winter Steelhead has been "very good" on the lower Rogue! Send your photos to this paper.

**Trails:** Volunteers have cleared the debris from the Rotary and Elephant Bar Trails. They were "a mess" after the big storm!

**Please Don't:** Help me out and put a little pressure on those local folks who just don't seem to care about our community at all! We continue to have people who pick up many of the 'Glass Balls on the Beach', leaving few for our visitors. I cannot name names here (there are several) but those who "just don't care" may be surprised at what I know!! If you live on 'Old Coast Road', you have a 'guilty' neighbor (couple)!!!

**Glass Balls on Beach:** Despite a handful of 'I just don't care about the damage I am causing' people (see above) this promotion is working better than ever (attracting visitors here to; stay in our motels, dine in our restaurants and shop in our shops).

**Amazing:** "It is amazing what you can accomplish if you do not care who gets the credit." - Harry S. Truman

**Indoor Treasure Hunt:** Wow, again this week. Lots of entries for the drawings have been generated by this 'new this year' promotion. Get a list of participating businesses at any of our motels, 21 businesses or the Gold Beach Visitor Center. As of this writing, over \$1500.00 in receipts have been turned in, meaning locals and visitors alike are not just 'Treasure Hunting' but spending money, too. Yay!

**4<sup>th</sup> of July:** Watch this column for exciting info. about this year's '4<sup>th</sup> of July Celebration' in Gold Beach!!

**GBVC Traffic:** Foot traffic, phone calls and requests for information at the Gold Beach Visitor Center have "more than tripled" since we kicked off our marketing for the 'Treasure Hunt' promotions. We have had 3 days since

Feb. 1<sup>st</sup> that we have served 100/day at the center. Those are summer-like numbers!

**Mercedes Beach:** Myer's Beach is featured on YouTube and page 41 (Feb. edition) of Automobile Magazine. This is where they filmed the Mercedes commercial last summer.

**Promotions Meeting:** The GBP committee will meet next Feb. 16. 3:30 City Hall. Unscheduled speakers will be (strictly) limited to 4 minutes. Prearranged speakers may have up to 15 minutes (including questions). Contact [director@goldbeach.org](mailto:director@goldbeach.org) or call (541) 247-7526 if you wish to be on the agenda and wish to have more than 4 minutes.

# # #

## **INFORMATION FROM FORMER CITY ADMINISTRATOR**

Prior to the disciplinary action on March 8, 2011, I contacted former City Administrator, Ellen Barnes by email. I asked her if she had given Ferguson the June 6, 2011 written reprimand that was in his personnel file. She responded with the following information:

Her intent was to file an official letter of reprimand for unprofessional behavior and insubordination. At the June 6, 2011, meeting with Ferguson she used the written information to discuss his conduct and behavior. She placed the written information in his personnel file as documentation of what they discussed and of his actions that lead to the meeting. She said she had counseled Ferguson previously. She said that he had been dishonest with her, childish, and unprofessional all of which she said had been documented by his own correspondence.

 This message was sent with high importance.

**Jodi Fritts**

**From:** Jodi Fritts

**Sent:** Tue 3/6/2012 8:43 AM

**To:** Jeff Ferguson

**Cc:**

**Subject:** Meeting Tomorrow

**Attachments:**

Jeff:

I have scheduled a meeting tomorrow morning at 10AM. Please be here at City Hall at that time.

*Jodi Fritts-Matthey*

City Administrator  
City of Gold Beach

This electronic communication, including any attached documents, may contain confidential and/or legally privileged information that is intended only for use by the recipient(s) named above. If you have received this communication in error, please notify the sender immediately and delete the communication and any attachments.

*"Forget it Jake. It's Chinatown..."*

00064



City of Gold Beach  
 29592 Ellensburg Avenue  
 Gold Beach, OR 97444  
 541-247-7029  
[www.goldbeachoregon.gov](http://www.goldbeachoregon.gov)



March 7, 2012

Jeff Ferguson  
 PO Box 636  
 Gold Beach, OR 97444

**RE: Notice of Disciplinary Action**

Dear Jeff:

This letter is to notify you of disciplinary action pursuant to Sections 222 and 224 of the Personnel Policies. City employees are expected to conform to standards of conduct and accept responsibility for their conduct both on and off the job that reflects and builds a positive image for the City. You are being terminated effectively immediately for prohibited conduct that has caused a hindrance to the effective performance of city functions and reflects discredit upon the city. A Disciplinary Action Form with the specific nature of the performance and conduct problems with supporting facts is being provided to you with this letter.

You will immediately turn over any city property in your possession such as keys, computers, documents, etc. Also provided with this letter is your final check with vacation and comp time hours paid. Your city provided medical and dental insurance will remain in effective until the end of March. City County Insurance Services (CIS) will contact you directly regarding COBRA insurance continuation. Your Nationwide insurance account is available to you at any time at on the web. The retirement page with info and forms can be found at:  
<https://www.nrsforu.com/iApp/tcm/nrsforu/support/index.jsp>  
 PERS information can be found at:  
<http://www.oregon.gov/PERS/MEM/index.shtml>  
 the final payment on your behalf will be posted during the next PERS upload.

Grievance procedure for this disciplinary action is outlined at the end of the Disciplinary Action Form.

Sincerely,

Jodi Fritts-Matthey  
 City Administrator  
[jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

*The City of Gold Beach is an equal opportunity employer. Any person who is a victim of harassment, discrimination, or retaliation should contact the City Administrator or the Oregon Department of Human Resources. The City of Gold Beach is committed to providing a safe and healthy work environment for all employees.*

00065



## City of Gold Beach

29592 Ellensburg Avenue  
Gold Beach, OR 97444  
541-247-7029  
[www.goldbeachoregon.gov](http://www.goldbeachoregon.gov)



March 7, 2012

Jeff Ferguson  
PO Box 636  
Gold Beach, OR 97444

**RE: Notice of Disciplinary Action**

Dear Jeff:

According to your email last week you said you would be out of town March 4 & 5 at the SOVA conference and at the doctor on Tuesday the 6<sup>th</sup>. It was expected that you would return to work today, March 7<sup>th</sup>. Based on that information I had scheduled a meeting with you today at 10AM. I sent the email request at 8:34AM yesterday morning. I called later in the day and asked Laura Smith to put a note on your desk regarding the meeting place and time in case you did not read your email.

You failed to report for the meeting today. I again contacted Laura Smith and asked if you were in the office today and she said she had not seen you. I asked if you had called to take the day off or had called in sick. She said she had no messages from you. I consider your absence to be without permission.

I next asked Laura to call your cell phone and tell you about the 10AM meeting you had missed. She said you did not answer and there was no voice mail option. Since you have not reported to work, or answered your phone, I am forced to communicate with you in writing.

*Another meeting has been scheduled at 9AM tomorrow at City Hall. You are expected to be here at that time. Failure to show up will result in disciplinary action. Your City email and computer rights have been suspended and until we meet, you are not authorized to represent the City in any fashion. I expect to see you tomorrow at 9AM.*

Sincerely,

Jodi Fritts-Matthey  
City Administrator  
[jfritts@goldbeachoregon.gov](mailto:jfritts@goldbeachoregon.gov)

*The City of Gold Beach is dedicated to enhancing quality of life, while promoting the health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community.*

00066

**SECTION 3: Correspondence contrary to Personnel Policy Section 222: Standards of Conduct/Discipline:**

**222.2 Performance Standards: c, d, f, h, j, and**

**222.3 Prohibited Conduct: d, e, f, p**

DOCUMENTS	PACKET PAGES
Email exchange between Ferguson and Joel Summer February 11, 2011- February 25, 2011 in chronological order	69-76
Email exchange between Ferguson and City Administrator March 25, 2011- March 31, 2011 in chronological order	77-80
May 30, 2011-June 6, 2011 email exchange between Ferguson and City Administrator	81-84
Emails sent February 6, 2012 – February 8, 2012	85-88
Email sent February 10, 2012 regarding glass balls and a local business owner	89-90
Emails sent February 21, 2012-February 22, 2012	91-96

Examples of prohibited conduct contained within the documents referenced above:

- “Another 'breaking news story' is that one of our participating businesses for 'Indoor Treasure Hunt' (the owner) has been finding glass balls on the beach and selling them in their shop. Great example of a being part of a fouled-up gene pool :)”
- “...I've looked out for you and even told you what would happen if you didn't do certain things a certain way...you should have listened. I live in the real world and it's a tough place...you seem to live in a glitter-covered world...”
- “I COPY THE COMMITTEE BECAUSE YOU NEVER REMEMBER OUR CONVERSATIONS THE WAY THEY TAKE PLACE. I'M FORCED TO CMA BECAUSE YOU ONLY 'REMEMBER' WHAT 'WORKS BEST FOR YOU'. NOW...THAT'S ANNOYING!!!!”
- “I have expended an inordinate amount of time and energy this past year (and here we go again...), with topics/situations involving you and the CCR. Most of this has not been productive. I am now choosing to take this same time and energy to accomplish positive results for GB, rather than allow 'Energy Vampires' to take up any of my time.”
- “I am handling this situation 'in-house. There's a knucklehead in every town!”
- “I've re-read this 3X before hitting the send button but (harsh as it is) I'm sending it anyway, which is very hard as I consider both of you very good friends.”
- “I was not and am not interested in meeting with you and “members of my board” , as you suggested. I have tried and tried but apparently I don't have the skills necessary to 'help' the GB Chamber.”

- "I am no longer interested in meeting. I truly do not have the time to keep getting pulled into chamber issues. Even if there are "inaccuracies" in my email, I think there are still plenty of facts to support my position and choice to no longer be personally involved in the chamber. I'm done with this...except professionally and as required by what I'm paid to do."

**Email exchange between Ferguson and Joel Summer  
February 11, 2011- February 25, 2011 in chronological order**

00069

From: "Jeff Ferguson" <[director@goldbeach.org](mailto:director@goldbeach.org)>  
To: [joel@currycountyreporter.com](mailto:joel@currycountyreporter.com)  
Cc: "Jots Resort" Amy" <[amy@jotsresort.com](mailto:amy@jotsresort.com)>, "Carolyn Trigueiro" <[cstrig2006@yahoo.com](mailto:cstrig2006@yahoo.com)>, "Bob Manners" <[stormwatchercu30@yahoo.com](mailto:stormwatchercu30@yahoo.com)>, [LHAMMER@visitoregonsouthcoast.com](mailto:LHAMMER@visitoregonsouthcoast.com), "Pacificreef Resort" <[pacificreef@charterinternet.com](mailto:pacificreef@charterinternet.com)>, "Matthew Smith" <[matthew@currycountyreporter.com](mailto:matthew@currycountyreporter.com)>  
Sent: Friday, February 11, 2011 12:23:43 PM  
Subject: GBVG

Joel,

Gold Beach Promotions will take the 1/2 page 'back cover' space in the GB Visitor Guide again -this year. I will work with Matthew on changes.

'What are the chances of getting [www.goldbeach.org](http://www.goldbeach.org) on the front cover? Most visitor guides list their areas main tourism site on the front cover.

Jeff Ferguson, Director  
Gold Beach Promotions & Visitor Center  
P.O. Box 375  
Gold Beach, Oregon 97444  
800-525-2334  
Fax 541-247-0187

**From:** [joel.summer@comcast.net](mailto:joel.summer@comcast.net) [<mailto:joel.summer@comcast.net>] **Sent:** Wednesday, February 23, 2011 3:53 PM  
**To:** Jeff Ferguson  
**Subject:** Re: GBVG

Jeff,

Unless you're willing to pay extra to have your web address on the cover, I'd say no. I have to disagree that "most visitor guides list their main tourism site on the front cover." In fact most visitor guides published by newspapers do not put the tourism agency's website on the cover. We're much more inclined to put the Reporter's e-mail address on our cover -- or none at all. May we suggest your Promo Committee buy a spot on our website and then when people go on the Reporter's website they can click on your button to get to yours. The price is very inexpensive. \$35 a month of \$350 a year. Let me know.

Joel

----- Original Message -----

From: "Jeff Ferguson" <[director@goldbeach.org](mailto:director@goldbeach.org)>  
To: "joel summer" <[joel.summer@comcast.net](mailto:joel.summer@comcast.net)>  
Cc: "Amy Gaddis" <[amy@jotsresort.com](mailto:amy@jotsresort.com)>, "Carolyn Trigueiro" <[cstrig2006@yahoo.com](mailto:cstrig2006@yahoo.com)>, "Larry Hammer" <[lhammer@visitoregonsouthcoast.com](mailto:lhammer@visitoregonsouthcoast.com)>, "Pacificreef Resort"

00070

<[pacificreef@charterinternet.com](mailto:pacificreef@charterinternet.com)>, "Dr. Bob Manners"  
<[stormwatchercu30@yahoo.com](mailto:stormwatchercu30@yahoo.com)>, "Gold Beach Visitors Center"  
<[visit@goldbeach.org](mailto:visit@goldbeach.org)>

Sent: Wednesday, February 23, 2011 4:02:22 PM  
Subject: RE: GBVG

Joel,

Thanks but no thanks.

No need to debate this but I looked at several visitor guides before I made the comment and that is what I discovered.

No problem, we'll just go in a different direction.

I'm tired of battling over every little issue with you. We don't even need to 'advertise' the GBVC (because visitors are already here when they see the GBVG), but we do to support the effort. I feel like you are constantly 'combative' with everything we are trying to do.

Jeff

**From:** [joel.summer@comcast.net](mailto:joel.summer@comcast.net) [<mailto:joel.summer@comcast.net>]

**Sent:** Wednesday, February 23, 2011 4:48 PM

**To:** Jeff Ferguson

**Cc:** Amy Gaddis; Carolyn Trigueiro; Larry Hammer; Pacificreef Resort; Dr. Bob Manners; Gold Beach Visitors Center

**Subject:** Re: GBVG

Seems to me Jeff that the Reporter has been VERY supportive of what you're trying to do. We have played up every one of your promotions -- win \$10,000 in gold, the glass balls, the geochaching, the pick up litter on the beach.

We give the Visitor Center free newspapers and we give YOU a weekly column. We let Matthew Smith moonlight for you, which takes time away for what he does for us!

As to the Gold Beach Visitor's Guide, yes, I'm VERY frustrated with you and the Promo Committee. It was YOUR idea about taking out a double truck in the middle of our Visitor's Guide -- and then you decided no. -It was YOUR idea about paying for a glossy cover for our Visitor's Guide -- and then you decided no. It was YOUR idea about paying for additional copies of the Visitor's Guide so you'd have them for your Sportsmen's Shows -- and then you decided no.

So we kind of feel we've been led down a Primrose path with you and the Promo Committee and we're just left with the thorns. And since you have this annoying habit of copying in every member of your committee when I think our e-mails are just between you and me I will copy them as well. So I guess I feel very hurt by your broadcast e-mail because I believe the Promo Committee and the City of Gold Beach gets a huge amount of support from us.

00071

Yes, I'm sure you're tired and you were in the hospital, and you're stressed out because people keep picking up your glass balls, but i don't appreciate getting 'hammered' in an e-mail that goes to Amy, Carolyn, Larry, Deb, and Bob. We appreciate the ad you're taking out in our Visitor's Guide and we will do a good job of putting it together for you. Other than that I would really rather not talk about the GBVG with you or your committee except to say that with your efforts and the Reporter's efforts, maybe we can get more folks to spend more time in Gold Beach -- despite gas at \$5 a gallon this summer.

Joel Summer  
Publisher  
Curry County Reporter  
(541) 247-6643  
[joelcurrycountyreporter.com](http://joelcurrycountyreporter.com)

**From:** Jeff Ferguson [[director@goldbeach.org](mailto:director@goldbeach.org)]

**Sent:** Thursday, February 24, 2011 7:55 AM

**To:** [joel.summer@comcast.net](mailto:joel.summer@comcast.net)

**Cc:** 'Amy Gaddis'; 'Carolyn Trigueiro'; 'Larry Hammer'; 'Pacificreef Resort'; 'Dr. Bob Manners'; 'Gold Be Visitors Center'; 'Ellen Barnes'; 'Matthew Smith'

**Subject:** RE: GBVG Joel,

I encourage you to attend our next Promotions Committee meeting (Thursday, March 3rd. 3:30 at City Hall).

You, I and the committee are worlds apart and I'm mystified as to why. You have been in the room during discussions about most of the topics in your email (below). I'm sure the committee will find it entertaining reading.

I'm choosing to not spend any more time debating with you because we just don't 'connect'. This is interesting to me because I don't have that challenge with anyone else. Please direct any further comments/questions to a committee member or city hall.

See further comments below.

Jeff

Seems to me Jeff that the Reporter has been VERY supportive of what you're trying to do. We have played up every one of your promotions -- win \$10,000 in gold, the glass balls, the geochaching, the pick up litter on the beach. WE DO APPRECIATE WHAT YOU DO BUT WHAT WE DO IS 'NEWSWORTHY' AND BELONGS IN THE PAPER ANYWAY. YOU SPEAK AS THOUGH YOU ARE DOING US 'FAVORS'. PLEASE NOTE: GBP SPENDS A GOOD AMOUNT OF MONEY WITH YOU EACH YEAR.

We give the Visitor Center free newspapers and we give YOU a weekly column.

00072

We let Matthew Smith moonlight for you, which takes time away for what he does for us!

IF IT IS A HARDSHIP FOR YOU TO PROVIDE FREE NEWSPAPERS TO THE GBVC, FEEL FREE TO STOP. MY COLUMN IS 'GOOD' FOR YOUR PAPER. AGAIN, DON'T DO ME ANY 'FAVORS'. I WASN'T AWARE THAT OUR USE OF MATTHEW SMITHS SERVICES WERE TAKING AWAY FROM WHAT HE DOES FOR YOU. YOU CAN BREAK THE NEWS TO HIM THAT WE WON'T DO THIS ANYMORE. SORRY FOR THE INCONVENIENCE.

As to the Gold Beach Visitor's Guide, yes, I'm VERY frustrated with you and the Promo Committee. It was YOUR idea about taking out a double truck in the middle of our Visitor's Guide -- and then you decided no. -It was YOUR idea about paying for a glossy cover for our Visitor's Guide -- and then you decided no. It was YOUR idea about paying for additional copies of the Visitor's Guide so you'd have them for your Sportsmen's Shows -- and then you decided no. THIS IS A 'BROKEN RECORD' AND I'M TIRED OF HEARING IT. YOU KNOW, VERY WELL, WHY THIS FELL APART AND I'M NOT ABOUT TO GO THRU IT WITH YOU AGAIN. WE SPEND \$1140.00 ON OUR VISITOR GUIDE AD TO SUPPORT YOUR EFFORTS. IT REALLY MAKES LITTLE SENSE CONSIDERING THAT OUR VISITORS ARE ALREADY HERE WHEN THEY SEE THE GBVG. WE DO IT BECAUSE THAT'S THE TYPE OF THINGS YOU DO IN A SMALL COMMUNITY...SOMETHING NOT EVERYONE IN THIS CONVERSATION HAS FIGURED OUT. BTW- I BUY 2 HALF PAGE ADS IN THE PILOT/TRIPPLICATE VISITOR GUIDES FOR THE SAME MONEY AS WE SPEND WITH YOU (\$1150.00)...AND THEY PRINT 60K COPIES TO YOUR 25K AND THEY ARE 'WORKING' FOR US OUT OF THE LOCAL AREA (MAYBE YOU CAN EXPLAIN THIS DISCREPANCY AT THE MEETING?).

So we kind of feel we've been led down a Primrose path with you and the Promo Committee and we're just left with the thorns. And since you have this annoying habit of copying in every member of your committee when I think our e-mails are just between you and me I will copy them as well. So I guess I feel very hurt by your broadcast e-mail because I believe the Promo Committee and the City of Gold Beach gets a huge amount of support from us. I COPY THE COMMITTEE BECAUSE YOU NEVER REMEMBER OUR CONVERSATIONS THE WAY THEY TAKE PLACE. I'M FORCED TO CMA BECAUSE YOU ONLY 'REMEMBER' WHAT 'WORKS BEST FOR YOU'. NOW...THAT'S ANNOYING!!!!

Yes, I'm sure you're tired and you were in the hospital, and you're stressed out because people keep picking up your glass balls, but i don't appreciate getting 'hammered' in an e-mail that goes to Amy, Carolyn, Larry, Deb, and Bob. We appreciate the ad you're taking out in our Visitor's Guide and we will do a good job of putting it together for you. Other than that I would really rather not talk about the GBVG with you or your committee except to say that with your efforts and the Reporter's efforts, maybe we can get more folks to spend more time in Gold Beach -- despite gas at \$5 a gallon this summer. IF I HAVE ANY STRESS

AT ALL, IT COMES FROM FOLKS WHO SIT ON THE SIDELINES AND THROW DARTS WHEN THEY SHOULD GET INVOLVED AND BE PART OF THE SOLUTION.

JOEL, I'VE TRIED MY BEST TO WORK WITH YOU BUT IT'S NEXT TO IMPOSSIBLE, AS YOU CONTINUE TO BE COMBATIVE ON NEARLY EVERY ISSUE. I AM NOW, 'OFFICIALLY' OUT OF PATIENCE WITH YOU. WHERE THIS GOES IS NOW TOTALLY UP TO YOU. IT'S YOUR CALL...

JEFF

**From:** [joel.sumner@comcast.net](mailto:joel.sumner@comcast.net) [<mailto:joel.sumner@comcast.net>]

**Sent:** Thursday, February 24, 2011 10:33 AM

**To:** Jeff Ferguson

**Cc:** Amy Gaddis; Carolyn Trigueiro; Larry Hammer; Pacificreef Resort; Dr. Bob Manners; Gold Beach Visitors Center; Ellen Barnes; Matthew Smith

**Subject:** Re: GBVG

Jeff,

We will continue to publish your column and we will continue to give the Visitor's Center complimentary newspapers. We will report your promotions if they are 'newsworthy'. As to the Visitor's Guide, we have not raised our prices for five years. I am not privy to the Pilot's pricing or what special deals they may be giving you. However, we gave the Promotions Committee a special deal as well last year(same as the Pilot). Not only did you get your half page ad on the back cover, but you got a 1/4 page color ad on Page 52 at no cost. Customarily ads on the back cover cost more than inside ads so unless your ad is on the back of the Pilot's visitor's guide we talking apples and oranges. The Pilot and The Triplicate does a combined Visitor's Guide. You're right they distribute more copies. They have a larger combined circulation area.

As to Matthew working for you that is entirely between you and Matthew. And by the way he asked not to be copied on these e-mails. You work out your arrangements with Matthew. We did give him permission to 'moonlight' for you as long as it doesn't get in the way of his job with us. I'd ask that you work with Matthew on all your Visitor Guide ads and any other ads you wish to place.

Other than that I have nothing more to say and considering how you and I feel about each other at the moment I do not feel it would be productive to attend your Promotions Committee meeting next Thursday.

