

CITY OF GEARHART
Worksession of the City Council
Monday, October 30, 2023
6:30 pm On-site and Virtual/Telephonic

A worksession of the Gearhart City Council was held Monday, October 30, 2023. Council members, City staff, and the public were able to attend on-site, virtually, or by dialing in on a telephone.

Present were Mayor Kerry Smith, Councilor Reita Fackerell, Councilor Dana Gould, Councilor Preston Devereaux, Councilor Sharon Kloepfer, City Administrator Chad Sweet, Executive Assistant Krysti Ficker, and City Treasurer Justine Hill. A quorum of the Council was present.

Mayor Smith called the worksession of the City Council to order at 6:32 pm. He stated that the public was not permitted to speak; however, the public was invited to speak in the public communications section at the regular City Council meeting later in the week.

The Oregon Department of Fish and Wildlife (ODFW) gave a presentation about elk in the Gearhart area. Present were Paul Atwood, ODFW; Charlie Chamberlain, ODFW; Chris Knutsen, ODFW; Sgt Joe Warwick, OSP; Lt Shugart, OSP; and Austin Reeder, ODFW. ODFW Atwood went over the history of the Clatsop Plains Elk Collaborative project, which included partners from City of Gearhart, City of Seaside, City of Warrenton, Oregon Solutions, and ODFW. Based on data ODFW has gathered, elk populations in the Clatsop Plains are robust and stable. He referenced a newly created website on the ODFW site (ODFW, Wildlife Division, Gearhart Elk) where the public can get information on regulating harvest, health, and enhancement of elk populations. ODFW Atwood also indicated that ODFW has not conducted culling operations (i.e. when agency staff or other approved agents kill elk for the purpose of reducing the population) to date. The process for culling is clearly defined in the Collaborative's Declaration of Cooperation and has a clear and legal process according to OAR. He explained that ODFW issued damage tags to a private landowner experiencing property damage near the City of Gearhart over the course of three years through the Oregon Landowner Damage Program (OLDP), which is not a new program and is regularly used in areas throughout the State where elk are doing damage. The elk harvested totals over 250 between three (3) herds and covers from Gearhart to Clatsop Plains. ODFW Atwood stressed that it is illegal to hunt within the City limits of Gearhart. He explained ODFW's objective is to respond to issues regarding wildlife and they manage based on data and science. City Councilors were invited to ask questions.

There were a variety of questions from the City Council. Councilor Devereaux inquired about who actually verifies damage created by elk on the Surf Pines road property; why the last three (3) years seems to have issues; history of the elk damage on the specifically identified piece of property; and how the OLDLP tags are issued. Councilor Gould thanked the panel for their contributions. She indicates citizen concerns over accountability; verification; oversight and legal authority; and eligible property owners' reporting requirements. She requested

professional background history on ODFW Atwood; the relationship between the different geographical herds; likelihood of elk attracting other predatory animals; alternatives to issuing OLDP tags to properties with damage; legality of property owners selling OLDP tags; safety concerns when elk and humans share spaces; the process for the public to request elk tracking information. Councilor Kloefer also thanked the panel for their time and patience. She inquired about the number of hunting licenses per year issued in Clatsop County; how the public may request what tags are being issued and to whom; if there are ODFW representatives onsite when animals are harvested using OLDP; what types of weapons are allowable to harvest elk; data on damage assessments based on animal species; the use of attractions (e.g. salt licks) that landowners may be using to lure elk onto properties; documentation required by the hunters for animals harvested; pregnancy rates of female elk being harvested under the OLDP; clarification on ODFW Atwood's personal authority for granting OLDP tags; movement of collared elk and their relationship to other geographical herds; process of flyovers used by ODFW to count elk; if there is any evidence of fragmentation of the elk population in the last two (2) - three (3) years; ODFW opinion on any attrition of elk due to cougars; statistical breakdown of types of damage caused by elk; specifically who owns the elk; use of trail cameras to document elk patterns; ability to provide input on the Clatsop Plains Elk Collaborative's Declaration of Cooperation; and data on hunting prior to the last three years on the Weston property. Councilor Fackerell inquired about any property size requirements in order to get OLDP tags; what specific social media information was erroneous regarding the elk issue; personally not being against State damage control but felt that many elk killed on one property was a slaughter. There was a follow-up question about the impact of humans feeding wildlife. Councilor Gould also gave a few friendly suggestions, which included providing clearer tracking and statistical information on damage tags; providing citizen education; and better communication. ODFW Atwood stated that most negative interactions with wildlife usually have some involvement with human behavior.


The Mayor allowed a brief transitional break to allow citizens and the elk panel the opportunity to exit the meeting. The meeting resumed at 8:00 pm.

Mayor Smith introduced the worksession Rules of Council topic. Councilor Fackerell referenced section II Council Communication Guidelines on page 4 of the Rules of the Council document. She felt there should be a revision that clarifies the meeting scheduled for meetings prior to the regular council meetings. She felt that based on past practice, it should be clarified that regular City Council meetings will begin immediately following the completion of the prior meetings closure. There was discussion on adequate public notice of this type of meeting schedule to ensure the public is aware. She also requested clarification on section IV Council Conduct