Joel

**From:** Jeff Ferguson [[director@goldbeach.org](mailto:director@goldbeach.org)]

**Sent:** Friday, February 25, 2011 5:17 AM

**To:** [joel.sumner@comcast.net](mailto:joel.sumner@comcast.net)

**Cc:** 'Amy Gaddis'; 'Carolyn Trigueiro'; 'Larry Hammer'; 'Pacificreef Resort'; 'Dr. Bob Manners'; 'Gold Beach Visitors Center'; 'Ellen Barnes'; 'Matthew Smith'

00074

**Subject:** RE: GBVG

Joel,

I have not read your email (somewhere below), nor do I plan to. Please re-read my prior email and honor my request.

As it said, if you have further comments/questions about anything to do with GB Promotions please contact your favorite committee member or city hall.

I have expended an inordinate amount of time and energy this past year (and here we go again...), with topics/situations involving you and the CCR. Most of this has not been productive.

I am now choosing to take this same time and energy to accomplish positive results for GB, rather than allow 'Energy Vampires' to take up any of my time.

Again, I encourage you to attend our next meeting. If you do choose to attend and plan to speak, please keep in mind that public comments need to be limited to 4 minutes. If you feel this is not enough time, contact a committee member and request to be placed on the meeting agenda. If this request is granted, you will be allowed up to 15 minutes.

If at some time, in the distant future, you are willing to work with me for the betterment of Gold Beach, I would consider meeting with you.

Have a pleasant day, Jeff

**From:** Ellen Barnes  
[mailto:[ebarnes@goldbeachoregon.gov](mailto:ebarnes@goldbeachoregon.gov)]  
**Sent:** Friday, February 25, 2011 8:10 AM  
**To:** Jeff Ferguson  
**Subject:** RE: GBVG  
Jeff,

Please find time in your schedule next week to meet with me about this. Your response to Joel is very unprofessional and reflects poorly on the city.

Ellen Barnes,  
City  
Administrator  
City of Gold  
Beach  
541-247-7029 (office)  
[ebarnes@goldbeachoregon.gov](mailto:ebarnes@goldbeachoregon.gov)

**From:** Jeff Ferguson [[director@goldbeach.org](mailto:director@goldbeach.org)]  
**Sent:** Fri 2/25/2011 9:40 AM  
**To:** Ellen Barnes  
**Cc:**  
**Subject:** RE: GBVG  
**Attachments:**

00075

Sure. I will contact you Tuesday when I return.

In light of the circumstances leading up to this, I respectfully disagree with your opinion. I believe the majority of the promotion committee would agree with me, as they are privy to all interactions that we/I have with Joel in the past year. I hope you will get their 'side of the story'.

I'm not sure how long our community should allow Joel to 'hold us hostage'. I fully understand the 'power' he wields by owning the paper but, at some point, someone or some entity needs to stand up to him instead of letting him run rough-shod over what we are trying to accomplish.

Jeff

**Email exchange between Ferguson and City Administrator  
March 25, 2011-March 31, 2011, in chronological order**

From: Jeff Ferguson [<mailto:director@goldbeach.org>]  
Sent: Fri 3/25/2011 6:22 AM  
To: joel@currycountyreporter.com  
Cc: Ellen Barnes; 'Gold Beach Visitors Center'; 'Amy, Jots Resort'; cstrig2006@yahoo.com;  
'PACIFIC REEF RESORT'; 'Bob Manners'; 'Larry Hammer'  
Subject: GOLD BEACH PROMOTION1

ready to go upon Ellens review and approval

## GOLD BEACH PROMOTIONS & VISITORS CENTER

**Glass Balls & Geocaching:** Both of these promotions continue to bring people to town and we will draw the March winners on April 1<sup>st</sup>. The newest contributors to our prize packages are 'Hawk's Rest Ranch' and Motel 6. Thanks!

**National Tourism Week:** The 'Hospitality & Tourism' industry will celebrate 'National Tourism Week' May 7-14. We will host our annual 'May Day Mixer' here at the Gold Beach Visitor Center and hope the entire business community will join us in kicking off our 2011-2012 'visitor season' !!

**Facebook:** Enjoy these refreshing & recent comments from our Gold Beach facebook pages; "Most beautiful place in the world", "My town" and "OMG that is amazing. Where were you? I so want to go"

**Budget Time:** It's budget time, so I'll be making plans for both Gold Beach Promotions and the Gold Beach Visitors Center. Stay tuned...another exciting year lies ahead!

**Governors Conference:** Promotions committee member Debra Way and I will attend the 'Governor's Conference on Tourism' in Eugene April 10, 11 and 12th.

**Wave Bash:** Windsurfer 'insiders' tell me there is a big push on to add 'Stand-Up Paddling' to the list of competitions for this years 'Wave Bash' (think June in Pistol River). The 'Wave Bash' is part of the 'American Windsurfing Tour' this year and is being highly-promoted.

**Adventure of Week:** Kanaan Shaw and I explored Elk River (above the hatchery). This area is worth the trip! The waterfalls were too numerous to count and the water in the river was an incredible emerald green!! We were going to push through for a burger in Powers but got stopped by the snow right at Laird Lake...what fun!!!

**4th of July:** Our 'Party at the Pore/4th of July celebration will be here sooner than we realize. Over the years, a small group of individuals have volunteered to organize this event but this group has assumed other duties and citizen volunteers are needed (especially fundraisers!). The community needs to decide whether we want to support and fund this 'All-American T Old-Fashioned Family Fun' gathering!!

**Promotions meeting:** The GBP committee will meet next on March 31. 3:30 at City Hall. Public comment is welcome. Please limit to 4 minutes. Contact

[director@goldbeach.org](mailto:director@goldbeach.org) or call 541-247-7526.

**From:** Ellen Barnes  
**Sent:** Fri 3/25/2011 8:49 AM  
**To:** Jeff Ferguson  
**Subject:** RE: GOLD BEACH PROMOTION1

Jeff,

It appears that you are allowing individuals to post on the city's Facebook page. It doesn't matter if Sue is moderating the post or if individuals post directly to the site. The liability for the City is the same. By allowing the posts, you are creating a public forum, which opens the city to freedom of speech challenges. Please do not post individual comments to the city's Facebook site. Please do not allow individuals to post directly to the city's Facebook site. The site can be used by us to push information ONLY. You can encourage people to visit the site to learn about the community and upcoming events.

Please modify your Facebook comments to reflect that people can visit the City's Facebook to learn more about the city and upcoming events. Remove mention of people's comments. With that change, this will be acceptable to publish.

Ellen Barnes,  
City  
Administrator  
City of Gold  
Beach  
541-247-7029 (office)  
[ebarnesgoldbeachoregon.gov](mailto:ebarnesgoldbeachoregon.gov)

**From:** Ellen Barnes  
[mailto:[ebarnes@goldbeachoregon.gov](mailto:ebarnes@goldbeachoregon.gov)]  
**Sent:** Wednesday, March 30, 2011 4:40 PM  
**To:** Jeff Ferguson  
**Subject:** FW: GOLD BEACH PROMOTION1

You and I need to talk ASAP!

I saw in today's paper that you did not do as I asked. Your article that was printed was NOT approved. Please explain. Are you ignoring my directive? Are you not reading my messages? You MUST HAVE MY APPROVAL to go to print.

Ellen Barnes,  
City  
Administrator  
City of Gold  
Beach  
541-247-7029 (office)  
[ebarnes@goldbeachoregon.gov](mailto:ebarnes@goldbeachoregon.gov)

**From:** Jeff Ferguson  
[mailto:[director@goldbeach.org](mailto:director@goldbeach.org)] **Sent:**  
Thu 3/31/2011 2:30 PM

00079

**To:** Ellen Barnes  
**Subject:** RE: GOLD BEACH PROMOTION1

Ellen,

I just got done with budget and prep for today's Promo meeting at 3:30.. .and just 'fished' your email out of spam.

I don't know if I could have 'caught' this, even if I would have seen it in time. I came in early last Friday (scheduled day off, no internet at home up river), and created the column. I then went home and enjoyed time off. Even if I would have seen your email early in this week, I'm not sure if it would have been too late for CCR to delete.

Of course I'm not ignoring directives.. .this looks to be nothing more than an unavoidable circumstance. For over a year, I have waited for your approval and there was just once when you had me make a slight change. In this case, I didn't think twice about it nor did I drive back into town to check on it.

Jeff

**From:** Ellen Barnes [[ebarnes@goldbeachoregon.gov](mailto:ebarnes@goldbeachoregon.gov)]  
**Sent:** Thursday, March 31, 2011 5:04 PM  
**To:** Jeff Ferguson  
**Subject:** RE: GOLD BEACH PROMOTION1

Jeff,

We will discuss this Monday.

It is NOT an unavoidable circumstance. It has been a year now that you have given me the excuse that my emails go to your SPAM folder. Why haven't you corrected this? It is your responsibility as a director to fix/correct problems when you encounter them... Not allow them to continue and NOT use them as an excuse. At the VERY least, you should be checking your SPAM folder knowing that messages from your supervisor end up there. Jeff, remember.. .you sent me the article to review via email (as you always do). How is it that it when to print without approval? You should have been expecting my email approving the article. You are responsible for securing my approval before a press release goes to print. You need to plan ahead if you are to be out of office or check your email from home. Being out of office isn't an acceptable explanation in this situation.

Ellen Barnes,  
City  
Administrator  
City of Gold  
Beach  
541-247-7029 (office)  
[ebarnes@goldbeachoregon.gov](mailto:ebarnes@goldbeachoregon.gov)

00080

**May 30, 2011-June 6, 2011 email exchange between  
Ferguson and City Administrator**

00081

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**From:** Ellen Barnes [<mailto:ebarnes@goldbeachoregon.gov>]  
**Sent:** Tuesday, May 31, 2011 4:31 PM  
**To:** Jeff FP  
**Subject:** Northwest Brochure Distribution

Jeff,

I have an invoice for brochure distortion for the next year. Did you sign a contract for this service? If so, please bring me a copy of the contract.

Ellen Barnes,  
City Administrator  
City of Gold Beach  
541-247-7029 (office)  
[ebarnesgoldbeachoregon.gov](mailto:ebarnesgoldbeachoregon.gov)

**From:** Jeff Ferguson  
[<mailto:director@goldbeach.org>]  
**Sent:** Wed 6/1/2011 9:52 AM  
**To:** Ellen Barnes  
**Subject:** RE: Northwest Brochure Distribution

I'm aware of this. No, I did not sign anything. This particular contract came by my desk after you informed me that all contracts go to you.

Jeff

**From:** Ellen Barnes [<mailto:ebarnes@goldbeachoregon.gov>]  
**Sent:** Thursday, June 02, 2011 10:54 AM  
**To:** Jeff Ferguson  
**Subject:** RE: Northwest Brochure Distribution

Thanks, Jeff.

Interesting...I just received a fax from Northwest Brochure Distribution showing they have a contract you signed on March 15th, 2011. Why didn't you share with me the fact that you sent them a copy of the contract you gave me? Responding to my question with "No, I did not sign anything" obviously was inaccurate. I want to see you in my office Monday morning 9 am.

So you know, you will receive a copy of a letter I am sending to Northwest Brochure Services with a revised contract. The contract they have is invalid. I have corrected the contract.

Ellen Barnes,  
City  
Administrator  
City of Gold  
Beach  
541-247-7029 (office)  
[ebarnesgoldbeachoregon.gov](mailto:ebarnesgoldbeachoregon.gov)

00082

**From:** Jeff Ferguson  
[mailto:director@goldbeach.org] **Sent:**  
Sun 6/5/2011 12:38 PM  
**To:** Ellen Barnes  
**Subject:** RE: Northwest Brochure Distribution

Ellen,

I have also researched this fully.

The only 'issue' here is that neither you nor I remembered the sequence of events correctly.

It was Northwest Brochures' (NWB) that prompted you to inform me about "All contracts go to City Hall and you can't sign them", after I had signed the renewal for NWB.

When I answered your recent question as I did, I was thinking of 'Certified Brochures' (CB)...which came in after NWB. I got the CB contract and passed it on to you.

You are correct...I did sign the NWB renewal agreement March 15th. You then informed me of the policy to pass all contracts to you...which I have done (CB).

The purchase requisition for NWB went to City Hall on March 22nd (you and I were both aware of the contract issue at that time), as Sue checked with your staff and was told, "Just submit the request and Ellen will handle once she gets the contract issue straightened out".

On May 11, we received a bill from NWB and submitted a request for payment on May 19th (Sue assumed that everything was OK and was instructed by your staff to "just send it in").

So, if the only reason you want me in your office at 9:00am Monday is this...I don't see that it warrants the time.

Please let me know and I will be there, if you choose.

Jeff

PS- I'm going to stay on the 'high road' here but must say that I just don't understand the 'tone' of many of your emails. They seem 'accusatory' and even a little 'caustic' given the circumstances of each. I seem to be 'guilty until proven innocent' in most situations...no 'benefit of the doubt', etc. In all cases, I have taken the time to explain and everything then is, seemingly, OK. I hope that you will call me when you have questions such as this (and several past instances)...something is getting 'lost' in these emails. We are supposed to be on the same 'team' but I feel a huge 'disconnect' with City Hall right now (goes back several months). I am doing a very good job for GB and only ask that I be treated fairly...the 'tone' of some of your emails does not seem 'fair' and really bothers me. I can't be as productive as I might, when I'm constantly wondering what I've done to piss you off.

00083

I find that looking to 'catch' people doing things 'right' is a more effective way to manage than looking to 'catch' someone doing something wrong.

---

**From:** Ellen Barnes [[ebarnes@goldbeachoregon.gov](mailto:ebarnes@goldbeachoregon.gov)]  
**Sent:** Monday, June 06, 2011 9:38 AM  
**To:** Jeff Ferguson  
**Subject:** RE: Northwest

Brochure Distribution Jeff,

I want to see you in my office today. 3:00 pm.

Ellen Barnes, City  
Administrator City of  
Gold Beach  
541-247-7029 (office)  
[ebarnes@goldbeachoregon.gov](mailto:ebarnes@goldbeachoregon.gov)

**Emails sent February 6, 2012 – February 8, 2012**  
**Eugene Sportsman Show**

Jeff Ferguson <[director@goldbeach.org](mailto:director@goldbeach.org)> wrote:

Joe,

I believe I owe you an apology on behalf of GB Promotions & VC, the GB Chamber of Commerce and the City of Gold Beach.

Our Chamber President was selling tickets for a boat drawing (fundraiser for our Chamber) at the Eugene Show (in the boat building). He was not operating under my 'umbrella'. I'm well-aware that if we were selling anything, we need to let you know 'up front' and pay some sort of fee. I even allowed him to put up a sign up in our booth because I believed that he was 'legit'. He was doing this on his own. I got a lot of negative feedback from a number of other vendors. He certainly did some 'damage' for Gold Beach. He told me he was there with Y Marina. I do not know if anyone informed you beforehand or he just did it?

Anyhow, he embarrassed me and my great little town. Apparently, he was "bothering" people at breakfast at the Valley River Inn while attempting to 'hawk' his tickets and further, was going around to vendor booths and being very aggressive and attempting to "shame" them into buying.

I am handling this situation 'in-house. there's a knucklehead in every town!

Please accept my apology and know that I was not aware of this until late in the show.

See you in Roseburg.

Jeff Ferguson

Director

Gold Beach Promotions and Visitor Center

P.O. Box 375

94080 Shirley Lane

----- Original Message -----

From: [jypate@roadrunner.com](mailto:jypate@roadrunner.com) [<mailto:jvnate@roadrunner.com>]

Sent: Monday, February 06, 2012 2:45 PM

To: Jeff Ferguson

Subject: Re: Ferguson- Gold Beach

Jeff,

You are a very classy man. I appreciate your letter, and I am certain you were unaware of the issue.

Please do not give it another thought, nor be embarrassed about the actions of our friend.

We can discuss this in Roseburg in greater detail, but for now, all is well.

Regards, Joe

On Feb 8, 2012, at 1:37 PM, Jeff Ferguson wrote:

Joe,

I'm half-crazy but, yes, I am a very principled man (I'm not sure about "classy"?)

00086

I met with our Chamber Director and a Chamber Board member yesterday about this issue. I have not heard anything from them but understand they met with Bob ("The issue") later in the day.

Here's the real 'getter'- I've heard that this same person is talking about being at the Roseburg show (Friday only as the drawing for the boat he's selling tickets to is the very next day). I just emailed our Chamber Director and the Board member I met with and told them that if there is any truth to this...it's a 'bad idea'. And, of course, it makes no sense. He sold 9 tickets in 3 days in Eugene, so at best he might sell 3 tickets Friday in Roseburg. At \$20 bucks a ticket, that doesn't even pay for the fuel to travel over there and back.

I've done what I can to discourage this. It would be your call, as to whether or not he's even welcome.

Jeff

----- Original Message -----

From: Joe Pate [<mailto:jvpate@roadrunner.com>]  
Sent: Wednesday, February 08, 2012 11:25 AM To: Jeff Ferguson  
Subject: Re: Ferguson- Gold Beach

Jeff,  
Please phone me to discuss this. 207-992-3976. Apparently it won't keep until next week.  
Thank you,  
Joe

J.V. Pate  
ExpoSure  
Event Development Company  
72 Hatfield Road  
Orrington, Maine 04474  
tel: [207-825-4143](tel:207-825-4143)  
fax: [207-825-3020](tel:207-825-3020)  
cell: 207-992-EXPO (3976)  
[jvpate@roadrunner.com](mailto:jvpate@roadrunner.com)  
[www.exposureshows.com](http://www.exposureshows.com)

On Wed, Feb 8, 2012 at 8:55 PM, Jeff Ferguson <[director@goldbeach.org](mailto:director@goldbeach.org)> wrote:

Sandy and Rachel,

As you can see by Mr. Pate's short, blunt email below...this deal with Bob was very serious (he was not going to allow Bob to attend Roseburg). Pate's email is in response to my email below his. I have smoothed it over and let him know that Bob will not attend Roseburg. Pate advises "not contacting the

00087

offended vendors in Eugene" and just let this "go away quietly". He did not want Bob at the Roseburg show because, apparently, he was aware of way more than even I realized in regard to Bob's action in Eugene. He was not happy with Bob's "car salesman antics". I explained to him that Bob's heart is in the right place, he has put himself under a lot of pressure and he simply did not understand what was kosher and what was not in terms of how you act at a sportsman show.

I debated whether to even forward this on to both of you..but Becker tells me his impression from both of you was that "They don't believe what you told them...Bob has them snowed". I don't know if this is -true but if it is, I'm pretty disappointed. I've spent an incredible amount of time and energy trying to help the Chamber the past 2 years...but feel most of it fell on 'deaf ears'. Now, it appears as though you may believe that I just make stuff up?! Take another look at Joe Pate's emails and/or ask Jim Carey if Bob didn't say, "I only sold 9 tickets and that was ONLY because I shamed them into it".

I am about out of patience and will have to consider whether or not I continue being supportive (professionally yes, personally ?). It appears to some that the Chamber is making one blunder after another and it is getting harder and harder for me to defend. I don't know if I have the energy to keep running interference for you. If you think I'm making that up, you should talk to some of the folks who are talking about forming a merchants association because they are not happy with the Chamber.

Sandy, I've looked out for you and even told you what would happen if you didn't do certain things a certain way...you should have listened. I live in the real world and it's a tough place...you seem to live in a glitter-covered world...

Once again, GB Chamber issues have eaten up the better part of 2 days for me...I am done with this and wish not to be sucked into any more drama about this topic.

I've re-read this 3X before hitting the send button but (harsh as it is) I'm sending it anyway, which is very hard as I consider both of you very good friends.

Jeff

**Email sent February 10, 2012 regarding glass balls and a local business owner**

00089

 You replied on 2/11/2012 7:21 PM.  
Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

**Jodi Fritts**

**From:** Jeff Ferguson [director@goldbeach.org] **Sent:** Fri 2/10/2012 4:47 PM  
**To:** Joel Summer; Jodi Fritts; 'Amy Gaddis'; visit@goldbeach.org; 'Bob Manners'; 'Debbie Way'; 'Carolyn Trigueiro'; 'Larry Hammer'  
**Cc:**  
**Subject:** Emailing: GOLD BEACH PROMOTION1  
**Attachments:**  GOLD BEACH PROMOTION1.doc(80KB)

Maybe it's just me but I just love the 'Please Don't' entry. I can think of some people who will not think it so humorous but I have to keep trying to discourage these knuckleheads!

Another 'breaking news story' is that one of our participating businesses for 'Indoor Treasure Hunt' (the owner) has been finding glass balls on the beach and selling them in their shop. Great example of a being part of a fouled-up gene pool :)

Jeff

Your message is ready to be sent with the following file or link attachments:

GOLD BEACH PROMOTION1

**Note:** To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

00090

**Emails February 21, 2012 to February 22, 2012**

00091

**From:** Jeff Ferguson [mailto:director@goldbeach.org]

**Sent:** Tuesday, February 21, 2012 9:08 PM

**To:** 'Sandy Vieira'

**Cc:** 'Amy Gaddis'; 'Bob Manners'; debrakway@yahoo.com; 'Carolyn Trigueiro'; 'Larry Hammer'; 'Sue at Gold Beach Visitors Center'

**Subject:** GB Promotions

Sandy,

I had hoped to share this with you in person (request to meet sent yesterday) but will state here that I am withdrawing my personal support of the GB Chamber of Commerce (until current Chamber leadership changes).

I, of course, will continue to support the Chamber professionally.

I have spent hours and hours (guiding, suggesting, informing of Chamber history, introducing you to peers who are/were willing to help, etc, etc) with you the past 2 years and I have to conclude that it may not have been the best use of my time. Most of it seems to have fallen on 'deaf ears'. I don't know if it's you or just 'not-so-great' advice/guidance from your board and/or those you choose to listen to. I, like many others, have supported the GB Chamber up to this point "Because of Sandy" but it appears there are issues well-beyond your control and my patience level. No one is blaming you personally for what appear to be several pretty serious blunders but I can no longer 'run interference' for the GB Chamber when business owners talk to me about their concerns. As I've said many times, these are not just my opinions but those of a growing number of local residents.

The situation with the current GB Chamber President in Eugene (Sportsman Show) was the 'final straw' for me (he offended vendors and the promoter so badly he is not welcome at any shows from now on...he was aggressively selling raffle tickets for the boat and by his own admission "Only sold 9 in 3 days and that's ONLY because I shamed them into it"). It was terribly embarrassing for Gold Beach and me. His actions definitely caused some damage. The fact that I did not get an apology, which I fully expected, makes it even worse. The time in which an apology would be accepted has long passed. If anyone at the Chamber had asked any of us who have been around for a long time about the whole 'Raffle tickets for a boat' idea before the purchase of the boat...we would have said, "It's worked before but it's gotta be the right type of boat." Seems to many that all the time and energy that went into selling raffle tickets may have been better used elsewhere, as it really didn't work out as slick as some hoped. Another thing is that we were all told the boat had a value of \$16,000+. Jim Carey tells me (and your President) 4 months ago that a guy with "the exact same boat, motors and outfitting" pulled up outside of Rogue Outdoor Store and told him that he "just paid \$10,000 for it" at Y Marina (the same place Pres. Bob made his deal). He either paid way too much for the boat or fluffed up the value to encourage ticket sales. Either way, not good business or cool. I had agreed to "keep all this in-house" but since Pres. Bob is chatting up my name around town, the gloves are off. I've made this statement every time I've mentioned his name, "I don't think Bob is a bad guy and I think his heart is in the right place...he's just misguided and thinks he knows a lot about a lot of things."

As long as I'm ranting, I'll touch on some of the 'high points' ('low points'?) that have been brought to my attention and/or been observed personally. I've shared all of this with you (Sandy) but I'm taking this time for the benefit of my committee, which needs to have the 'whole picture' so they don't think I'm totally insane ☺

00092

First, a little history. My heart has always been with the GB Chamber. My Dad was an 'involved' member of the GB Chamber every year of his 43 years in business here. I became President of the Board at my very first meeting about 12 years ago. At that time, the Chamber was nearly defunct and, most certainly, dysfunctional. If there were (even) monthly luncheons, the attendance at the time was 5-7 people. With a lot of help from a lot of people, I brought the Chamber back to life and within months we had 35-55 people in attendance at the luncheons (for the 4 years I was on the board), held many 'After Hours Mixers' and 'Ribbon Cuttings, started the first official 'Shop Local' program and did what we could to encourage and promote local businesses. Most of that time we did not even have a director, the remainder of that time the director was part-time. I also acted as the Director (free of charge) for 5 months at one time, so I have a pretty good idea what I'm talking about....

A part of GB Chamber history that still bother some folks is the fact that the Chamber "lost" (4-5 years ago?) somewhere in the neighborhood of \$2800-\$3200 of funds that were dedicated to the 4<sup>th</sup> of July Fireworks. This still remains a mystery. This was the last year that Buck Rosendahl ran the 'Party at the Port'/4<sup>th</sup> of July event (he did an excellent job taking over for Tony and I) . He's still mad because he should have had a \$3000 carry-over but was told by (then) Chamber officials "We don't have it." What happened was that the Chamber co-mingled the fireworks monies in their general fund, spent them and then could not make it up. The following year, the GB Chamber of Commerce 'took over' the organizing/fundraising of this event but came to GB Promo 3 weeks before the 4<sup>th</sup> begging for \$5000...they had not done much of anything and with Virginia McKinney leading Promo at the time...we bailed 'em out.

That leads to the GB Chamber announcing they would not continue to organize our communities 4<sup>th</sup> of July festivities this past year. I've stated to you, "This was handled poorly." The reasons given by President Bob (and a board member) at public meetings was that, "It cost the Chamber 200 hours and \$5000 of our Directors time and we are really concerned about the liability." This all seems reasonable to those who aren't paying attention but if anyone takes the 30 seconds it takes to 'do the math', these statements look to be nothing more than 'smoke and mirrors'. Tony/I and Buck organized and raised funds for this event in our 'spare time'. According to your President and, at least, one board member, you (Director) spent 5 full 40 hour weeks working on nothing but the 'Party at the Port'/4<sup>th</sup> of July at \$25 per hour. I even warned the people making these statements to stop...because others would figure out what I and a few others already knew and it wouldn't be good for GB Chamber if the public knew about (this is just one of many times I ran 'interference' for the Chamber, trying to give you/them a chance to get organized and running effectively and efficiently). As you can see, this is an 'impossible' statement (my buddy Steve could do it in 3 weeks), and more than a bit offensive considering that they expected people to buy it (and it worked for those not paying any attention). I would say 'good thing' I and others decided to keep this under wraps. As for the "concerned about liability" part- how does a 'Mud Race' have less liability than a 4<sup>th</sup> of July celebration???

The Mud Race is a whole 'nother animal that just doesn't look as though the GB Chamber is thinking clearly. Love the concept, hate the 'lack of' thought process. The Chamber says "We are doing this to bring people to town" (seems to some that the 4<sup>th</sup> of July had a bit more of a chance to draw a crowd than this?). The Chamber hires a promoter at \$900 to help out and certainly, there will be other expenses to the Chamber for putting this on. Sounds good but again, doesn't 'pencil'. If entry goals are met (75) at \$25/person that's \$1875. When you subtract t-shirts and other costs, that's not much ROI. We were told that one of your board stated, "This year is just practice" (if true, we would rather you practice with your own funds). Chamber Reps came to Promotions with very little information and a

very tight time frame. We 'tagged' our current TV spot with RRR Mud Race and agreed to support at the \$200 level. Now, we are being asked to subsidize the commitment to promoter you made prior to coming to us. We will likely do just that (give the \$200 to help fund contractor)but understand that this just doesn't look good...the way this whole thing has played out. And, some might ask if it might not be wiser to spend this same time, energy and money on making sure the 25<sup>th</sup> anniversary of WAM is awesome. Lastly on this topic (simplified version), it is GB Promotions job to "bring people to town" and the GB Chambers job to "take care of 'em while they're here".

One more but I could go on and on...'Indoor Treasure Hunt'. Even after all the frustrations I've been through with the GB Chamber the past two years, I attempted to do something that I was sure would be 'Good for Gold Beach..and the GB Chamber'. I offered you a 'gift' in the form of this 'Indoor Treasure Hunt'. I told you Promo was funding everything and I believed it would garner a lot of (much needed?) 'Goodwill' for the GB Chamber. You offered to send out an email to "see if there was interest" but declined to take on the coordination of this project (it took me parts of 4 days to coordinate). As predicted, this is the very type of thing the local merchants wanted to see..it's hugely successful and I'm getting 'high fives' and hugs. Both locals and visitors alike are participating in numbers I didn't even expect...and spending lots of money in our local shops!!! I truly wish it was the Chamber earning the 'goodwill' and not GB Promotions and VC. For real.

Now you know why I requested a meeting with you personally. I was not and am not interested in meeting with you and "members of my board", as you suggested. I have tried and tried but apparently I don't have the skills necessary to 'help' the GB Chamber.

**If anyone would like to hear how the GB Chamber can operate within their means and do more good (than they are now) for our business community, let me know and I'll share. That will be another 2 hours of my time on Chamber issues but I'm happy to do it for GB ☺☺**

*Jeff Ferguson*

Director

Gold Beach Promotions and Visitor Center

**From:** Sandy Vieira [mailto:sandy@goldbeachchamber.com]

**Sent:** Wednesday, February 22, 2012 7:06 AM

**To:** 'Jeff Ferguson'

**Cc:** 'Amy Gaddis'; 'Bob Manners'; debrakway@yahoo.com; 'Carolyn Trigueiro'; 'Larry Hammer'; 'Sue at Gold Beach Visitors Center'; Abel Insurance- Sarah Davis; Amy Timeus; Bob Chibante; Karlie Wright; Laura Smith; Lindsey Moore; Rachel Hoefler

**Subject:** RE: GB Promotions

Jeff,

I understand you and everyone on GBP committee as well as I and my board are terribly busy but in light of this email I feel it is imperative that we schedule a day and time to meet and clear the air. You made several misstatements/inaccuracies in this email and I would like the opportunity to address them and clean up the perception of things. I don't believe a descriptive email reply would be the best manner to handle this. In an earlier email you mentioned you had Mon., Tues., or Wed. of next week available to meet with me; I can meet on Monday or if you schedule changed, Thursday is open for me too.

**From:** Jeff Ferguson [mailto:director@goldbeach.org]

**Sent:** Wednesday, February 22, 2012 10:48 AM

**To:** 'Sandy Vieira'

00094

**Cc:** 'Amy Gaddis'; 'Bob Manners'; debrakway@yahoo.com; 'Carolyn Trigueiro'; 'Larry Hammer'; 'Sue at Gold Beach Visitors Center'; 'Abel Insurance- Sarah Davis'; 'Amy Timeus'; 'Bob Chibante'; 'Karlie Wright'; 'Laura Smith'; 'Lindsey Moore'; 'Rachel Hoefer'  
**Subject:** RE: GB Promotions

I am no longer interested in meeting. I truly do not have the time to keep getting pulled into chamber issues.

Even if there are "inaccuracies" in my email, I think there are still plenty of facts to support my position and choice to no longer be personally involved with the chamber.

I'm done with this...except professionally and as required by what I'm paid to do.

---

**EMAIL THREAD RE: WINE, ART AND MUSIC FEST**

**From:** Jeff Ferguson [mailto:director@goldbeach.org]  
**Sent:** Tuesday, February 21, 2012 6:39 PM  
**To:** 'Sandy Vieira'  
**Cc:** Amy Gaddis; 'Bob Manners'; debrakway@yahoo.com; 'Carolyn Trigueiro'; 'Larry Hammer'  
**Subject:** GB Promotions

The GB Promotions Committee discussed your request for Wine, Art and Music support at length (Feb. 16<sup>th</sup> meeting).

Before deciding at what level they will support, if any, the committee would like to know "What difference you feel it will make?" Do you plan to spend it in same way as the past 2 years? The concern here is that this event (WAM) was down 25% last year, while Brewfest (for example) was up substantially. Another concern was that when asked at the prior meeting, "if Promotions only gave \$1000, would you take the other \$500 out of your budget?" The answer you gave was "Probably not". The impression that this left with some was, "Seems to make a difference whether it's their money or Promotions..the decisions on how to spend marketing/promotional money should be based on whether or not they believe it's a wise investment, not whether or not it's their money or ours."

The committee is well-aware that this is the 25<sup>th</sup> anniversary of this event and wants to be supportive but we need to make sure that all money for event support is spent wisely, as it is our fiduciary responsibility to the City of Gold Beach.

*Jeff Ferguson*  
Director  
Gold Beach Promotions and Visitor Center

**From:** Sandy Vieira [mailto:sandy@goldbeachchamber.com]  
**Sent:** Wednesday, February 22, 2012 6:49 AM  
**To:** 'Jeff Ferguson'  
**Cc:** 'Amy Gaddis'; 'Bob Manners'; debrakway@yahoo.com; 'Carolyn Trigueiro'; 'Larry Hammer'; Abel Insurance- Sarah Davis; Amy Timeus; Bob Chibante; Karlie Wright; Laura Smith; Lindsey Moore; Rachel Hoefer  
**Subject:** RE: GB Promotions

00095

Jeff and GB Promotions Committee,

It goes without saying that \$500 one direction or another would have impact on how we get the word out; Jeff you are familiar with advertising, its costs and the exposure (or not if you don't advertise) and the effects advertising has. We did experience a 25% drop in attendance last year, sometimes that just happens. I don't know that I would compare the WAM with Brewfest simply because they are both drinking based events. Though we see many of the same folks at both events (it's the locals that enjoy both or the very least enjoy supporting all things GB ☺) these two events attract different audiences; I suspect socio-economics could explain better the spending habits of different groups.

This year we plan to reach out via every media type and spend the advertising budget as wisely and sound as possible. When asked if we would increase the Chamber's ad budget for WAM if given less by GBP I said I wasn't sure as I would need to confer with the board and ask if we could renegotiate the money we had budgeted for WAM advertising; we have an extremely lean budget and cannot just make 'at the moment' commitments when it comes to budget line items. On this note, when reviewing our budget we actually did increase our ad budget for WAM from \$1000 to \$2000 this year as it is our 25<sup>th</sup> Anniversary.

I do believe perception is everything and hope that GBP recognizes we are a strong, hard working organization trying to do the most for our community.

**From:** Jeff Ferguson [mailto:director@goldbeach.org]

**Sent:** Wednesday, February 22, 2012 10:54 AM

**To:** 'Sandy Vieira'

**Cc:** 'Amy Gaddis'; 'Bob Manners'; debrakway@yahoo.com; 'Carolyn Trigueiro'; 'Larry Hammer'; 'Abel Insurance- Sarah Davis'; 'Amy Timeus'; 'Bob Chibante'; 'Karlie Wright'; 'Laura Smith'; 'Lindsey Moore'; 'Rachel Hoefler'

**Subject:** RE: GB Promotions

This is the committees decision and it was not I who made the comparison with the Brewfest (I was just asked to ask the questions). The point was we have one event dropping in attendance and another growing substantially...some folks just wondering why that is?

00096



## City of Gold Beach

29592 Ellensburg Avenue

Gold Beach, OR 97444

541-247-7029

[www.goldbeachoregon.gov](http://www.goldbeachoregon.gov)



I, Candy Cronberger, City Recorder, certify that I received Jeff Ferguson's written testimony for the April 16, 2012 grievance hearing at the following date and time:

04.06.2012 @ 4:41 P.M.

The testimony contained 87 total pages.

I further certify that the City Administrator will not be given access to this written testimony until after 5PM on Friday, April 6, 2012.

Witnessed By:

Candy Cronberger  
Candy Cronberger, City Recorder

Margaret Bely

K. R. OLIN, ATTORNEY AT LAW, P. C.

624 Fleet Street

PO Box 7530

Brookings, Oregon 97415

(541) 469-2669

fax (541) 469-9108

e-mail: kro@wavelaw.com

April 6, 2012

✓ City of Gold Beach  
29592 Ellensburg Avenue  
Gold Beach, OR 97444

c/o City Attorney, Ms. Lauren Sommers  
Speer Hoyt LLC  
975 Oak Street, Suite 700  
Eugene, OR 97401

Re: Jeff Ferguson Termination

Dear City of Gold Beach:

As you know, my office represents Jeff Ferguson. Mr. Ferguson's employment with the City of Gold Beach was wrongfully terminated by the decision of the City Administrator, Jodi Fritts on March 7, 2012. The City is asked to reverse this decision and reinstate Mr. Ferguson to his employment with the City as Executive Director of the Gold Beach Promotions and Visitor Center.

Mr. Ferguson's employment with the City began in 2009. In July, 2011, the acting City Administrator, Ellen Barnes, required Mr. Ferguson to enter into a written "Employment Agreement." Section 3 of said agreement states as follows:

Section 3.1 Ferguson understands and acknowledges that in his position as Executive Director of Gold Beach Promotions and Visitor Center, he is subject to all City employment and operational policies as described in the City of Gold Beach Policy Manual, except for the provisions regarding accrual of vacation leave. **The City's disciplinary policies also apply to Ferguson. All disciplinary processes will be conducted in accordance with the City policy and Oregon law.** (Emphasis added.)

Meanwhile, Section 10 of the agreement purports to make Mr. Ferguson an "at will" employee who could be terminated at any time, with or without cause. As you will read in Mr. Ferguson's response and grievance regarding the employment decision in his case, Mr. Ferguson was told by Ellen Barnes that all public employees were subject to this standard and that his agreement was

essentially no different than anyone else's. Mr. Ferguson's recollection of this event is vivid. On his copy of the Employment Agreement is his handwritten notation " - STATE OF OREGON - ALL PUBLIC EMPLOYEES."

The section of the Employment Agreement binding Mr. Ferguson and the City to the employment rights and discipline procedure of the City of Gold Beach Policy Manual is inconsistent with the section purporting to make Mr. Ferguson an "at will" employee. The two cannot be true at the same time. This creates an ambiguity. The contract ultimately will be evaluated in litigation in the light most favorable to the party who did not draft the contract. Further, the attempt to bind Mr. Ferguson to an employment contract with an at-will discharge standard was obtained by misrepresentation, or in the light most favorable to Ms. Barnes, mistake.

The ramifications to the issue of liability for the City of Gold Beach are staggering. The City of Gold Beach Policy Manual states the following requirements:

#### **222.4 Disciplinary Procedures**

Discipline is intended to be a constructive means of dealing with unacceptable behavior or employee performance deficiencies. Disciplinary actions should be appropriate to the seriousness of the infractions for performance deficiency. . . .

Consideration will be given to the seriousness of the offense, intent and motivation to change performance, and the environment in which the offense took place. (Page 101).

Disciplinary actions may include any of the following, in no particular order, depending upon the seriousness of the infraction, previous work record, longevity of the employee and other relevant factors:

- a) Warnings. . . .
- b) Suspension With Pay. . . .
- c) Written Reprimand. . . .
- d) Suspension Without Pay. . . .
- e) Demotion. . . .
- f) Salary Reduction. . . .
- g) Disciplinary Probation. . . .
- h) "Last Change Agreement". . . .
- i) Discharge. Discharge is the involuntary termination of employment based on unsatisfactory performance or conduct. . . . (Pages 102 and 103).

#### **224.5 Discharge**

Discharge is the termination of an employee for cause. . . . (Page 104).

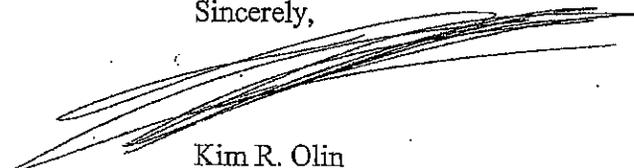
The purported misconduct that Mr. Ferguson is accused of is frankly minor. It is woefully insufficient to support a decision of termination or discharge for cause. The discharge decision is absolutely inappropriate to the "seriousness" of the infraction and fails to consider Mr. Ferguson's previous work record, longevity, his intent and motivation and the environment in which it took place.

Mr. Ferguson's response and grievance regarding the employment decision is lengthy. However, the City Administrator concluded that "Due to the egregious and repeated nature of the prohibited conduct, there is no corrective action that will remedy the situation" (see Disciplinary Action Form, page 4 of 5, section 3.), and that "Due to the severity of the prohibited conduct, and a demonstrated pattern of the violation of the standards of the city, there is no corrective action that can be taken except discharge (termination). (See Disciplinary Action Form, page 4 of 5, section 4). The City Administrator's conclusions in this regard are ridiculous. The disciplinary action taken by the City Administrator is far in excess of a proportional corrective action that would be considered reasonable.

It is required that the City treat all its employees, including Mr. Ferguson, fairly, consistently, and within the bounds of law. It has not done so in Mr. Ferguson's case and for those reasons, Mr. Ferguson's immediate reinstatement is hereby demanded.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kim R. Olin", written over a horizontal line.

Kim R. Olin  
Attorney at Law

cc: Jeff Ferguson

**K. R. OLIN, ATTORNEY AT LAW, P. C.**

624 Fleet Street

PO Box 7530

Brookings, Oregon 97415

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April 6, 2012

City of Gold Beach  
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Gold Beach, OR 97444

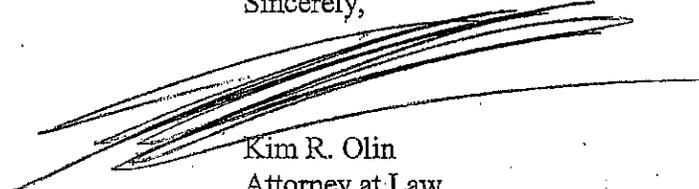
Re: Jeff Ferguson Termination

Dear City of Gold Beach:

Attached you will find Employee Jeff Ferguson's Written Response and Grievance Submission to the City of Gold Beach City Counsel and attached exhibits incorporated by reference.

Thank you for your consideration.

Sincerely,



Kim R. Olin  
Attorney at Law

BEFORE THE CITY COUNCIL OF THE )  
 )  
CITY OF GOLD BEACH, OREGON )  
 )  
IN THE MATTER OF THE DISCHARGE OF )  
 )  
CITY EMPLOYEE JEFF FERGUSON )

EMPLOYEE JEFF FERGUSON'S WRITTEN RESPONSE AND GRIEVENCE SUBMISSION  
TO THE CITY OF GOLD BEACH CITY COUNCIL

DATED: 04/06/12

I. OPENING COMMENTS AND BACKGROUND

Greetings and thank you for the opportunity for me to respond to the decision by the City Administrator, Jodi Fritts, to terminate me from my position as the Director of Promotions and Visitor Center for the City of Gold Beach. The thing I'm probably most guilty of is that I'm passionate about Gold Beach. It's in my DNA. My family has been in Curry County 100 years. My dad was one of the five original members of the Gold Beach Promotions Committee and he was an involved member of the Gold Beach Chamber of Commerce for 43 years. He sat on the Chamber Board for many years. I served on the Promotions Committee for two terms. I served as Chamber President, served on the Chamber Board for a number of years and volunteered and served as Chamber Director for five months in between Directors. I don't believe I've missed more than a handful of Chamber meetings or events the past 15 years.

My business was selected as 'Business of the Year' and I was selected as 'Citizen of the Year' by the Gold Beach Chamber in years past. The last Chamber 'Ribbon Cutting' was for a business owner I helped convince to join the Chamber and I suggested that she ask for a 'Ribbon Cutting'. I even volunteered to be 'tased' at a Chamber luncheon in front of 45 people to help

raise money for the Gold Beach Police Department to purchase 'tasers'. They passed the hat and got about \$600.00. I mention all of this not to pump myself up but to show that I am not anti-Chamber by any means. My issues were/are not with the Gold Beach Chamber of Commerce but just a few who are currently in leadership positions at the Chamber.

The Chamber is mentioned over twenty times in the Notice of Disciplinary Action. This makes some ask the question, "Who exactly is the Gold Beach Chamber?" Our current Chamber President has said many times, "This is not our Chamber (meaning the board and staff) it is your Chamber (the members)." I think we would all agree with that. All of the references to "The Chamber" in the Notice of Disciplinary Action imply that the majority of the Chamber membership agree with the shortcomings that are laid out here. When the City Administrator "fired" me, I did not ask anyone to go around town with petitions of support, but they did. (See Exhibit 1, Petition of Support). In the Notice of Disciplinary Action it says "you were failing at one of your essential job functions, which is to establish and maintain productive working relationships with local businesses and organizations." But this is untrue. The petition (Exhibit 1) lists dozens and dozens of local businesses showing their support. Most of the business owners are Chamber members. The petitioners tell me they did not find a single business which didn't think I was doing a good job. I truly do get along with the vast majority of people. When I don't, I make an effort to remedy the situation (See Exhibit 2, Publisher's note, last paragraph).

Attached are copies of two very positive letters of support from the Oregon Coast and Southern Oregon Visitor Associations (See Exhibit 3, Oregon Coast Visitors Association letter and Southern Oregon Visitors Association letter dated March 23, 2012). I sat on the boards of both of these regional marketing organizations. One of them even says, "Jeff shares his toys and

plays well with others.” Letters from others I have worked with locally and statewide are also included (See Exhibit 3, four email letters of support). I did not solicit any of these letters.

I was told on the day of my termination that the decision to fire me was not open for discussion. The City Administrator said this was because I was reprimanded in the past for similar issues (the main one being the differences between Joel Summers and myself). It is true that Joel and I did have a major disconnect at one time. We were both partially at fault. I took the initiative, called him and invited him to lunch. We resolved our issues and enjoy a good working relationship today. In fact, he has asked that I consider doing some work for him.

I apologize, if in my drive and zeal to do what I feel is best for Gold Beach, I upset a few people. I regret that caused ill feelings. I hold myself to high-standards and I take full-responsibility for my part in this. My hope is that we all learn some valuable lessons. I know I already have.

I'm not upset with the City of Gold Beach, the Chamber of Commerce or even the people who made the decision to let me go, but I am disappointed in the process. I don't understand why I wasn't called in to discuss this matter. In the 2+ years I served as Promotions and Visitor Center Director, I only had four one-on-one conversations with our City Administrators. One was a positive performance evaluation with City Administrator, Ellen Barnes. (See Exhibit 4, City of Gold Beach, Performance Evaluation). The second was about the Joel Summers issue with Ellen Barnes.

Another one-on-one conversation with Ellen was regarding some concerns the Promotions Committee and I had about changes that were being made to the room tax ordinance. Ellen told me “We're just cleaning up the language.” An example she gave was, “We're

changing the word motels to lodging establishments.” The Mayor had made public comments at a fishing guides association meeting about trying to get some room tax money to help with the Sea Lion Patrol Program and the Mayor had shown up unscheduled and unannounced at a Promotions meeting and talked for over 90 minutes about getting funding (from GB Promotions) for the Sea Lion Patrol Program. When the Mayor was told that everyone involved with Promotions understood the importance of the program and that we had checked with the City Attorney a year prior but were told that room tax monies could not be used for these purposes, his response in front of the committee and on tape was, “We made some changes to the ordinance that will allow it.” In a conference call between Ellen, the city attorney and myself, we were reminded that this issue had been raised before and we were advised to steer clear of this, especially because of the recent change which had been made to the room tax ordinance.

The last instance of a one-on-one conversation with a City Administrator was just a nice get-to-know you chit-chat with Jodi Fritts-Matthey, which I requested.

Those who know me, know that I'm not a bad guy. I am frank and to the point. I'm certainly not the person the Notice of Disciplinary Action attempts to portray me. As always, it is important to know both sides of the story. Those who know me don't see me as a troublemaker but as a 'bridge builder.' If I have made some mistakes in my attempt to lead and do what I think is best for Gold Beach, I apologize. As Promotions and Visitor Center Director I was being paid to promote Gold Beach and bring people here to visit and live. I did that to the best of my ability. I gave my heart and soul to the job, just like I've done with every other position I've held.

Many people believe that city officials should have sat down and talked with me long before it came to this. At the very least, we could have agreed to disagree. I wish I had had that opportunity. I have not found anyone who has read the Notice of Disciplinary Action), that sees grounds for termination.

II. SPECIFIC RESPONSES TO ALLEGATIONS CLAIMED TO SUPPORT CITY  
ADMINISTRATORS DECISION TO IMPOSE TERMINATION SANCTION.

A. RESPONSES TO: 'Notice of Disciplinary Action' document from City of Gold Beach  
dated 03/07/12

**Page 1 of 5:** The Chamber of Commerce is mentioned five times on this page and many, many more times throughout this document. This makes some people ask the question, "Who is the Gold Beach Chamber of Commerce?" Our current Chamber President has said many times that "This is not our Chamber (the board and staff), it is your Chamber (the members)." I think we would all agree with that.

The references to "The Chamber" imply that the majority of the Chamber membership agree with the shortcomings listed in the Notice of Disciplinary Action. That does not seem to be the case, especially in regards to "... you were failing at one of your essential job functions, which is to establish and maintain productive working relationships with local businesses and organizations." (See No. 2 on pg. 1 of 5, Disciplinary Action Form). See also Exhibit 1, the Petition of Support signed by dozens and dozens of local businesses and individuals. In my direct, to the point approach, I may have offended some people on the Chamber board or staff but not the majority of the membership. I regret upsetting some people, which caused ill-

feelings. I passed on a lot of information to the Chamber over the past 2 years, much of which came from local business owners and the general public. Some information was critical and some was just helpful suggestions. While sometimes painful to hear, all of it was meant to be constructive.

**Pg. 1 of 5 Bullet #1** *"You have repeatedly referred to the Chamber President as a "knucklehead" in writing and broadcasted the emails to people other than the recipient."*

**Response:** I regret that I used a word that can be viewed as disrespectful. It was used as a euphemism (something was wrong but maybe the person did not realize or understand it). I did refer to the Chamber President as a "knucklehead" but I did not run all over town saying it "repeatedly" as noted here. I have no recollection of ever putting it in writing. I used the term in a private meeting with the Chamber Director and a board member and with a couple of trusted friends. I prefaced my comments with, "I don't think he's a bad guy and I think his heart is in the right place but I think he's a little off course." I'm not saying this makes it right but many of us have overreacted and used words like this before. A current City official had herself referred to some folks she'd worked with over the years as "boneheads." And another former City official publicly made very disparaging comments about a local businessperson at a Gold Beach Visitor Center event. These comments were overheard by GB Visitor Center staff and others in attendance. (See Exhibit 5, Letter from Tim Harding). We should all be held to the same standards.

**Pg. 1 of 5 Bullet #2** *"You have contacted third parties regarding Chamber staff and members and belittled them in writing and broadcasted the emails to people other than the recipient."*

**Response:** My intent was to keep my committee informed (See Exhibit 6, Letters from members of Gold Beach Promotions Committee). They were well aware that I had a lot of contact and spent a fair amount of my own and business time on Chamber topics. If I belittled anyone, that was not my intent. I was frustrated after spending 2+ years trying to help, as I had been asked. The Chamber, Promotions and Visitor Center are naturally 'connected' through the normal course of the work they do.

**Pg. 1 of 5 Bullet #3** *“You have sarcastically questioned the Chamber's practices and events and belittled them in writing and broadcasted the emails to people other than the recipient.”*

**Response:** As some others, I have questioned some of the Chambers practices but I also have offered and given much support. As I related in my opening comments, the GB Chamber has been a big part of my life.

**Pg. 1 of 5 Bullet #4** *“You have used threatening and abusive language in writing such as ‘... I've looked out for you and even told you what would happen if you didn't do certain things in a certain way... You should have listened. I live in the real world and it's a tough place... you seem to live in a glitter-covered world... I've re-read this 3X before hitting the send button but (harsh as it is) I'm sending it anyway...’”*

**Response:** The quote that is described as “threatening” is not that at all. The Chamber Director was struggling with decreasing monthly Chamber luncheon attendance. I had been asked, “What did you do when you were running things?” I advised, “You need to have the meetings at the same place and same time each month. The programs always need to be strong... you only have 12 a year, so it's important that they're all well done. You need to have

good food at a fair price and be sure to add some humor . . . and be careful about having too many politicians as speakers. This has hurt attendance in the past.”

**Pg. 2 of 5 Bullet #5** *“You have demanded apologies for supposed actions of Chamber members that in no way relate to you or the City.*

**Response:** I did expect an apology but I did not “demand” one. (See paragraph 5 in Exhibit 7A, Letter from Jeff Ferguson; Exhibits 7B, Letter from Michael Becker; and Exhibit 7C, Letter from Jim Carey.) The Chamber President's behavior and actions were inappropriate and personally embarrassed myself and others representing Gold Beach. An apology by him would be appropriate.

**Pg. 2 of 5 Bullet #6** *“You have repeatedly told the Chamber how to run their organization and belittled them for not taking your advice.”*

**Response:** After being asked by several local business people (see paragraph 3 in Exhibit 7A), I have passed on many suggestions, comments, questions and ideas from others and myself. Some were constructive and some were critical. The Chamber has had problems and they have in part been explained in my emails. I try to get people thinking together about what might be the best solutions to challenges. Pointing out these problems is what I did. I caused some hurt feelings. I could have done a better job, I admit. Still, the decision to “fire” me because of this is wrong.

**Pg. 2 of 5 Bullet #7** *“You have fomented dissension between Chamber partners and local businesses.”*

**Response:** This statement implies that I purposely stirred up trouble along the way and that is not the case. I've said that after two years, I was frustrated and wrote some emails that I

regret. I was never told of any local businesses that I've caused dissension amongst (See Exhibit 1).

**Pg. 2 of 5 Bullet #8** *"You have improperly used your professional position and your City email address to express unprofessional personal opinions, which were contrary to City policy. You improperly cc'd City policy makers with such emails, providing the appearance that your actions and positions were City policy issues.*

**Response:** I didn't see any of this as trying to appear that my actions and positions were City policy. My intent was to include those people who I believed were in the best position to do what's best for Gold Beach in very challenging times (Promotions Committee, Gold Beach Visitor Center Manager and the Chamber Director).

#### **B. RESPONSES TO: Specific Incidents on page 2 of 5**

**Specific Incident #1, Page 2 of 5** *"Email dated February 21, 2012 (Attachment C): you authored a 1,800 word, three page egregiously unprofessional email to the Chamber Director that was broadcast to people other than the recipient. The fact that it was broadcast to so many other persons adds to the seriousness of your unprofessionalism and reflects poorly upon the City. This email demonstrates your inability and unwillingness to establish and maintain productive working relationships with local businesses and organizations, which is a necessary part of your job description. It also demonstrates your continued inability to separate your personal views from your professional duties."*

**Response:** Several local residents took it upon themselves to visit a good number of local businesses (See Exhibit 1) and they did not find this to be the case. I'm told that the vast

majority of the businesses visited had high praise for the job I was doing. While I may have offended some of the current leaders of the Gold Beach Chamber, it doesn't appear that this is representative of the majority of local businesses and/or Chamber members. As for organizations I worked with, please see Exhibit 3 which is both letters and emails from CEO's of regional marketing organizations I was involved with or independent contractors/media I worked with in the course of the job as Promotions Director.

**Specific Incident #2, Page 2 of 5** *"Further, the Chamber Director and Board requested a meeting with you and the Promotions Committee to "clear the air." The Chamber felt you had made "several misstatements/inaccuracies" and wanted the opportunity to address them. You flatly refused. That behavior is uncooperative and unprofessional, harms the City, and is contrary to your stated job description duties."*

**Response:** After 2+ years of passing on suggestions, comments, questions and ideas from others and myself, clearly I was frustrated with the Chamber leadership. Before this request from the Chamber Director, I had requested a meeting with her but she wanted to get her Board involved. My intent was to pass on (like I had done for 2+ years), information from others and myself that I felt the Director should have. From there, it would have been her choice as to what to share with her Board.

**Specific Incident #3, Page 2 of 5** *"In another instance of poor professional judgment and inappropriate language, you planned to publish the following in your weekly newspaper column on February 15<sup>th</sup> in regards to the glass ball promotion:*

*'We continue to have people pick up many of the Glass Balls on the Beach, leaving few for our visitors. I cannot name names here (there are several) but those who 'just don't.*

*care' may be surprised by what I know!! If you live on Old Coast Road, you have a guilty neighbor (couple)!!!'*

*When you sent the draft by email, you indicated that you thought that section was particularly good, which shows a continuing lack of professional judgment. Without my intervention, this language would have been published in the paper."*

**Response:** Maybe I could have worded this a little differently but many who have seen this submitted entry are a little surprised that "this is a big deal." Several mentioned that they see it as a fairly clever way to stop some of the challenges with the locals causing harm to the promotion and community. My language chosen uses humor. Several people have mentioned that a respected member of the City Council (and a key person in the glass ball and geocaching promotions), wrote a letter to the editor of our local paper (much appreciated by many), last year in an attempt to help stop this activity by (some) local residents. In their opinions, his words were much stronger than anything in this submitted entry.

**Page 3 of 5** (Entry at top of page) *"Lastly, you repeatedly state in your email exchanges how much time you have wasted on Chamber issues. These were not and are not issues that you are tasked with and you were not asked to be part of these issues. Based on these emails, I believe that you have improperly wasted a lot of City time on Chamber issues that were not part of your job duties and that you should not have inserted yourself into.*

**Response:** The City Administrator is wrong about this. I gave an incredible amount of my own time in addition to City time. Over two years ago, I was asked by several business people to "help them out" (the Chamber). This made sense, as I do have a fair amount of Chamber experience. I did spend a lot of time over the past couple of years attempting to guide,

mentor and assist. Of course, there were many other times when I did have interactions with the Chamber during business times (event coordination, updates at monthly luncheons, etc.). As I've stated prior, the Chamber, GB Promotions and GB Visitor Center are naturally 'connected' through the normal course of the work they do.

**Page 4 of 5**

*"3) Corrective action required: Due to the egregious and repeated nature of the prohibited conduct, there is no corrective action that will remedy the situation. Less than a year ago you were notified and reprimanded for the same prohibited conduct. For these reasons, the disciplinary action being taken is discharge."*

**Response:** The City Administrator states that there is no other choice but to fire me because of a prior reprimand (see Attachment A-1 "Notice of Disciplinary Action). But this isn't true! And this is not what the City of Gold Beach Policy Manual states. (See Section 222 regarding all the various forms of discipline available to the employer.) I don't believe my actions were "egregious" nor that "there is no corrective action that will remedy the situation." I believe we could have sat down and discussed these issues and resolved them without the result being termination. There is nothing in the emails or my other dealings as Promotions Director that warrants the most severe employment punishment possible-termination. The manner in which I wrote the emails was not perfect but they do not contain profanity or abusive/threatening language. If I had it to do all over again, I would rephrase some of the emails. My hope (and that of others from whom information was passed) was for positive change. The resulting termination without discussion is as if I've parked illegally (more than once) and I'm sent to prison.

**C. RESPONSES TO: Attachment C-1 February 2012 Sandy Vieira Chamber Thread**

**Attachment C-1** *See Email thread Chamber Support.*

**Response:** As Director, I was communicating the concerns of others (some were from the business community, some from Promotions Committee members and some from the general public) and myself to the appropriate individual (Chamber Director) and keeping the Promotions Committee informed. *It was the Chamber Director* who included other parties in her reply. The intent, reason and hope was for positive change. If I rewrote this email, the meaning would be the same but the exact words may be different. It was not intended to be an attack but constructive and from the tone of the Chamber Directors response, it does not appear that it was taken as an attack initially. This email is blunt but factual. It points out instances that I had already shared with the Chamber Director either in person or via email.

The only thing that has changed since I wrote this email is that the promoter (Joe Pate) of the Eugene Sportsman Show has chosen not to be involved. In emails between he and I, I was under the same impression as Mike Becker that "there was a problem with Bob." (See Exhibit 7B, Letter from Michael Becker.) Initially, I contacted Mr. Pate by email and apologized on behalf of Gold Beach promotions and Gold Beach Chamber. Mr. Pate responded by saying, "We need to talk at the Roseburg Show," which was upcoming. When I learned that our Chamber President planned to attend opening day of the Roseburg Show (to sell raffle tickets for the boat), I informed Mr. Pate that I had met with the Chamber Director and a Board member about this issue and it was really out of my hands now. He responded immediately and stated, "We need to talk before Roseburg . . . call me." I then received an email from the Chamber Board member who I had met with earlier (along with the Chamber Director), informing me that the Chamber

President no longer planned to attend the Roseburg Show. I did not necessarily see things like this as part of my job but I'd been asked to 'help' the Chamber and did see it as a duty. In my final communication regarding this issue with Mr. Pate he advised "just let it go away quietly" and he gave me the impression he did not want to get any more involved. (See Exhibit 7B and 7C.) Ultimately, this portion of this email was about an individual (Chamber President) who I believe brought discredit to Gold Beach and I did believe it was my duty to bring it to the attention of the Chamber Director. I met with the Chamber Director and a Chamber Board member about this topic prior to this email being sent.

It may not have been necessarily part of my job but I'd been asked to 'help' the Chamber and I did see it as my duty to pass along information that myself and others believed the Chamber should have knowledge of. I am known and accessible, so many people are comfortable sharing their thoughts with me. Often I would say, "Why don't you just go talk to the Chamber directly?" The answer was normally something like, "We don't really know anyone at the Chamber . . . we know you" or "We're not comfortable." Because of my involvement with the Gold Beach Chamber over the years, some did not even realize the difference (between the Chamber and Gold Beach Promotions/Visitor Center). This same sort of thing happened when I was a member of the Promotions Committee. I was known and accessible, so many people came to me with thoughts, suggestions, ideas and sometime criticisms of Gold Beach Promotions. I always listened and passed then along to the Promotions Director.

What is not shown here are the favorable topics/suggestions I passed on to the Chamber in that 2+ year period. As I've said before, I was asked early on to "help" the Chamber. The new Director seemed to appreciate that. I spent many hours (of my own time) answering her

questions, introducing her to my peers (mostly Chamber Directors, in this case) who I had spent years building good relationships with, suggesting that she first 'get out and meet the business owners,' providing guidance on what makes monthly luncheons successful, etc. I also passed along favorable comments and compliments from myself and others.

After 2+ years of trying to assist the Chamber, I was frustrated and out of patience at the time of this writing. In hindsight, I should have followed advice I have given to others . . . sit down and talk, again and again if necessary. I still see the Gold Beach Chamber Board and staff as 'good people with good intentions.'

#### **D. ADDITIONAL RESPONSES TO: Attachments to Notice of Disciplinary Action**

Most of the attachments and my responses that follow stem from the period of time that Ellen Barnes was the City Administrator. I feel that she was often unfair and because of particular decisions by her, she had a certain level of dislike for me. Because the current City Administrator has attached to her disciplinary action documents from this period of time, I feel compelled to respond and enlighten the City Counsel regarding these allegations.

*Attachment A-1 Bullet #1 "Failure to develop and maintain positive working relationships with the press. As Executive Director of Gold Beach Promotions, one of your primary responsibilities is to establish and maintain effective working relationships with the local press. In March, while away at a conference, I received copies of an email exchange between you and Joel Summers, editor of the local paper (Attachment A). This exchange is unprofessional, reflects poorly on the City and does not foster positive working relationships. I*

*met with Joel and Rebecca afterward to apologize for your behavior and to reassure them the City wants to maintain a productive working relationship with their business."*

**Response:** Joel Summers (publisher of our local newspaper) and I had some issues. I took the initiative, called him and invited him to lunch. We resolved our issues and enjoy a good working relationship today. In fact, he has asked me to consider doing some work for him. (See Publishers note of Joel Summers in Exhibit 2.)

**Page A-2 Bullet #1** *"For example, in March, 2011, the attached email exchange (Attachment B) clearly shows that you failed to follow my directive regarding obtaining CA approval of press releases before they go to print. It is clear from the e-mail that you knew and understood the directive. You intentionally chose to allow it to go to press without approval."*

**Response:** Please look at this email thread. (Attachment A-7 to Notice of Disciplinary Action). I was not purposely disregarding a directive, as Ellen suggests. I came into town on a scheduled vacation day and created the column and sent it on to her, Joel Summers and the Promotions Committee. I then went home for a 3-day weekend. I don't have internet at home and did not even think about it until I saw Ellen's email. She had only asked for one slight change to a column in the prior year. I wrote a weekly column for the local newspaper for just over 10 years. I was only asked to change anything on 4 occasions in that 10+ year period (one slight change for Ellen, this one, deletion of glass ball entry for Jodi (as addressed prior) and one slight change by Molly Walker, then Editor of the *Curry County Reporter*).

**Page A-2 Bullet #2** *"Example next involves Facebook. During the May 12, 2011 meeting of the Promotion Committee, you clearly stated that you were unaware of any directive from the City Administrator regarding allowing third-party posts to the City's Facebook page."*

*However, the email exchange in Attachment B, which occurred in March, 2011 clearly shows our communication on the topic.*

**Response:** We (myself and the Promotion Committee) spent a lot of time discussing what Ellen wanted us to do with Facebook. (See Exhibit 8, Letter from Lawrence Hammer, paragraph No. 2). We all understood it the same (that it was OK to post information to the Facebook site but that we could not respond to posts. All of us were surprised to learn that Ellen was also referring to not allowing third-party posts. Promotion Committee members Larry Hammer and Amy Gaddis volunteered to research this and both found that there is no way to disallow third party posts (Facebook rules), which makes sense since Facebook is a social network site. Larry Hammer also verified that the Oregon Tourism Commission, DBA: Travel Oregon, uses and encourages the use of social media, including Facebook freely, as do most regional marketing groups without either of these restrictions. It was the understanding of the Gold Beach Promotions Committee and myself, after having conversations with Ellen, that we could not respond to posts but none of us (up to this point), had any idea she was talking about 'third-party' posts, as well.

**Page A-2 Bullet #3** *"In Attachment C, your response to my request to speak with you regarding the contract matter demonstrates your direct insubordination."*

**Response:** This email thread shows that Ellen and I were communicating back and forth about a contract for a brochure distribution company. (This is actually Attachment A, not C (A-4 and A-5). If you read it carefully, you will see that this was nothing more than one of us thinking it was one company and the other thinking it was the other. Once myself and the GB Visitor Center Manager researched this and I explained our findings by email, I thought the issue

was closed. I did not think I was being directly insubordinate. After clarification by email, I was just wondering whether or not we needed to take the time to meet . . . since the miscommunication issue appeared to be resolved. I ended with, "Please let me know and I will be there, if you choose." (Also see Exhibit 8, paragraph No. 1)

**Page A-2 Bullet #4** *"Beginning the week of June 6<sup>th</sup> 2011 – weekly meetings to review city polices, procedures, city ordinances, and state statutes relevant to the Executive Director of Promotion and Visitor Center position. The first meeting is scheduled for Wednesday, June 8, 2011 at 9:00 a.m. to review Class Specification, job responsibilities, organizational chart."*

**Response:** This meeting never took place. Ellen had office staff contact me to say she needed to reschedule. She never did.

**Page A-2 Bullet #5** *"You will be required to participate in League of Oregon Cities sponsored workshops and/or other approved training related to public records laws, public meetings laws, ethics and leadership, public contracting and purchasing, and other topics as directed by the City Administrator"*

**Response:** I never heard any more from Ellen on this topic. I was not and am not privy to when or where the League of Oregon Cities meet and was never contacted or directed to attend after this June 6<sup>th</sup> meeting. If I had been contacted and asked to attend, I would have

Like Bullets #4 and #5 above, another thing that was never followed through on is this. At a Department Head meeting (in attendance were Ellen Barnes, PJ Janik, Jodi Fritts, Will Newdall and myself), Ellen informed us that PJ had an "employment contract" and that she had just got one as well. Will Newdall and I were told we would also get "employment contracts." After three months, I contacted Will to ask if he had got an "employment contract" as promised.

He said he had had no further contact about the subject. Sometime later, Ellen provided some information about personnel policies, etc. to me and asked that I "review, sign and return." I did review the information and then requested a meeting with Ellen. At the meeting, I stated that I was not inclined to sign the document she had provided for my review and signature because part of it stated that I would be an 'At-Will' employee and could be terminated without cause at any time. (See page 3 of 4 Section 10 of Exhibit 10). Ellen told me, "All public employees in Oregon are 'At-Will' and sign documents like this." This was a false statement although I only learned later. She got very irritated when I calmly asked, "Why would I, or anyone for that matter, sign this?" She insisted I was being difficult. I was simply asking her to help me understand why I would sign something like this. She said something like, 'Because everyone signs it.' I had worked in the private sector for over 30 years, so I did not understand much about the public sector. I thought my question was a fair question. She and I discussed it a little further and I finally asked her, "Would it make your life easier if I just signed it?" She said, "yes" and I signed it, while saying "I'll assume that if I keep coming in everyday and doing a good job I won't have to worry about being fired without cause?" She nodded in the affirmative.

The other reason I had issues with the "Employment Agreement" is that it showed that I was the only city employee who wasn't allowed to 'carry-over' vacation from year to year (meaning that I had to 'use it' or 'lose it'). When I started, I asked city office staff (Jodi Fritts) how vacation worked and she gave me the basics (one being that employees could carry-over up to 200 days). Long after that discussion about how vacation worked, I received an email from Ellen while at meetings up on the Central Coast. She informed me then that I could not carry-over vacation. (Note: I had not seen this in writing yet.) At the date of her email, there were

only 11 days left in the vacation year to use vacation. At the time, I had 10 vacation days left. I emailed back and let her know that this had never been related to me until then and I asked, "So, if I don't use my 10 vacation days in the next 11 days I lose them?" She replied that this would be the case. At that time, it was impossible to drop all that was on my schedule to use the balance of my vacation days. I believe I took 4-5 days and 'lost' the rest. I do not know why I was separated out by the City Administrator Ms. Barnes with this type of treatment.

**Attachment A (A-4 and A-5)** *See Ellen Barnes email thread beginning on Attachment A-4.*

**Response:** Gold Beach Visitor Center Manager Sue Dawson helped me research this. Again, this is a fairly simple miscommunication between Ellen and I. I was not being dishonest with her, as I attempted to explain via email. It was at this point that I asked that we consider communicating by phone or in person, so things did not escalate in a negative way over fairly simple issues. It was also at this point that I let Ellen know that I was feeling a bit harassed by her and did not understand the tone of some of her emails. NOTE: At this point in my relationship with Ellen, I started to share my frustrations regarding Ellen with 2 members of the Promotions Committee (Larry Hammer and Amy Gaddis) and 2 trusted friends. I did not think she was being reasonable some of the time. It felt like I was constantly being criticized, while not receiving any positive feedback for a lot of good things we were doing. I was selected for 'America's Wild Rivers Coast' (2 county marketing consortium) highest honor for work in hospitality and tourism (it was in the local newspaper) but not one person from the City ever mentioned it. I don't need a lot of 'pats on the back' but every once in awhile it's kind of nice. See Exhibit 11 (group of letters and letters to the Editor from the local newspaper regarding the

job the general public and business owners felt I was doing). Two business owners came to me during this approximate time to inform me that Ellen Barnes had come to their place of business and "went off . . . making wild accusations" and "acted irrationally." (See Exhibit 12, three letters from owners/staff at Turtle Rock.) Amy Gaddis of Jot's Resort was the other business representative who spoke to me about this same issue (3X) but I'm told that Jot's has chosen to not be involved in any of this. I was then told by 2 people (one a close friend), that Ellen was dealing with some serious personal matters and was under a lot of pressure. It was suggested that this might explain the disconnect I was feeling with her at the time and these complaints from business owners/mgrs. Under these circumstances, I was sympathetic and I tried to be as patient as possible.

The only reason I bring these events up is because I can see that it appears the prior City Administrator's attitude and decisions have affected Jodi Fritt's decisions in my case.

*Attachment A-7 See Ellen Barnes Email thread Attachment A-7*

**Response:** This topic and email thread was discussed as part of responses to allegations contained on Page A-2, Bullet 1.

*Attachment A-8 See Ellen Barnes Email thread Attachment A-8*

**Response:** This topic and email was discussed as part of responses to allegations contained on Page A-2, Bullet 2.

*Attachment A-10, A-11, A-12, A-13 and A-14 See Joel Summers Email threads.*

**Response:** These emails are all part of the issues Joel Summers and I were having with each other. As I've said in my opening statement, Joel and I have resolved our differences and have a good working relationship. (See Exhibit 2, Publisher's note).

**Attachment B-1, B-2 and B-3** are all informational only.

### III. ACCOMPLISHMENTS

I have been working in this position in an initial temporary capacity and then in a permanent position since 2009. Below I have listed some of the things I am proud of and what I have done. I hope that the decision you reach is one made not by only looking at the negative allegations that have been leveled against me, but also in the context of what many see as my successes.

**Personal:** I have continually worked to groom relationships with my peers in the industry (hospitality and tourism). I believe I am well-respected. I sit on the Oregon Coast (OCVA) and Southern Oregon (SOVA) Visitor Association Boards (regional marketing groups). (See Exhibit 3). I am also on the Board for America's Wild Rivers Coast (AWRC). Last year I won the highest award AWRC (hospitality and tourism) gives. I am also part of the South Coast Partnership, which is a group formed to look out for the interest of the Oregon's South Coast. The group has won several awards from the Oregon Tourism Commission (DBA: Travel Oregon). I attended many meetings and conferences on Gold Beach's behalf. I have had good working relationships with all forms of media & vendors.

**Gold Beach Promotions (GBP):** I came to the job with experience. This enabled me to negotiate 'best buys' on media (TV, print, radio, billboards, etc.), amongst other things. Under my guidance, the GBP committee worked harder and more effectively than ever. As a group, it was decided to increase our marketing efforts in the face of a tough economy. It was a full majority decision to use some of the reserve fund monies, in addition to budgeted monies to

accomplish this. The outcome was that Gold Beach held its room occupancy rates much better than most other towns/cities during the past couple of years. This was accomplished with a lot of hard work and use of a variety of standard (TV, radio, print, etc.) and non-standard media (special promotions, use of social media, etc.).

I worked hard to do what I could to 'salvage' the 'Win \$10,000 in Gold' promotion, which I inherited. Local 'buy-in' had not been very good and I kept it alive while spending very little money.

I worked with the GBP committee to increase event support (fishing derbies, Wave Bash, football camps, Brewfest, 4<sup>th</sup> of July/Party at the Port, Writer's Conference, Hospice Sales, Wine/Art/Music, etc.). This included both monetary support and time.

I worked hard to help bring back and support the 'Wave Bash' at Pistol River. This event has great potential because it attracts top athletes from around the world and is a good spectator sport (easy access, as it can be viewed from Hwy. 101).

I helped create the very successful 'Find Glass Balls on the Beach...in Gold Beach' promotion. The following year I helped add 'Geocaching' in Gold Beach. This year I added the 'Indoor Treasure Hunt' to the mix. All of these have helped bring visitors to our community...to spend money.

The Promotions Committee and I added three Sportsman Shows (Eugene, Roseburg & Medford) to the annual schedule. GBP had only been attending the Sacramento show, prior to my assuming the position.

I always hosted travel writers and others with 'red carpet' treatment. Several of these have turned into articles about Gold Beach in hospitality/tourism publications. These were not

paid for. All it took was time. Jefferson Public Radio's print piece ran a 4-page Gold Beach article and Gold Beach was on the front cover.

I hosted the first-ever (in Gold Beach), OCVA (regional marketing assoc.) quarterly meeting. This helped expose (some for the very first time), industry professionals to Gold Beach and all of it's offerings and attractions.

I attended the National Tour Association (group travel by coach/bus) annual convention. I saw the value of group travelers and worked hard to encourage their stays in Gold Beach.

I worked with a vendor to create Gold Beach's first DVD, which is an excellent marketing tool. I created 'Oregon Coast Trail' brochures and allowed the publisher of the Gold Beach Visitor Guide to use them in that excellent marketing piece. Most of this was done on my own time. I nearly finished a complete revamp of the Gold Beach brochure (GB's 'most used' marketing piece).

I wrote a weekly column for the local newspaper to keep the public informed of Gold Beach Promotions and Gold Beach Visitor Center activities.

**Gold Beach Visitor Center (GBVC):** There was already a very good staff in place at GBVC when I was hired. I worked hard to improve an already good situation. Staff will tell you they worked harder than ever under my direction but had more fun. The level of customer service at the GBVC is equal or better than any visitor center anywhere.

I have secured equipment (much of it at little or no cost) that allows the GBVC staff to do an even better job, in an improved environment.

I suggested paying off the visitor center mortgage out of the reserve fund. The money was earning less than 1% and the loan was at 4.625%. This saved a substantial amount in

interest payments (although, for whatever reasons, the City took 7 months to pay off the mortgage after this was approved by all).

My very first project was eliminating the off site storage unit (\$65/month that was paid for years) by cleaning it out and moving (on my own time) the remaining items to the GBVC on site storage area.

I changed grounds maintenance service at South Beach Park (location of GBVC). Gold Beach Promotions had been paying \$27/hour. It is now \$12/hour for mowing and weed eating. I was taking care of spraying noxious weeds myself.

I worked with community partners and Gold Beach Public Works to reduce the length of the bioswale in the parking lot at South Beach Park. It was a safety concern and caused traffic pattern challenges. With cars parked in the handicapped parking spots and the 3 prime (near south entrance to GBVC) spots, there was not room enough for other vehicles to get past the parked cars and around the bioswale. This was done at Gold Beach Promotions expense, even though this is in a city park. The former City Administrator believed Promotions should pay for it all. I suggested that the cost somehow be split or assumed by the City but Promotions paid the bill.

I also coordinated with Public Works to analyze the best 'fix' for the 'failing' parking lot (asphalt breaking up). The result was a total reseal of the lot and re-striping (at Gold Beach Promotions expense, even though it's part of a city park). The former City Administrator had the same feelings about who should pay for this as above.

I helped redesign the entrance/lobby area into a more welcoming space and had steps (stairs) installed to the front entrance of the GBVC. I had all west facing windows at GBVC

replaced (seals had failed). I coordinated the replacement of the failing heating/cooling system, with input from Gold Beach Public Works. Overall, I got the GBVC 'caught-up' on other deferred maintenance items.

I continually worked to improve and add new displays inside the GBVC (bannerstands for main attractions, beach display, fishing display, large TV with continually running Gold Beach DVD, digital photo display of area attractions, Indian Creek Salmon Hatchery display, Historical Museum display, myrtlewood display, etc.

I led the project to totally revamp and improve outside restrooms at South Beach Park.

By making the resident public aware that the GBVC staff was there to serve, I helped increase foot traffic inside of GBVC 3-4 fold (more people to talk to, more chances to get visitors to stay in Gold Beach and spend money).

I coordinated the addition of the Hwy. 101 message board sign, added "Free Wi-Fi and Water" to Hwy. 101 main sign. This helped to increase traffic to GBVC, and replaced the 'worn' sign on GBVC itself. I also added a Visitor Information sign, Welcome to Gold Beach sign, restroom signs and beach access sign.

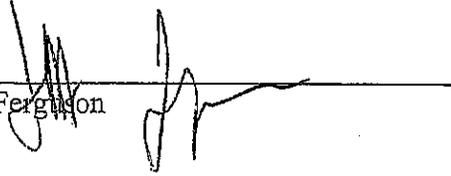
#### IV. CONCLUSION

It is my request that the City Counsel reverse the decision of the City Administrator and consider corrective action in line with the "seriousness" of my conduct. These types of disciplinary actions range from warning to written reprimand, suspension, probation, to even a 'last chance agreement.' Discharge is really appropriate for the most serious of misconduct

where corrective action is fruitless. In my case, termination was a mistake that you have the power to make right. Myself and many others ask that you do so.

DATED this 6 day of April, 2012.

Jeff Ferguson

A handwritten signature in black ink, appearing to read 'Jeff Ferguson', is written over a horizontal line. The signature is stylized and somewhat cursive.

Recently Jeff Ferguson was fired from his position as Director of Promotions and Visitors Center. One of the reasons given by the City was his "inability and unwillingness to establish and maintain productive working relationships with local businesses and organizations" and that he "caused a hindrance to the effective performance of the City functions and reflects discredit upon the City."

We, the undersigned, individuals and businesses, would like to show our support for Jeff Ferguson and the good job he has been doing for the Gold Beach area and businesses.

We disagree with the action taken by the City for his dismissal:

Signature	Please Print Your Name or Business Name	Chamber Member
<i>Mark Gerkman</i>	MARK GERKMAN	<input type="checkbox"/>
<i>Laurel A. Gerkman</i>	Laurel A. Gerkman	<input type="checkbox"/>
<i>Patti Jones</i>	Patti Jones	<input checked="" type="checkbox"/>
<i>Larry Kammer</i>	Larry Kammer	<input checked="" type="checkbox"/>
<i>Heather C. Wilson</i>	Heather Wilson	<input checked="" type="checkbox"/>
<i>Walt Schroeder</i>	Walt Schroeder	<input checked="" type="checkbox"/>
<i>Sally Schroeder</i>	Sally Schroeder	<input type="checkbox"/>
<i>Terry Andrews</i>	Terry Andrews	<input type="checkbox"/>
<i>Allen Wilson</i>	Allen Wilson	<input type="checkbox"/>
<i>Gloria Eide</i>	Gloria Eide	<input type="checkbox"/>
<i>Greg Eide</i>	Greg Eide	<input type="checkbox"/>
<i>Rob Joyce</i>	Rob Joyce	<input checked="" type="checkbox"/>
<i>Don Hamilton</i>	Don Hamilton	<input type="checkbox"/>
<i>Mr John Spicer</i>	Mr John Spicer	<input checked="" type="checkbox"/>
<i>Michelle Miller</i>	Michelle Miller	<input type="checkbox"/>
<i>Hughsons Guide service</i>	Hughsons Guide service	<input type="checkbox"/>
<i>Prashant Patel</i>	Prashant Patel	<input checked="" type="checkbox"/>
		<input type="checkbox"/>
	<b>EXHIBIT 9 (12 pgs)</b>	<input type="checkbox"/>

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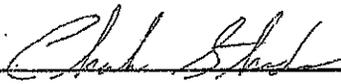
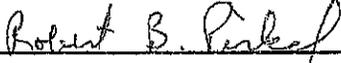
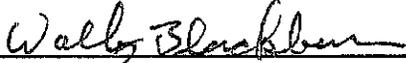
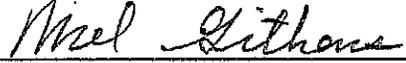
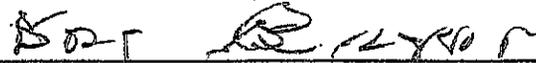
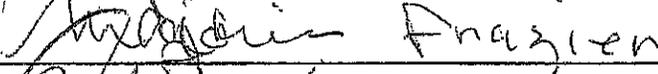
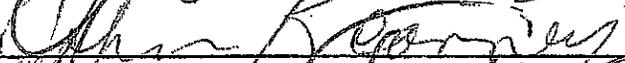
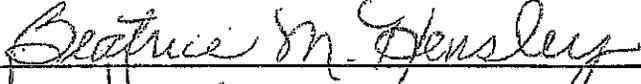
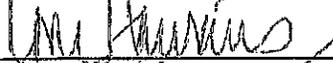
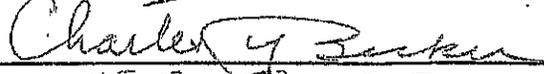
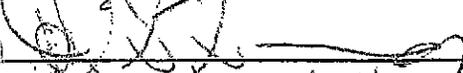
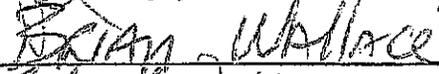
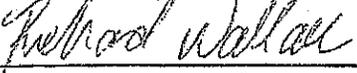
We disagree with the action taken by the City for his dismissal:

Signature	Please Print Your Name or Business Name	Chamber Member
	Sharon Carufel	<input type="checkbox"/>
	GIL DAVIS	<input type="checkbox"/>
	Wilma K. Smith	<input checked="" type="checkbox"/> No
	Kathryn E. Smith	<input type="checkbox"/>
	DAVID & SUE CLARNO	<input type="checkbox"/>
	TOMMY DEANEY DANS ACE Hardware	<input checked="" type="checkbox"/> No
	Donald R. Rue	<input type="checkbox"/>
	LORRAINE ROSSITER	<input type="checkbox"/>
	EDWARD L. ROSSITER	<input type="checkbox"/>
	Wild Life Photo.	<input type="checkbox"/>
	John Silveira	<input type="checkbox"/>
	Alexandratyev	<input type="checkbox"/>
	C. Charles Dwyer	<input type="checkbox"/>
	Don Pilgrim	<input type="checkbox"/>
	Elizabeth Watson	<input type="checkbox"/>
	Nooeen Nielson	<input checked="" type="checkbox"/> No
	Joe Martin	<input type="checkbox"/>
	STEVEN J. ZENTZ I	<input type="checkbox"/>
	Linneez Zentz	<input type="checkbox"/>

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Signature	Please Print Your Name or Business Name	Chamber Member
	A. M' GUINNESS	<input type="checkbox"/>
	Charles Strader	<input type="checkbox"/>
	ROBERT B. PICKETT	<input type="checkbox"/>
	Wally Blackburn	<input type="checkbox"/>
	MEL GITHENS	<input type="checkbox"/>
	DON BREWSTER	<input type="checkbox"/>
	<sup>GRANDVIEW'S GALLERY</sup> MARJORIE FRAZIER	<input checked="" type="checkbox"/>
	<sup>D-21 ROBBY</sup> <del>John K. Johnson</del>	<input checked="" type="checkbox"/>
	<sup>COFFEE</sup> Geraldine Kendall	<input type="checkbox"/>
	<sup>WOOD'S DEPARTMENT</sup> BUCK ROSENDALH	<input checked="" type="checkbox"/>
	Robin Terrett	<input type="checkbox"/>
	Beatrice, M. Hensley	<input type="checkbox"/>
	LOU HAWKINS	<input type="checkbox"/>
	SCOTT KNOX INDIAN CREEK	<input checked="" type="checkbox"/>
	CHARLES Y. BECKER	<input type="checkbox"/>
	TONY SAFFACK	<input type="checkbox"/>
	Jo's Family Center Summer Reflector	<input checked="" type="checkbox"/>
	<sup>7664'S STREET</sup> BRIAN WALLACE	<input type="checkbox"/>
	Richard Wallace	<input type="checkbox"/>



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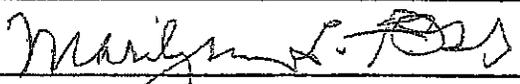
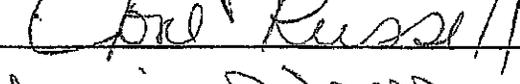
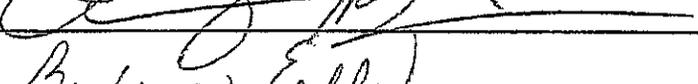
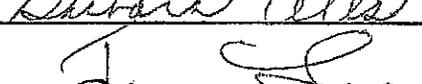
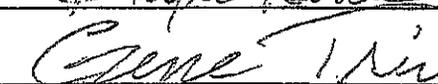
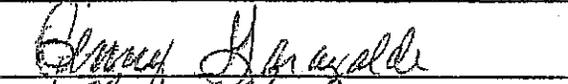
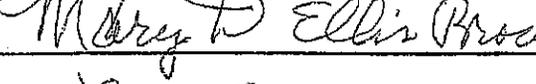
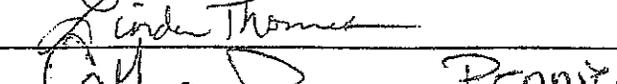
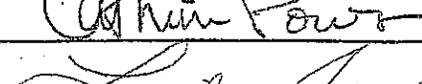
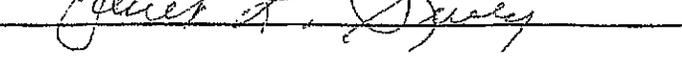
We disagree with the action taken by the City for his dismissal:

Signature	Please Print Your Name or Business Name	Chamber Member
<i>[Signature]</i> Bruce Cravotto	Guide Service	<input type="checkbox"/>
<del><i>[Signature]</i></del> Mark Metcalf	Metcalf Sawmill LLC	<input type="checkbox"/>
<i>[Signature]</i> Jeannett Sacks	Honey Bear	<input checked="" type="checkbox"/>
<i>[Signature]</i> KIKI MCGRAETH	PRETSTOCK GARDENS	<input checked="" type="checkbox"/>
<i>[Signature]</i> Rich Brower	Rich Brower	<input type="checkbox"/>
<i>[Signature]</i> DONNA STANDNIK	SECRET CAMP RV PARK	<input checked="" type="checkbox"/>
<i>[Signature]</i> TUN YU KWAN	WONG'S CAFE	<input checked="" type="checkbox"/>
<i>[Signature]</i> Tim Harding	Precision Performance	<input checked="" type="checkbox"/>
<i>[Signature]</i> Joan McGairns	Rogue Outdoor Store	<input checked="" type="checkbox"/>
<i>[Signature]</i> Garry Saks	Honey bear	<input checked="" type="checkbox"/>
<i>[Signature]</i> Jackie Smothers	Jackie Smothers	<input type="checkbox"/>
<i>[Signature]</i> RONALD G. SMOTHERS	RONALD G. SMOTHERS	<input type="checkbox"/>
<i>[Signature]</i> Bob Manners DC	Bob MANNERS, DC	<input checked="" type="checkbox"/>
<i>[Signature]</i> Donna Colby-Hanks	Donna Colby-Hanks	<input type="checkbox"/>
<i>[Signature]</i> Tracy Wallace	Central Curry Tlo	<input type="checkbox"/>
<i>[Signature]</i> Ross Bell	Guide Service	<input checked="" type="checkbox"/>
<i>[Signature]</i> Andrew Mccles	ANDREW MCCLES	<input type="checkbox"/>
<i>[Signature]</i> Pat Dhes	Part of Bob Bell's Property	<input checked="" type="checkbox"/>
		<input type="checkbox"/>

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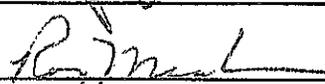
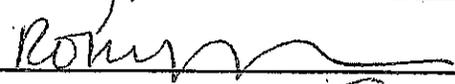
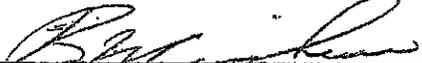
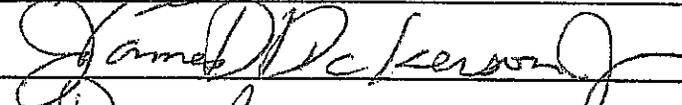
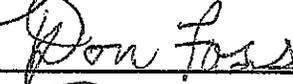
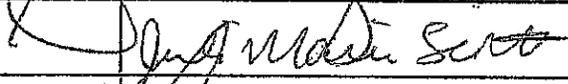
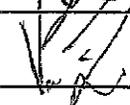
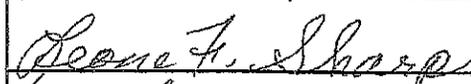
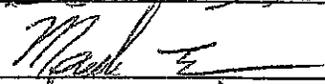
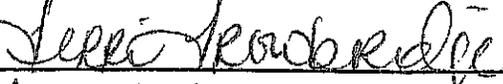
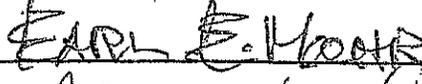
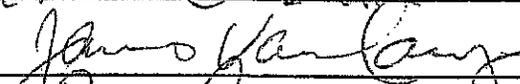
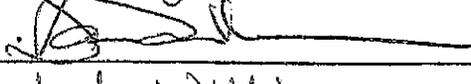
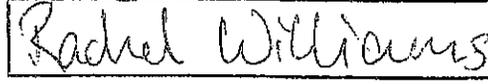
We disagree with the action taken by the City for his dismissal:

Signature	Please Print Your Name or Business Name	Chamber Member
	MARILYN L. FOSS	<input type="checkbox"/>
	Tiffany Blackwell	<input type="checkbox"/>
	Sharon L. Brown	<input type="checkbox"/>
	Helen M. Becker	<input type="checkbox"/>
	Joyce Russell	<input type="checkbox"/>
	JEANI ADAMS	<input type="checkbox"/>
	Charles Brinson	<input type="checkbox"/>
	BARBARA ELLIS	<input type="checkbox"/>
	JAMES LUNDIN	<input type="checkbox"/>
	Gayle Soule	<input type="checkbox"/>
	GATE TRINKLE	<input type="checkbox"/>
	Penny GARAYALDE	<input type="checkbox"/>
	Sheryl Johnson	<input type="checkbox"/>
	Emilie Mildon	<input type="checkbox"/>
	MARY D. ELLIS-BROWN	<input type="checkbox"/>
	LINDA THOMAS	<input type="checkbox"/>
	Catherine Powers	<input checked="" type="checkbox"/>
	LINDA J. THOMPSON	<input type="checkbox"/>
	Janet L. SEVEY	<input type="checkbox"/>

Recently Jeff Ferguson was fired from his position as Director of Promotions and Visitors Center. One of the reasons given by the City was his "inability and unwillingness to establish and maintain productive working relationships with local businesses and organizations" and that he "caused a hindrance to the effective performance of the City functions and reflects discredit upon the City."

We, the undersigned, individuals and businesses, would like to show our support for Jeff Ferguson and the good job he has been doing for the Gold Beach area and businesses.

We disagree with the action taken by the City for his dismissal:

Signature	Please Print Your Name or Business Name	Chamber Member
	TED WINTERS, GOLD BEACH BOOKS	<input checked="" type="checkbox"/>
	Rory Meadoms	<input type="checkbox"/>
	Robyn Freeman	<input type="checkbox"/>
	ROBERT MINSHEW	<input checked="" type="checkbox"/>
	James Dickerson	<input type="checkbox"/>
	DON FOSS	<input type="checkbox"/>
	ELDON N. WOODS	<input type="checkbox"/>
	Juli Marie Scott	<input type="checkbox"/>
	Vonnie Fakier	<input type="checkbox"/>
	MICHELE MARTIN'S AFH/DO MICHELE MARTIN	<input type="checkbox"/>
	Leone F. Sharp	<input type="checkbox"/>
	SAM SHARP	<input type="checkbox"/>
	MARIL EVANS	<input type="checkbox"/>
	Terri Trowbridge	<input type="checkbox"/>
	EARL E. MOHR	<input type="checkbox"/>
	JAMES VAN CAMP	<input type="checkbox"/>
	BRYAN GRUMMON	<input type="checkbox"/>
	DANA MILLER	<input type="checkbox"/>
	Rachel Williams	<input type="checkbox"/>





Recently Jeff Ferguson was fired from his position as Director of Promotions and Visitors Center. One of the reasons given by the City was his "inability and unwillingness to establish and maintain productive working relationships with local businesses and organizations" and that he "caused a hindrance to the effective performance of the City functions and reflects discredit upon the City."

We, the undersigned, individuals and businesses, would like to show our support for Jeff Ferguson and the good job he has been doing for the Gold Beach area and businesses.

We disagree with the action taken by the City for his dismissal:

Signature	Please Print Your Name or Business Name	Chamber Member
<i>Leslie L. Keating</i>	Leslie L. Keating	<input checked="" type="checkbox"/>
<i>Alan Plaep</i>	Alan Plaep	<input type="checkbox"/>
<i>Sara Cooper</i>	Sara Cooper	<input type="checkbox"/>
<i>Becky Bowman</i>	Becky Bowman	<input type="checkbox"/>
<i>Ria Smith</i>	Ria Smith	<input type="checkbox"/>
<i>Jennifer L. Piper</i>	Jennifer L. Piper	<input type="checkbox"/>
<i>Tyler R. Mathers</i>	Tyler R. Mathers	<input type="checkbox"/>
<i>Margaret Speece</i>	Margaret Speece	<input type="checkbox"/>
<i>Harold Flynn</i>	Harold Flynn	<input checked="" type="checkbox"/>
<del><i>[Signature]</i></del>	Luke Martinez	<input type="checkbox"/>
<i>Mary Stawell</i>	Mary Stawell	<input checked="" type="checkbox"/>
<del><i>Paul Smith</i></del>	PAUL SMITH	<input type="checkbox"/>
<i>Catherine L. Kelly</i>	Cathy Kelly	<input type="checkbox"/>
<i>Bob Rawdall</i>	Bob RAWDALL	<input type="checkbox"/>
<i>Patricia Anderson</i>	PATRICIA ANDERSON	<input type="checkbox"/>
<i>For Lester A. Craig Sr.</i>	<sup>New Life Center</sup> For Lester A. Craig Sr.	<input type="checkbox"/>
<i>A. Kay Johnson</i>	A. KAY Johnson	<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>



Recently Jeff Ferguson was fired from his position as Director of Promotions and Visitors Center. One of the reasons given by the City was his "inability and unwillingness to establish and maintain productive working relationships with local businesses and organizations" and that he "caused a hindrance to the effective performance of the City functions and reflects discredit upon the City."

We, the undersigned, individuals and businesses, would like to show our support for Jeff Ferguson and the good job he has been doing for the Gold Beach area and businesses.

We disagree with the action taken by the City for his dismissal:

Signature	Please Print Your Name or Business Name	Chamber Member
Dewey A. Anderson	Anderson's Guide Service	<input type="checkbox"/>
Dae Duff	Backwoods Home Magazine	<input checked="" type="checkbox"/>
Mary Lott	Bruce Crawford	<input type="checkbox"/>
Jan F. Burris	Jan H. Burris	<input type="checkbox"/>
Frank A. Burris	Frank A. Burris	<input type="checkbox"/>
Randal Ruth	Randal Ruth	<input type="checkbox"/>
Ash Barron	ANDREW BARRON	<input type="checkbox"/>
Derek Ede	Derek Ede <sup>Crows Nest</sup>	<input type="checkbox"/>
Henry Newell	Henry Newell	<input type="checkbox"/>
Ben McQuaid	BEN McQUAID	<input type="checkbox"/>
George J. Antunes	George J. Antunes	FIRST MEMBER <input checked="" type="checkbox"/>
Mary Armstrong	Manager SeaStar	<input type="checkbox"/>
Tim Hawkins	Tim Hawkins	<input type="checkbox"/>
		<input type="checkbox"/>

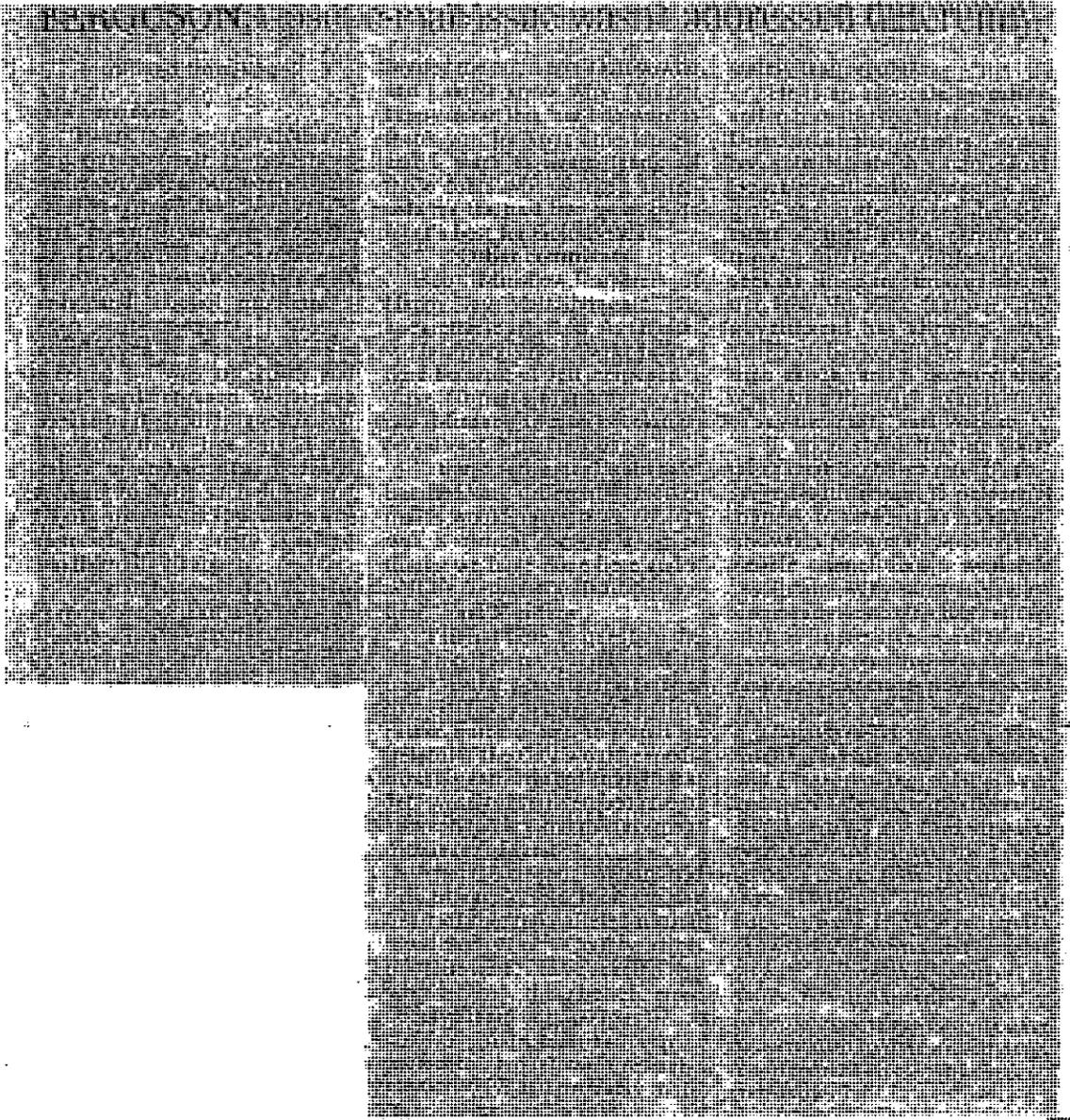
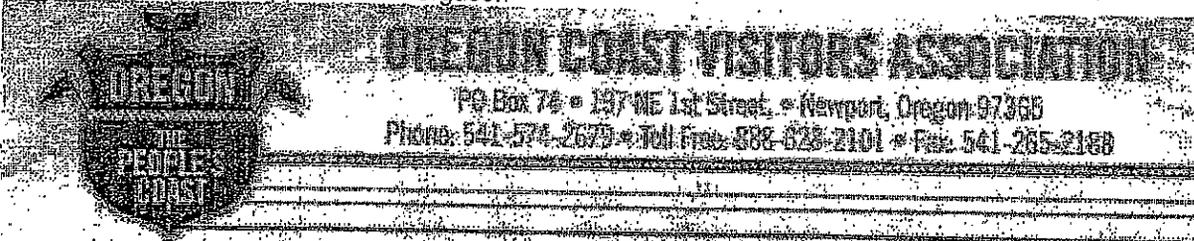


EXHIBIT 2(1pg)



March 23, 2012

To Whom It May Concern:

It is my distinct pleasure to tell you just how much I appreciate Jeff Ferguson!

I first met Jeff almost 13 years ago when I began working as the Executive Director for the Oregon Coast Visitors Association and he was working with Jerry's Rogue Jets. Since then he began working for the Gold Beach Promotions Committee and we welcomed him onto the Board of Directors of OCVA.

I can't say enough great things about Jeff. His enthusiasm for Gold Beach and the entire Oregon coast is beyond reproach. As an advocate for Gold Beach he has had a willingness to be a fearless leader blazing a trail into greater possibilities for your community. He is friendly, driven, motivated, and passionate for Gold Beach.

As a member of the OCVA Board of Directors Jeff has offered his knowledge, insight, made thoughtful suggestions, and been a man with his own opinions but also willing to accept the decisions of the group without holding any hard feelings.

Jeff shares his toys and plays well with others. In my opinion you could not ask for a better advocate for Gold Beach!

Sincerely,

*Rebecah Lutz*  
Rebecah Lutz  
Executive Director

3/23/2012

EXHIBIT 3 (6 pgs)

Letter A



March 23, 2012

To whom it may concern:

I'm writing to express support for Jeff Ferguson, who as you know was recently released from his position as Director of Gold Beach Promotions.

We have worked with Jeff for a number of years, dating back to his time with Jerry's Rogue Jets.

In our associations with Jeff, we have found him to be a consistently professional and enthusiastic marketer, with a passion for Gold Beach and the South Coast.

One of the things I have appreciated most about working with Jeff over the years is his ability to grasp the potential that partnership has when dealing with rural tourism promotion: He has shown creativity and cooperation in approaches to advertising, trade shows, and events. As a board member of SOVA, he has been attentive, responsive, and professional.

I hope that this helps to present the picture of Jeff Ferguson that we here at SOVA have developed over the years we have known and worked with him.

Sincerely,

A handwritten signature in dark ink that reads "Carolyn S. Hill".

Carolyn S. Hill, CEO  
Southern Oregon Visitors Association

Southern Oregon Visitors Association (SOVA) PO Box 1645/Medford, OR 97501  
[www.southernoregon.org](http://www.southernoregon.org) [office@southernoregon.org](mailto:office@southernoregon.org)

LTR B

Jerry's Rogue Jets

Carolyn Hill / CEO SOVA

From: "Carolyn S. Hill" <carolyn@southernoregon.org>  
To: "Mark Dennett" <MDennett@prodigy.net>; "Jerry's Rogue Jets" <jerrys@roguejets.com>  
Sent: Friday, March 23, 2012 11:09 AM  
Subject: RE: Hello from Gold Beach

I concur with Mark's assessment, completely.

**Carolyn S. Hill, CEO**

Southern Oregon Visitors Association (SOVA)

Carolyn@southernoregon.org cell (541) 890-7842

(541) 552-0520 fax (541) 552-1073 office@southernoregon.org www.southernoregon.org

*SOVA (aka Travel Southern Oregon) is a seven-county regional cooperative marketing association formed in 1984; covering Douglas, Josephine, Jackson, Klamath, Lake, Coos & Curry Counties. Mission: to increase and lengthen visitor stays by marketing the region as a destination and by encouraging cooperative efforts in the areas of outreach marketing visitor research education and public relations. SOVA is the official Regional Destination Marketing Organization (RDMO) for Southern Oregon.*

From: Mark Dennett [mailto:MDennett@prodigy.net]

Sent: Thursday, March 22, 2012 4:36 PM

To: Jerry's Rogue Jets

Cc: SOVA - CEO Carolyn Hill (Office)

Subject: Re: Hello from Gold Beach

Importance: High

MARK DENNETT  
MARKETING CONSULTANT  
SOVA

Bill,

I'm sending a copy of this to Carolyn, SOVA CEO, since she may want to add a positive comment.

I've had no problem with Jeff, in fact, I think he has been doing a great job for Gold Beach.. and you can quote me on this. I can't call you, since I am out the country for a week on vacation.

Mark Dennett

\*\*\*\*\*

Manager, Special Marketing Programs  
Southern Oregon Visitors Association (SOVA)  
(Independent Contractor)

Email: [Mark@southernoregon.org](mailto:Mark@southernoregon.org)

Direct Phone: 541-488-4925

**Jerry's Rogue Jets**

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From: "Betsy Hand" <betsy.hand@live.com>  
To: <jfritts@goldbeachoregon.gov>  
Cc: <bill@roguejets.com>; <cerissam@mediamerica.net>  
Sent: Friday, March 23, 2012 10:50 AM  
Subject: Jeff Ferguson - Gold Beach

Betsy Hand  
Media America

To Whom It May Concern:

My name is Betsy Hand, I work for MEDIAmerica publishing in Portland Oregon and have received permission to provide testimony about working with Jeff Ferguson independent of my employer.

I represent several tourism publications and tourism websites promoting the coast and the state. I have called on Jeff for marketing purposes and have participated in multiple tourism events where Jeff was also in attendance.

My experiences with Jeff have always been positive and I found him to be a passionate ambassador for Gold Beach and the South Coast region.

Sincerely,

Betsy Hand

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No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 10.0.1424 / Virus Database: 2113/4889 - Release Date: 03/23/12

LETTER D  
3/23/2012

Jerry's Rogue Jets

From: "Cerissa McFarlane" <cerissam@mediamerica.net>  
To: "Betsy Hand" <betsy.hand@live.com>; <jfritts@goldbeachoregon.gov>  
Cc: <bill@roguejets.com>  
Sent: Friday, March 23, 2012 11:00 AM  
Subject: RE: Jeff Ferguson - Gold Beach  
Just to add my two cents, also independent of my employer...

My name is Cerissa McFarlane and I am the Media Manager for MEDIAmerica's Travel & Tourism publications. I worked very closely with Jeff on a co-op ad representing Gold Beach for the 2012/13 Oregon Coast Visitors Guide and found him to be efficient and prompt. Additionally, he collaborated very well with all parties and communicating openly & honestly throughout the process. I hope to work with him again in the future.

Sincerely,  
Cerissa

Cerissa McFarlane  
Travel & Tourism Publications Media Manager  
MEDIAmerica · 715 SW Morrison · Suite 800 · Portland, OR 97205  
Direct: (503) 445-8842  
[cerissam@mediamerica.net](mailto:cerissam@mediamerica.net)

CERISSA  
MEDIA AMERICA



LETTERE

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## FERGUSON SUPPORT letter

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**From :** JIM CAREY <goldcoastproducts@frontier.com>  
**Subject :** FERGUSON SUPPORT letter  
**To :** info@goldbeachadventures.com

Fri, Mar 30, 2012 02:43 PM

Hi Mark:

Typed up the draft, you turned in. Thought you might want to send to Joel @ the Reporter.

Thanks again Jim

Joel / To Whom it may Concern:

The Curry Sport Fishing Association is made up of local businesses, resident and non-resident fisherman as well as local guides. Everyone in the Association recognizes the importance of tourism to our local community.

Jeff Ferguson has a long standing reputation backed up by action for supporting the local fishing community and promoting tourism-related fishing. He particularly has been supportive of the Sea Lion patrol, a program that is vital to our summer bay trolling season. Both Jeff and the current Mayor have even tried to help with the cost of the program in past years.

We would ask the city government to clear up their differences with Jeff and put him back to promoting the fishing in Gold Beach that is so important to us all. This is the opinion of those members in attendance at the March 29th meeting.

Thank You for Your Consideration,  
Mark Lottis C.S.A.

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Ellen's

CITY OF GOLD BEACH

DEPT HEADS PERFORMANCE EVALUATIONS EMPLOYEES

Jeff Ferguson, Executive Director Promotions
Employee Name and Title

15 January 2010 Employment Date
1 February 2011 Evaluation Date
This is the first Last Evaluation
Ellen Barnes, CA Supervisor/Reviewer

Reason for Evaluation: Six Month Review
Merit Raise
Annual Review
Other

Definitions of Performance Ratings

- O - Outstanding Exemplary performance for exceeding performance criteria.
I - Improvement Needed Performance deficient in certain areas.
V - Very Good Performance is of a high quality and achieved on a consistent basis.
U - Unsatisfactory Unacceptable performance which requires immediate improvement
G - Good Competent and dependable level of performance.

GENERAL FACTORS

- 1. Quality - The extent to which an employee's work is accurate, thorough and neat:
[X] Outstanding
[ ] Good
[ ] Unsatisfactory
[ ] Very Good
[ ] Improvement Needed

It is obvious that Jeff takes considerable pride in his work. He appears to be meticulous about accuracy and detail, a trait I've observed in written materials as well as visual promotional pieces. Producing quality work is very important to him. Jeff will reject work that is not of high quality, even when doing so causes considerably more work for him (revisions to the Gold Beach brochure offers and excellent example of this). As a normal course of action, Jeff takes the time to ensure what he produces or what he approves is high quality and reflects well for the Gold Beach community.

- 2. Productivity - The extent to which an employee produces a significant volume of work efficiently in a specified period of time:
[ ] Outstanding
[ ] Good
[ ] Unsatisfactory
[ ] Very Good
[X] Improvement Needed

Without question, Jeff produces a significant volume of work...and that is the problem. Jeff is taking on more work than he can effectively manage. Members of the Promotion

EXHIBIT 4 (5 pgs)

Committee have expressed concern about the amount of work Jeff attempts to manage. I am concerned about the amount of work as well. Because of the workload, Jeff works incredibly long hours and often works on weekends. The volume of work is affecting his ability to efficiently complete tasks. Additional emphasis on time management, prioritization and planning are needed to identify those tasks and projects that are critical and effectively manageable given resources available and prevent job burnout.

3. **Job Knowledge** – The extent to which an employee possesses the practical/technical knowledge required on the job:

Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

Jeff clearly has significant knowledge of promotions and marketing. He uses this knowledge to leverage some amazing promotional opportunities for Gold Beach. His understanding of promotions and marketing has enabled Jeff to develop meaningful networks with regional promotional associations (SOVA, OCVA, AWRC) and neighboring promotional programs that benefit Gold Beach.

With the promotions work comes real liability risk to the city, especially in areas of first amendment protections and public records management. To enhance his effectiveness in the position and minimize risk to the city, Jeff needs to enhance his understanding of statutes and practices associated with public sector work.

4. **Reliability** – The extent to which an employee can be relied upon regarding task completion and follow-up:

Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

Overall, Jeff is very reliable. However, as noted earlier, his extreme workload interferes with his ability to complete tasks efficiently.

5. **Attendance** – The extent to which an employee is punctual, observes prescribed work break/meal periods and has an acceptable overall attendance record:

Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

Given the location of our offices, I am unable to observe whether Jeff observes the prescribed work breaks and meal periods. Jeff has an overall acceptable attendance record. As noted earlier, he works many more hours than is expected.

6. **Independence** – The extent to which an employee performs work with little or no supervision:

Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

It is very apparent that transitioning to work in the public sector has presented some challenges for Jeff. Prior to this position, Jeff has not worked for a public agency and the differences between public and private sector work can be significant. As noted earlier, promotion's work can be particularly challenging in the public sector and presents liability risk to the city, especially for civil rights challenges. While Jeff works with a high level of independence with regard to developing marketing and promotional strategies for the city and with regard to managing activities at the Visitor Center (which he has done exceptionally well) he will need continued supervision to ensure implementation of those activities complies with state statutes and does not infringe upon civil liberties.

7. **Creativity** – The extent to which an employee proposes ideas, finds new and better ways of doing things:

Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

Jeff is highly creative. It is reflected in the promotional activities and materials he develops for city promotions. Jeff regularly seeks non-conventional ways to promote Gold Beach (e.g. networking with regional associations), many of which are cost effective for the city. Jeff's creativity also is reflected in Visitor Center operations in which he has implemented several ideas that have improved efficiency and made the Visitor Center more inviting and accessible for visitors to the city.

8. **Initiative** – The extent to which an employee seeks out new assignments and assumes additional duties when necessary:

Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

Jeff demonstrates a great deal of initiative. He routinely takes on new projects. For example, Jeff has identified several tasks that have improved Visitor Center operations (improvements in restrooms, changes to bio swale, resealing parking lot, new entry). He also has identified and undertaken new promotional projects for the city (e.g. Trails map). However, Jeff's initiative also has contributed to issues with overworking noted earlier.

9. **Adherence to Policy** – The extent to which an employee follows safety and conduct rules, other regulations and adheres to City policies:

Outstanding                       Good                       Unsatisfactory  
 Very Good                       Improvement Needed

Jeff abides by city policies.

10. **Interpersonal Relationship** – The extent to which an employee is willing and demonstrates the ability to cooperate, work and communicate with coworkers, supervisors, subordinates and/or outside contacts:

Outstanding                       Good                       Unsatisfactory

Very Good

Improvement Needed

Jeff has demonstrated exceptional ability to cultivate strong positive working relationships with various groups. Co-workers often speak favorably about working with Jeff. Jeff has established a strong positive, working relationship with the Promotions Committee. In December 2010 Promotion Committee members submitted a letter to the editor in the Curry County Reporter to publicly commend Jeff for the work he does. Jeff has cultivated strong working relationships with regional promotion associations and neighboring agencies. In January 2011 the Port Orford Chamber of Commerce recognized Jeff for his work with their community.

11. **Judgment** – The extent to which an employee demonstrates proper judgment and decision-making skills when necessary:

Outstanding

Good

Unsatisfactory

Very Good

Improvement Needed

Overall, Jeff demonstrates sound judgment in conducting City work. There are occasions, however, when Jeff struggles to emotionally detach from the issue/matter at hand. This interferes with his ability to objectively make sound decisions. In the situation involving Green Water Films, Jeff's speculations about the business owner's motivations inhibited his ability to resolve the matter efficiently. The result was a significant amount of staff time expended and involvement of the city's attorney on an issue that should have been resolved at the director level.

**OVERALL PERFORMANCE RATING**

Check the term that best describes the employee's overall performance:

Outstanding

Good

Unsatisfactory

Very Good

Improvement Needed

Overall, Jeff is doing a fantastic job. Never-the-less, two areas are of concern to me. 1) Workload: I have serious concerns about job burnout. Jeff needs to scale back the number of tasks he undertakes. Better planning and prioritization may help with managing tasks. 2) Familiarity with Public Sector Work: We need to improve Jeff's understanding of and comfort working in the public sector.

**REVIEWER'S COMMENTS**

The City is VERY fortunate to have Jeff at the helm of promotions. Not only does Jeff have incredible vision, he cares deeply about this community. I am fearful that he may burn out with the workload he places on himself.

  
\_\_\_\_\_  
Reviewer's Signature

**EMPLOYEE'S COMMENTS**

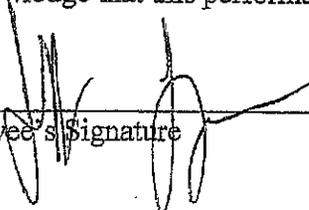
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I acknowledge that this performance evaluation was discussed with me.

Employee's Signature

A handwritten signature in black ink, consisting of several vertical strokes followed by a large loop and a horizontal stroke extending to the right.

Date

2-14-11

To whom it may concern ,

I never written a letter because it's not good to mix business with politics , this time I feel I want to say my thoughts on Jeff Ferguson . He is a occasional customer and we are not friends

I have been in business for 26 years , some of my employees have been with me for over 17 years .When you have a good employee or even a good friend , when you don't agree you should work things out .You never want to lose good help .

It is very hard to find to find someone with Jeff's knowledge to promote Gold Beach .He has done the best job of anyone since I've been in business .I know most of the staff at the City and have a lot of respect for them , have seen them make good decisions but this one is a bad one

I have been told that Jeff and Ellen Barnes didn't always agreed and I will tell you that from my experience with her she was a very difficult customer to deal with from the first conversation that I had before I work on her car .Last summer ,a new employee at the front desk give Ellen her car repair bill , he forgot to charge for 4 hr of labor and some of the parts . I explain to her that he was new , 2 days on the job and made a mistake .She got so mad her lower lip was shaking , so I told her if this was going to make her that mad , not to pay the labor .My thought was , this is not the administrator who should run the City .

I am glad you hired Jodi Fritts . Now please work things out so Gold Beach will keep getting respect

Thank you , Tim Harding 3-28-2012

*Tim Harding*  
698-7115

**EXHIBIT** 5(1 pg.)

Bob Manners, DC  
95411 Tututni Hollow Road  
P.O. Box 1218  
Gold Beach, OR 97444  
541-247-0667

March 29, 2012

To whom it may concern:

I am writing this letter in support of Jeff Ferguson in his grievance with the City of Gold Beach. As a member of the Gold Beach Promotion Committee, please recognize that the following opinions are mine alone as a citizen of Gold Beach, and in no way am I representing the Gold Beach Promotions Committee.

According to the March 7, 2012 Notice of Disciplinary Action, Mr. Ferguson was terminated "for prohibited conduct that has caused a hindrance to the effective performance of city functions and reflects discredit on the city." Further, the Disciplinary Action Form accuses Mr. Ferguson for "failing in one of your essential job functions, which is to establish and maintain productive working relationships with local businesses and organizations."

Although this is solely my opinion, after reviewing the entire Notice of Disciplinary Action and the Disciplinary Action Form, including all attachments, I find nothing to substantiate the termination of such a well respected and talented employee. I will mention only briefly that I have had over 30 years experience in the management of employees.

Mr. Ferguson broadened and enriched Gold Beach Promotions relationships with the Oregon Coast Visitors Association, Travel Oregon, the Southern Oregon Visitors Association, the Central Oregon Coast Association, the South Coast Partnership, and the America's Wild Rivers Coast Association. I am aware of letters of support for Mr. Ferguson from the CEO's and Directors of these same associations. Mr. Ferguson sits on the Board of Directors for OCVA and SOVA. His efforts with the SCP have earned this group several awards from the Oregon Tourism Commission. Last year he won the highest award that AWRC gives for hospitality and tourism. He has excellent working relationships with the various media representatives and vendors used by Gold Beach Promotions. He has excellent relationships with local business owners and our local organizations. His reputation in our community is a testament to that fact. I strongly disagree with the statement that Mr. Ferguson has failed to establish and maintain productive working relationships with our local businesses and organizations. In fact, I would propose that Gold Beach Promotions has enjoyed increased productivity with these organizations as a consequence of the efforts and enthusiasm of Mr. Ferguson.

In regards to allegations that Mr. Ferguson has "caused a hindrance to the effective performance of city functions and reflects discredit on the city", I can only say I have not seen any evidence of this in our community. To the contrary, the credibility of Gold Beach with the hospitality and tourism associations has greatly improved due to Mr. Ferguson's talents.

I hope the City of Gold Beach will have the wisdom to reconsider their actions with such a valuable, respected, talented, enthusiastic, and award winning employee.

Respectively submitted,

Bob Manners, DC



EXHIBIT 6 (3 pgs)

Carolyn Trigueiro  
30396 Hillside Terrace  
P.O. Box 1463  
Gold Beach, Oregon 97444  
541-373-0796

March 30, 2012

To whom it may concern:

While I am a member of the Promotions Committee, I am writing this independent of that position, as a member of the Gold Beach community in support of Jeff Ferguson.

As the Manager at Gold Beach Books, I experience the keen awareness of the importance of the tourism base of our local economy. The people who benefit from the promotions for Gold Beach are entrepreneurs, or those who work for them, and it is impossible to function independently of the opinions and actions involving the community's business and government. Travelers through Gold Beach, whether as a destination or a quick stop, carry their experiences back with them and often tell many others about our city. It is my practice to make these short encounters as memorable as possible for these people, to share and encourage others to visit our city. Under Jeff's direction, the Visitor's Center has become a more vital destination as a "home base" for tourists to find out about many activities and accommodations. From developing updated trail hiking brochures to rearranging the lobby to be more visually pleasing, Jeff has had a positive impact with his influence there.

I have read the packet presented to Jeff from the City and Jeff's response. Jeff's passion for Gold Beach is evident, as is his humanness. This morning I read excerpts from 5 Strategies of Effective Bosses from a Forbes magazine article. The first strategy mentioned is to develop every employee. Without great employees, no amount of focus on goals will ever pay off; it is the bosses' job to provide training, mentoring and opportunities the employees need and deserve. In my opinion, Jeff has the motivation and skills necessary built in to his psyche, and has used these effectively to perform his job. Working with the exceptional employee is a challenge most bosses don't have. The second strategy mentions dealing with problems immediately. The communication conveyed in the email threads exhibits a failure to communicate effectively, allowing a small issue to escalate, and this is carried over to a total failure of communication on the City's part as evidenced by Jeff's immediate termination.

Jeff's termination has repercussions larger than Jeff not having a job. This decision has affected many in Gold Beach because we all are losing an effective public relations asset for our community. The benefits of Jeff's trusted and developed contacts with Oregon promotional and visitor associations contacts and liasons have been compromised.

I sincerely hope the City of Gold Beach will have the foresight to reconsider their actions with this valuable person.

Thank you.



Carolyn Trigueiro

To: Mayor James Werwicke  
Gold Beach City Council  
Jodi Fritts, City Administrator

From: Lawrence Hammer

Re: Jeff Ferguson  
Disciplinary Action

There are at least two errors contained in the Notice of Disciplinary Action, specifically those cited by former City Administrator Ellen Barnes under "uncooperative behavior":

1) Ms. Barnes claimed that Jeff signed contracts against her directive. Prior to Jeff becoming head of the Promotions / Visitor Center, the person in that position signed all contracts. This can be confirmed by contacting people who previously held that position as well as current and former members of the Promotions Committee. When Jeff became Director, he continued the same procedures. When Ms. Barnes reviewed the city regulations and found that she was the only person who could sign those documents, she notified Jeff and he immediately turned over the responsibility to Mr. Barnes. This was discussed in detail at the Promotions Committee. If there was any delay, it was due to confusion or work already in progress. It was not intentional and certainly did not rise to the level of insubordination.

2) When Ms. Barnes notified Jeff and the Promotions Committee that we could no longer allow comments on the Visitors Center Facebook site, I worked directly with Jeff to figure out what settings to change. He and I worked feverishly, over several days to try to discover why some accounts allowed comments and others did not, and what we could do to conform with Mr. Barnes directives. After a period of time, we decided that it was not a matter of a simple change in a setting, but we had to shut our page down and restart under a different category. Jeff communicated this finding to Ms. Barnes during a meeting. She told us to shut the page down and it was done immediately. Any delay between being notified and taking action was due to lack of knowledge on how to accomplish this goal and was not insubordination.

I cannot defend Jeff's emails. I firmly believe they were inappropriate. However, given Jeff's other significant achievements, contributions, and his value to the residents of Gold Beach plus correcting his discipline record, I feel a more appropriate action would temporary suspension, then allow Jeff to resume his position as Director of the Gold Beach Visitors Center / Promotions.

Sincerely,

  
Lawrence Hammer

Gold Beach Promotions Committee Member

03/16/12

To Whom It May Concern,

I wish to exercise my right to a formal grievance process. I am requesting that this be open to the public and that the entire City Council be present.

My hope is to have an open discussion about all the topics outlined in the 'Disciplinary Action Form' dated March 07, 2012. I wish that this conversation had taken place before my termination. My heart is in this community and I feel that I should have been given that opportunity. I was told that I was being terminated, instead of having an open discussion, because I had been reprimanded about another issue last year. That particular situation (Joel Summers) has long been remedied. Mr. Summers and I have a very good working relationship. We simply sat down, visited and worked through our differences.

In reference to the Chamber, I gave my own time (not City time). Over 2 years ago, I was asked by several local business people to "help them out" (the Chamber). This made sense, as I do have a fair amount of Chamber experience. I did spend a lot of time over the past couple of years, attempting to guide, mentor and assist.

The quote that is described as "threatening" is not that at all. The Chamber Director was struggling with decreasing monthly Chamber luncheon attendance. I had been asked "What did you do when you were running things"? I advised, "You need to have the meetings at the same place and same time each month. The programs always need to be strong...you only have 12 a year, so it's important that they're all well done. You need to have good food at a fair price and be sure to add some humor...and be careful about having too many politicians as speakers. That has hurt attendance in the past".

Yes, I did expect an apology from the Chamber President as I didn't feel he represented Gold Beach very well at a Sportsman Show. I wasn't the only person who witnessed this. Mike Becker worked the show with me. Some comments made to Jim Carey by the Chamber President after the show confirmed what Mike and I witnessed.

I'm passionate about what I do and I absolutely love Gold Beach. I'm hopeful that my request to be heard is honored. I have worked very hard for this community/city and hope to have that opportunity again.

Sincerely,

Jeff Ferguson

PO Box 636, Gold Beach, Or. 97444

EXHIBIT 7(3pgs)

03/28/12

City Council,

I volunteered to work at the Gold Beach booth during the Eugene Sportsman Show.

At that show, I witnessed Bob Chibante (GB Chamber Pres.), aggressively trying to sell tickets for a boat the Chamber was raffling off. This sort of thing is just not done at Sportsman's Shows. There are lots of things that are sold at these shows but not in the manner he was doing it.

One morning in the vendor breakfast area (Valley River Inn), he was bothering (trying to sell tickets), other vendors while they were trying to enjoy breakfast before our 12 hour day started at the fairgrounds.

At the show, he came over to our booth a couple of times. The first time, we asked how he was doing he said, "I've only sold a couple so far...I'm shaming them into it". The second time, he told us he was tired of people saying they didn't have any money with them but they would be back to buy a ticket, so he started keeping track of the names of the vendors who said this (all vendors wear name badges with business names on them) and then he was going out into the convention areas to find them (to sell tickets). Anyone who has ever worked a Sportsman Show knows that this is not something you do.

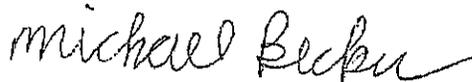
The promoter of the show (his first name was Joe but I don't know his last name), came by our booth twice to ask about Bob (the Gold Beach Chamber President). We were really busy both times, so we didn't have much time to talk. The first time he (the promoter) wanted to know if Bob was with us. I told him, "No, he isn't". The second time he came by gave me the impression there was a problem with Bob. I told him, "We don't have any control over him".

We even had several people (2 were vendors, I think) come by our booth and say things like, "Hey, what's with your buddy Bob from the Gold Beach Chamber"? We apologized and informed them he was not with us but operating on his own.

When I got back to Gold Beach, I heard that he said some of the same stuff to Jim Carey. I have not talked to Jim but I understand that Bob told Jim, "I only sold 9 tickets and that's only because I shamed them into it".

Sincerely,

Michael Becker



EX LTR

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## Carey letter

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**From :** JIM CAREY <goldcoastproducts@frontier.com>

Fri, Apr 06, 2012 02:35 AM

**Subject :** Carey letter

**To :** Jeff Ferguson <gbjeff1@gmail.com>

To Whom It May Concern:

I'll cover a few events and conversations that could be of interest between myself and both Bob Chibante and Jeff Ferguson. The first comments were just after Bob's return from the Eugene Sport Show, and the Medford Sports show that I attended. Bob's intention was to create additional raffle ticket sales for the Chamber Of Commerce Boat at the Eugene Show. Unfortunately, the sales were bleak, for the first day Bob said that people kept saying "I'll get a ticket later". Bob said "The next day, I went around and found the people who said they'd be back, and shamed them into buying a ticket".

It was later that day that Jeff Ferguson commented that there was concern regarding the way Bob handled himself, pushing ticket sales at the show and participating at the show under the auspices of the Marina's Booth (stretching the limit). It also appeared that Joe Pate, the organizer of the shows, wanted to be contacted regarding this problem.

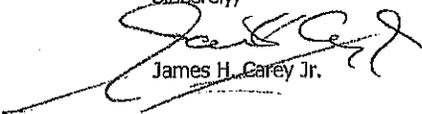
Jeff also related a conversation between Bob and Mike Becker (the weekend Mike worked the Eugene show) about Bob's disrespectful statements toward Mike Becker, regarding Mike's assistance to the Gold Beach High School's Football Team over the past decade. I personally know Mike, and he is proud of his work with the team over the years, and he didn't deserve the denigration.

At the Medford Show (which I attended), Jeff introduced me to Joe Pate (the organizer of the shows.) When Joe and I talked about the cost of the show booths and the booth's traffic, I explained the financial problems the Chamber had suffered for the past couple of years. At that time, I explained Bob's personal dedication to the raffle fundraiser (his pet project), and that Bob probably felt that the connection to the Marina, the company that sold the boat to the Chamber, gave Bob the ability or standing to participate at the Show. Joe seemed to accept my rationale for Bob's behavior, but showed through facial expression, that he just wanted this subject to fade away and that there would be no effect upon our business relationships. I feel the fact that Bob didn't attend the Medford show allowed the subject to fade easily.

Later that week, when Bob came by to explain his discontent with Jeff's comments regarding his technique of tracking people down to get tickets sales, I reminded Bob (who was down-playing his technique), that he had even admitted to me that "he went around, shaming them into buying the tickets."

I realize that there is friction between the Chamber president and Jeff. I simply want to give a sample of the conversations I've had with both individuals. To show some background basis for some of the comments made in Jeff's email regarding Bob's behavior. The Chamber seems to need Jeff to run interference and serve as a mediator.

Sincerely,

  
James H. Carey Jr.



To: Mayor James Werwicke  
Gold Beach City Council  
Jodi Fritts, City Administrator

From: Lawrence Hammer

Re: Jeff Ferguson  
Disciplinary Action

There are at least two errors contained in the Notice of Disciplinary Action, specifically those cited by former City Administrator Ellen Barnes under "uncooperative behavior":

1) Ms. Barnes claimed that Jeff signed contracts against her directive. Prior to Jeff becoming head of the Promotions / Visitor Center, the person in that position signed all contracts. This can be confirmed by contacting people who previously held that position as well as current and former members of the Promotions Committee. When Jeff became Director, he continued the same procedures. When Ms. Barnes reviewed the city regulations and found that she was the only person who could sign those documents, she notified Jeff and he immediately turned over the responsibility to Mr. Barnes. This was discussed in detail at the Promotions Committee. If there was any delay, it was due to confusion or work already in progress. It was not intentional and certainly did not rise to the level of insubordination.

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I cannot defend Jeff's emails. I firmly believe they were inappropriate. However, given Jeff's other significant achievements, contributions, and his value to the residents of Gold Beach plus correcting his discipline record, I feel a more appropriate action would temporary suspension, then allow Jeff to resume his position as Director of the Gold Beach Visitors Center / Promotions.

Sincerely,

Lawrence Hammer

Gold Beach Promotions Committee Member

Exhibit 9

RESERVED

EXHIBIT 9



City of Gold Beach  
**Employment Agreement**  
*Executive Director of Gold Beach Promotions  
and Visitor Center*

THIS AGREEMENT, made between the City of Gold Beach, state of Oregon, a municipal corporation, hereinafter called the "City," and Jeff Ferguson, hereinafter called "Ferguson", who agree as follows:

WHEREAS, the City desires to employ the services of Ferguson as the Executive Director of Gold Beach Promotions and Visitor Center; and

WHEREAS, it is the desire of the City to provide certain benefits, establish certain conditions of employment, and to set working conditions of the Executive Director of Gold Beach Promotions and Visitor Center; and

WHEREAS, Ferguson desires to serve as the Executive Director of Gold Beach Promotions and Visitor Center.

NOW, THEREFORE, in consideration of the mutual promises herein contained, City and Ferguson agree as follows:

**Section 1. Duties and Job Requirements**

- 1.1 City agrees to employ Ferguson as the Executive Director of Gold Beach Promotions and Visitor Center to perform the functions and duties set forth in the class specification set forth in Exhibit A, which is attached hereto and incorporated by reference.
- 1.2 Ferguson agrees to professionally and competently perform the duties set forth in Exhibit A, as well as all other duties that may be assigned to him from time to time by the City Administrator, the City Administrator's designee, or the duly appointed City Administrator Pro Tem.
- 1.3 Ferguson further agrees to professionally and competently operate Gold Beach Promotions and the Gold Beach Visitor Center in compliance with all applicable federal, state and local laws and with all policies, standards and regulations and orders established by the City and the state of Oregon.
- 1.4 Ferguson understands and acknowledges that his position is exempt from overtime and he is expected to be able to work more than forty (40) hours per week.

## Section 2. Compensation

- 2.1 In consideration for services to be performed by Ferguson as the Executive Director of Gold Beach Promotions and Visitor Center, the City agrees to pay Ferguson \$3,750 per month, which is equivalent to \$45,000 per year.
- 2.2 Thereafter, Ferguson may be eligible for any COLA increases given to city employees.
- 2.3 Ferguson will receive, as part of his taxable compensation, a \$40 per month allowance for cell phone usage. Ferguson is responsible for cell phone costs in excess of \$40 per month, including any cost to replace a lost cell phone.
- 2.4 Ferguson will receive the same medical and dental insurance coverage on the same terms as they are provided to other city employees. This currently includes payment by City of one hundred percent (100%) of premium for city employees and seventy percent (70%) of the premium for eligible dependent family members. Both the insurance plans and the City's share of premium payments are subject to change at any time, so long as the change is generally applicable to employees of the City of Gold Beach.

## Section 3. Personnel Policies and Vacation Benefits

- 3.1 Ferguson understands and acknowledges that in his position as Executive Director of Gold Beach Promotions and Visitor Center, he is subject to all City employment and operational policies as described in the City of Gold Beach Policy Manual, except for the provisions regarding accrual of vacation leave. The City's disciplinary policies also apply to Ferguson. All disciplinary processes will be conducted in accordance with the City policy and Oregon law.
- 3.2 Notwithstanding city policy whereby regular full-time employees accrue vacation at a rate determined by months of service with the City, the City hereby agrees to provide Ferguson with 120 hours paid vacation leave annually beginning July 1 each year.
- 3.3 Ferguson understands and acknowledges that unused vacation hours will not carry over between years. Vacation hours not used by June 30 each year will be forfeited. There will be no pay in lieu of vacation not taken except at termination at which time any remaining vacation hours will be paid in full.
- 3.4 Vacation leave will not be granted beyond the amount allocated each year.
- 3.5 Ferguson understands and acknowledges that vacation leave may be taken only with the advance approval of the City Administrator, City Administrator's designee, or City Administrator Pro Tem.

**Section 4. Modification**

No modification of this Agreement shall be valid unless in writing and signed by the parties. This contract may not be modified by any oral promises or assertions.

**Section 5. Integration**

This Agreement embodies the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein. This Agreement supersedes all prior communications, representations or agreements, either verbal or written between the parties.

**Section 6. Severability**

If any provision of this Agreement is held by any court of competent jurisdiction to be invalid, such invalidity shall not affect any other provisions of this Agreement, and this Agreement shall be construed as if the invalid provision had never been included in the Agreement.

**Section 7. Waiver of Breach**

The waiver by either City or Ferguson of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any other provision or of any subsequent breach of the same provision by either City or Ferguson.

**Section 8. Exhibits**

All exhibits attached to this Agreement shall be deemed part of this Agreement and incorporated herein where applicable, as if fully set forth in the Agreement itself.

**Section 9. Governing Law**

This Agreement shall be construed in accordance with and governed by the laws of the state of Oregon.

**Section 10. At Will Status: Notice**

*= STATE OF OREGON = ALL PUBLIC EMPLOYEES*

City and Ferguson acknowledge and agree that Ferguson is an "at will" employee and may be terminated at any time, with or without cause. Ferguson agrees to provide City with at least two (2) weeks' notice before terminating his employment with the City. During such time, at the City's option, Ferguson will continue to work and provide his best efforts in the position.

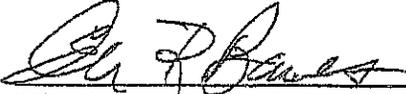
**Section 11. Exclusive Employment**

Ferguson agrees that he will remain in the exclusive employ of the City for the term of this Agreement and will dedicate all of his professional time and effort solely to the benefit of the City of Gold Beach. During the term of this Agreement, Ferguson shall not be engaged in any business activities that interfere with his current duties and will not accept remuneration for services from any source other than City, except as approved by City. Any amendment of this provision requires written approval by the City Administrator, after consultation with the City Council.

**Section 12. Opportunity for Legal Review**

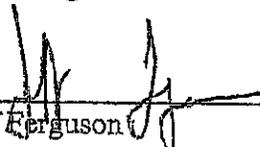
At all times City has been represented by attorney Lauren Sommers of the Local Government Law Group. Mr. Ferguson has been counseled to seek legal representation and has the right and ability to contact independent legal counsel of his own choosing in regards to the evaluation of this agreement.

City of Gold Beach

  
Ellen Barnes, City Administrator

Date: 7-26-11

Jeff Ferguson

  
Jeff Ferguson

Date: 7-26-11

# Gold Beach Books, Inc.

*Special Collections & District 2.5 Gallery*

Post Office Box 610  
29707 Pacific Highway 101  
Gold Beach, Oregon 97444  
(541) 247-2495

OregonCoastBooks.com  
ted@oregoncoastbooks.com

29 March 2012

Via Hand Delivery-  
City Council Members  
Gold Beach City Hall  
29592 Ellensburg Ave.  
Gold Beach, Oregon 97444

Re: The Dismissal of Jeff Ferguson

To the Honorable Members of the Gold Beach City Council:

I am aware of the detailed reasons provided by the City Manager for Jeff Ferguson's termination as Director of the Gold Beach Visitors Center. While the issues raised are certainly troublesome, I feel strongly that none of those items individually, or collectively, rise to the level of necessitating a discharge. This is overwhelmingly true considering Jeff's long list of accomplishments favoring the business community as a whole.

My own business has benefitted from Jeff's promotional activities in far too many ways to list. He and his staff have referred countless visitors to the bookstore and all the other businesses in our area. Jeff has worked with me and my staff on numerous promotional projects, and he always has valuable suggestions and insights. He has proven himself a tireless promoter of Gold Beach, and along the way has become the chief "go to" person for travel professionals throughout the region. Through Jeff's efforts, our area has the highest and most favorable reputation it has ever enjoyed as a tourist destination.

Jeff is a home-grown product, so obviously proud of Gold Beach, and surely has been its most vocal supporter for many years. He is a man of action, with a strong personality ideally suited for promotion. He gets out among the people and businesses, shaking hands and offering practical advice. (He is not an "office man," limiting his efforts to paperwork like so many in similar positions elsewhere often do.) In those instances where Jeff's forthright style becomes too aggressive or frank, he can be effectively corrected by a strong manager.

I think most of you share the belief that "employee discharge" should not be used as a management tool; that a termination is, rather, an admission of failure to manage, and should only be exercised with the greatest reluctance and always as a last resort. I do not believe it was a last resort in Jeff's case.

EXHIBIT 11 (16 pgs.)

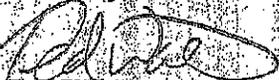
City Council Members  
Gold Beach City Hall  
29 March 2012

Page Two

Jeff's reinstatement would begin the community healing process. It is most distressing to me when I ponder the consequences of a City Council decision affirming his dismissal, which would no doubt escalate the present emotional upheaval to new heights, something which would be so upsetting for all individuals concerned, not to mention likely resulting in negative practical consequences for worthy organizations like the Chamber of Commerce and the Visitors Center.

Reinstating Jeff (perhaps on a conditional basis with an appropriate probationary period) may be the hardest path for you to choose because it involves reversing a prior administrative action; nevertheless, acting with courage to reinstate Jeff is the best thing for the Gold Beach community.

Sincerely,



Ted Watkins  
Owner, Gold Beach Books

cc: Gold Beach Promotion Committee  
Mr. Jeff Ferguson ✓

March 28, 2012

To Whom it may concern:

The Lottis family has operated Five Star Charters going on ten years. We, as all the other businesses in the community recognize the importance of tourism. During this time we have worked with many individuals in the local government and civic groups in an effort to promote Gold Beach for what it has to offer. As a result we know who, what and how it happens in our city. Jeff Ferguson has been just that. He is Mr. who, what and how when it comes to promoting Gold Beach. His past record of community service and involvement is without peer. We trust the City of Gold Beach can work out their issues with Mr. Ferguson and put him back in the game that he plays so well for all of us here in Gold Beach.

Sincerely,

A handwritten signature in black ink that reads "Mark Lottis". The signature is written in a cursive style with a large, prominent "M" and "L".

Mark Lottis, Five Star Charters

# LETTERS TO THE EDITOR

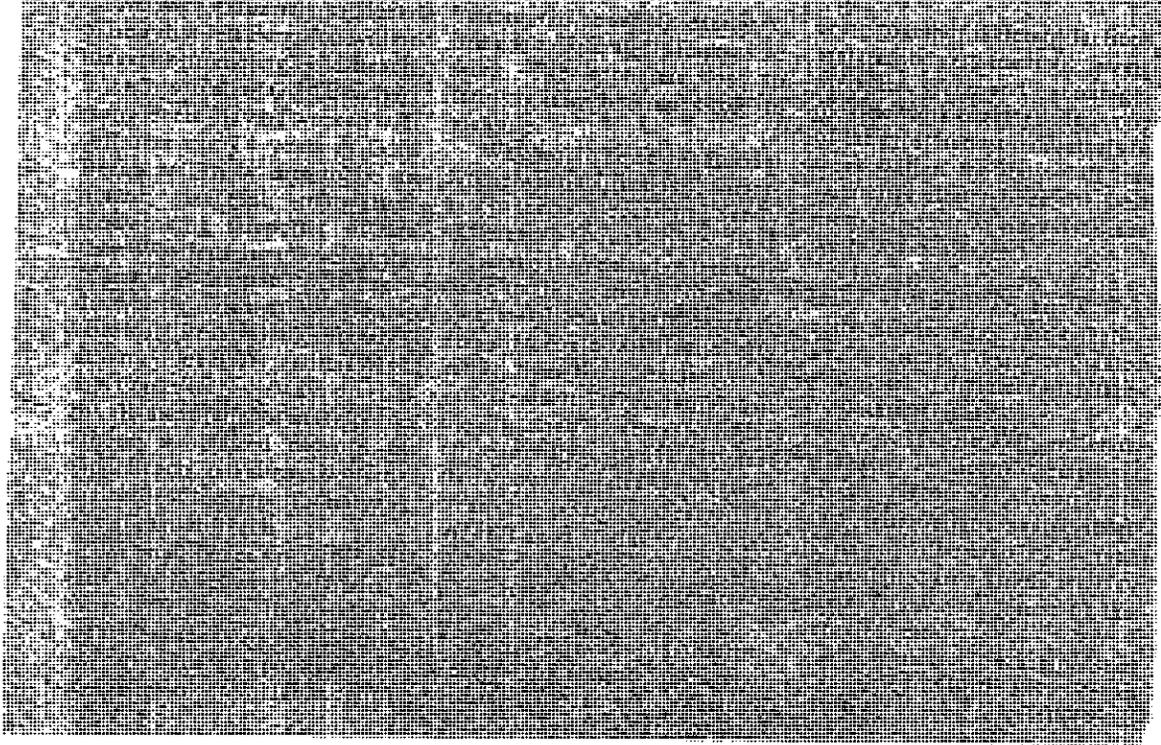
Jeff Ferguson has a passion for his home town, Gold Beach

LETTER  
SPOTLIGHT

... guilty of unprofessional conduct

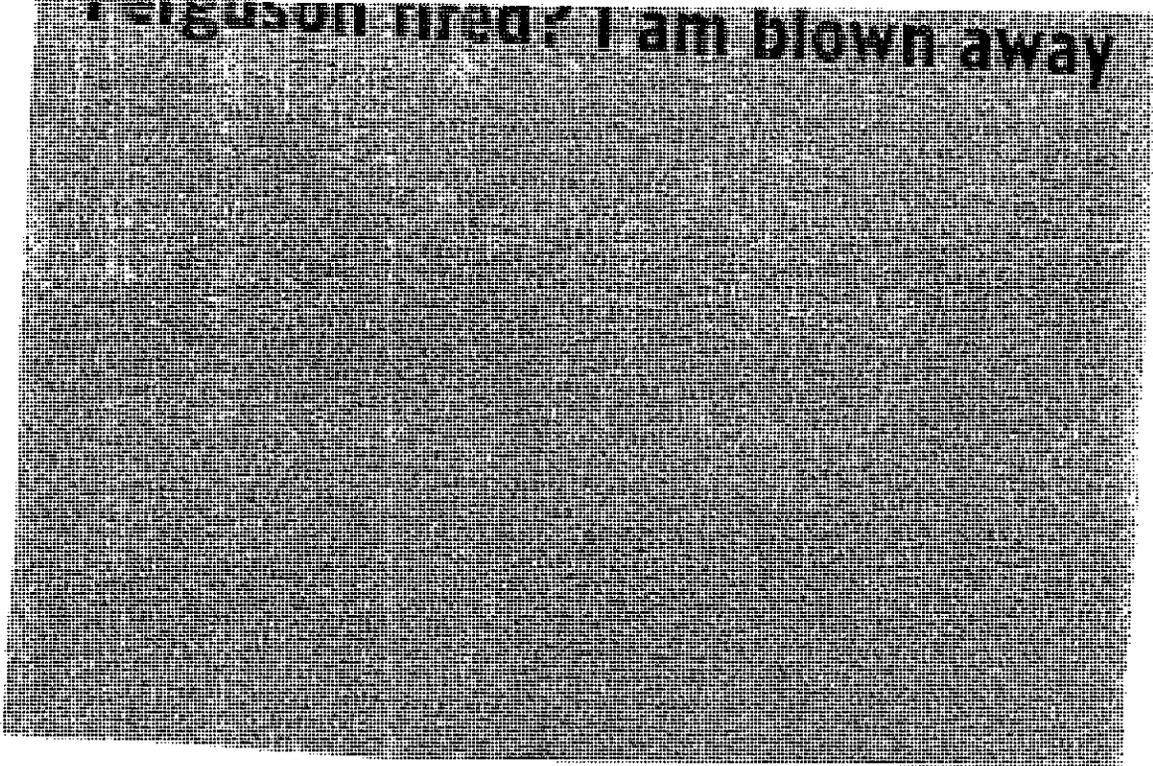
Ferguson's termination  
was just wrong

**Saddened to hear Ferguson is no longer promoting Gold Beach**



# Ferguson's summary dismissal showed lack of respect

I am blown away



**Ferguson was our 'white knight'**

**Reconsider Ferguson  
decision**

# Jeff Ferguson is a home-town boy

Dear Joel and readers:  
Once again I use your newspaper to share my opinions. I am writing regarding Jeff Ferguson being summarily dismissed from his job as director of promotions for the City of Gold Beach.

I have known Jeff all his life, I guess, and have been fairly close to his family for many years. I am writing this to show my support for Jeff, a home-town boy who came back to the town he loves. He was raised here, educated here and honored here for his athletic prowess as well as for his scholastic accomplishments. He has been a good citizen in this

town for many, many years. I do not know for sure who will be named as our next promo director, but I would think some of the important qualifications would be a person who loves this town, has great experience at promoting this town, who looks and acts presentable, is friendly, intelligent and professional with high standards. You know, like Jeff Ferguson.

It would be interesting to know how the people who collect the promotion tax through their motels and vacation rentals feel about the work that Jeff did. I think that should rate pretty high

on the list in any decisions made regarding his employment. Were they asked? I have not heard both sides of this matter, but I hope that Jeff wasn't fired just for getting 'on the wrong side' of someone.

I hope the city council will be allowed to hear Jeff so they can consider if his actions rose to the level of dismissal. He certainly deserves being able to answer to any and all accusations made against him. The council needs to have access and answers (with proof) of what has happened to suddenly fire any employee without a hearing or investigation into the alleged wrongdoing.

I want to say that I have admired Jodi because she chose to stay here, raise her children and make her living here. I am pleased when one of our own is able to be successful and live here. This is not to be misconstrued as an attack on Jodi. She is smart, ambitious and has a great work ethic. You know, like Jeff Ferguson.

Thanks for the space.

Sue and Moë Johnson  
Gold Beach

## The Jeff Ferguson matter should be mediated

Dear Mayor and Council:  
I believe the City will make a huge mistake if Jeff Ferguson's firing is allowed to stand. Jeff Ferguson knows more about this area than any person I know. He loves this community and he knows how to promote it. His knowledge and determination would be difficult if not impossible to replace.

The Mayor and City Council should act as mediators and get everybody to the table and not let personalities get in the way of what is best for our city. Please Mayor and Council get Jeff back as soon as possible.

I don't know the whole story but I do know Jeff and you will never find anybody better.

I was Mayor of Gold Beach for 12 years and the most important thing for the survival of this community is to have a Promotion Director that loves where they live and is knowledgeable about every facet of our community. Regardless of whether you believe it or not this community's survival will always rely on tourism to keep money circulating in the area.

I implore you as the leaders of our community to remember you are the final decision maker and you have the ability to get everybody to the table and fix this fixable situation.

Marilyn Schafer  
Gold Beach

## I was speechless when I read about Jeff

Gold Beach has finally gone crazy! I am talking about Jeff Ferguson. I was speechless when I read that Jeff had been fired.

Jeff is one of the hardest working, caring people I have ever met. Letting Jeff go was one of the stupidest things I have heard in a long time. He puts in so many hours promoting our city (that he loves) he puts his own life

on hold. I sincerely hope this has a good outcome.

I like many could fill this paper about Jeff, but will make this a short one. Hang in there Jeff you have a town full of supporters out there.

Thanks,

Karen Roe  
Gold Beach

## Supports rehiring Jeff Ferguson

Dear Joel:

The City Council cited an "inability and unwillingness to establish and maintain productive working relationships with local businesses and organizations" for the termination of Jeff Ferguson.

His alleged poor working relationship with the Chamber of Commerce and the past city manager is not adequate grounds for

termination. The larger tourism community, beyond the borders of Gold Beach, is shocked by the recent actions of our City Council.

Promotional people are hard to find; yes they can be temperamental and may not conform to the normal administrative rules that make a municipality function. If you want an administrative bureaucrat to run your promotions, that is a bad

decision.

The City Council just 'gut shot' one of our biggest supporters in the history of Gold Beach. You should instead learn how to take advantage of his qualities and modify the behavior which you dislike.

I support the rehiring of Jeff Ferguson as the Gold Beach Promotional Manager.

Yours truly,

Bill McNair, President  
Roguejets Inc. since 1972

## O.M.G. Ferguson was fired?

To the Editor:

O.M.G. Jeff Ferguson was fired? Over a couple of E-mails? The one person who's done more for our community, especially small businesses than anyone else. Common sense dictates this

isn't over a couple of E-mails. Somebody's running their own agenda and not doing what's best for our community as a whole.

Jeff, Thank You.

Sharon Brown  
Gold Beach

## No one promotes GB like Ferguson

To the Editor:

I've lived in Gold Beach for 21 years. No one has done more to promote our community than

Jeff Ferguson.

Sincerely,

Joy A. Burnett  
Gold Beach

+Jeff Search Images Maps Play NEW YouTube News Gmail Documents Calendar

Gmail

COMPOSE

Walden University Online Doctoral, Master's and Bachelor's. - Waldenu.edu - An Accr

Inbox (4)

Starred  
Important  
Sent Mail  
Drafts

Circles

Personal  
Travel  
More

Chat

Search people...

- Jeff Ferguson
- Set status her
- Call phone
- Becky & David Sop...
- Jerry's Rogue Jets
- JIM CAREY
- joel
- joel-summer
- Laurel Gerkman
- Rebecah Lutz

Support

Inbox x



Becky & David Sophusson bdsoph@gmail.co 8:40 AM (38 minutes ago)  
to me

April 2, 2012

: Support of Mr. Jeff Ferguson

Since moving to Gold Beach in 2007, what we have noticed is  
Ferguson is one of the few people who seem to get that Gold E  
dying a slow death. That he truly cares about what happens he  
what he can do to revive it. He isn't walking around with blinde  
Have you really taken a look at Gold Beach? Jeff is trying some  
ideas.

I hope the City reconsiders and hires Jeff back. Thank  
considering this ..

David and Becky Sophusson



Jeff Ferguson  
to Becky

9:19 AM (0 minutes ago)

Take a tour | Send feedback

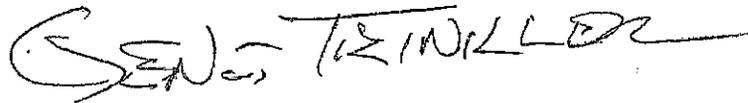
29 March, 2012

Subject: Support of Mr. Jeff Ferguson

Mr. Ferguson has been most helpful over the years in his position as "Mr. Gold Beach", the Promotion Man himself. He has been the best "thing" to happen to our Visitor Center in many years.

I hope the City reconsiders and hires Jeff back on a probationary basis at the least.

Gene and Pam Trinkler

A handwritten signature in black ink that reads "Gene and Pam Trinkler". The signature is written in a cursive style with a long horizontal line extending to the right.

# Ferguson's enthusiasm for Gold Beach is beyond reproach

To whom it may concern,  
It is my distinct pleasure to tell you just how much I appreciate Jeff Ferguson! I first met Jeff almost 13 years ago when I began working as the Executive Director for the Oregon Coast Visitors Association and he was working with Jerry's Rogue Jets. Since then he began working for the Gold Beach Promotions Committee and we welcomed him onto the Board of Directors of OCVA.

things about Jeff. His enthusiasm for Gold Beach and the entire Oregon coast is beyond reproach. As an advocate for Gold Beach, he has had a willingness to be a fearless leader, blazing a trail into greater possibilities for your community. He is friendly, driven, motivated, and passionate for Gold Beach.

As a member of the OCVA Board of Directors, Jeff has offered his knowledge, insight,

made thoughtful suggestions, and been a man with his own opinions but also willing to accept the decisions of the group without holding any hard feelings.

Jeff shares his toys and plays well with others. In my opinion, you could not ask for a better advocate for Gold Beach!

Sincerely,

Rebecca Lutz  
OCVA Executive Director  
Newport

## Found Ferguson to be efficient and prompt

## What a shame to lose such an asset

To the Editor:  
What a loss to the Visitors Center but more importantly to Gold Beach to no longer have Jeff Ferguson at the helm! As one of the first people to welcome tourists to our city, his enthusiasm is infectious and he is a true asset. It is a shame to see his trade show to bring in tourist dollars. What a shame to lose such an asset.

Jackie & Ron Smothers  
Gold Beach

# LETTERS TO THE EDITOR

## Hopes the City has the wisdom to reconsider their decision

## Ferguson a passionate ambassador of GB

On March 14, 2011 Ellen Barnes, Gold Beach City Administrator came into our check in office at Turtle Rock Resort. Julian Starr, owner was available so Ellen and Julian went into his office.

I came into the check in office after Ellen arrived. Soon Julian and Ellen came out of his office. She looked very upset and was asking to see a check in form for one of our guests. As I was trying to get it from our computer system she became more and more agitated saying things about reporting Turtle Rock to the IRS, mentioned the FBI in a louder and louder voice. It wasn't making a lot of sense. Her hands and voice were shaking; her face was tight looking and turning red. I had never seen her that way. I tried to calm her down and was incredulous that she would be so extremely angry. Julian was also trying to calm her to no avail.

Julian brought her out of the office because she was getting more and more confrontational. He was concerned to be by himself with her and wanted witnesses because she was elevating her strange behavior. And he wanted the form to prove what had happened.

While she was speaking so loudly Vern Hodencamp, a Gold Beach police officer came into the office. Julian was shocked that Ellen would have requested the police. Julian asked what he was doing in our office. He heard Ellen, looked shocked and quickly turned around and immediately left saying he was just checking in and he would come back when things were calmer. Ellen had not requested his presence, he had just dropped by to say hello.

The guest information she wanted concerned a guest who could not understand our billing policy and was further upset by mistaken misinformation from a staff member. Ellen had come to our office to clarify the situation since the guest had contacted the city.

I gave Ellen the form she requested, a copy of the reservation form. She said it was not good enough, we could have changed it. I went to the back of the office and started getting other reservations with the same information as she continued to yell. When she looked at the additional forms she began to calm down as she realized we were not in the wrong. When she walked out the door she said she liked us and apologized.

Kachina Starr

3/28/12

EXHIBIT 12 (3 pgs)

Specifically from Julian Starr:

Ellen came into the park and asked for Kachina or me. Kachina was not available so I took her into my office. She refused to sit down. She seemed very uptight and upset. She accused us of charging a sewer tax. I assured her we did not charge a tax that we do charge a sewer fee that had previously been approved by three other City Administrators and run by the City Attorney.

She immediately accused me of tax fraud and said was going to report this to the State Attorney General, IRS, FBI, etc. She stated that according to her staff we had a history of continuously breaking City laws. She implied an assistant had made that statement. Due to her accelerated agitation and the need to show her proof of what actually happened I lead her out of my office and into the check in office. I requested multiple forms, as she was not content with one form saying that we could have falsified information. She started yelling and screaming again that she was going to report us to agencies. She said, "How dare you do this to me, I can't look the city council or anybody in town in the eye because of this". Vern Hodencamp walked in at that point while she was yelling and slamming her fist on the counter top with vocals getting louder.

Kachina and I tried to calm her. We calmed her down enough to get her to read the receipts. She admitted that it didn't appear that we had done anything wrong but it needed to be documented in a letter to her.

We documented it in her letter and she emailed that we were not in the wrong. Later we were told by a staff member that Ellen and Jodi are keeping a file on Turtle Rock at the city because of our history.

Some weeks later I attended a promo meeting and asked several members if they were aware of any tantrums Ellen may have had. Amy Gadis stated that Ellen had a temper tantrum at Jot's. I have also heard another business experienced the same situation.

Summary:

When the City Council does not vett applicants for the Administrator position it may cause the Peter Principle, someone who is working in a position beyond their abilities. It's not fair to the City, the employees, or the citizens.

There are times that we all get exhausted from work or personal situations. We all make mistakes. We don't just fire valuable employees. We need to work with them to the best of our abilities. The process needs to be followed correctly and only then should a decision be made.



03.28.12

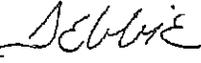


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To whom it may concern:

I was asked to write down what I heard while working in the office on 03/14/11. It was conveyed that there was a serious issue regarding a complaint that was received by the city stating that Turtle Rock Resort was telling our guests that we charge a sewer tax. I know for a fact that is not true. As the owner was trying to look up the information and gather the facts and documentation that involved a particular reservation, the tone of the city administrator became confrontational and argumentative to the owners and was upsetting to staff working in the office.

Sincerely, Debbie   
Bookkeeper, Turtle Rock Resort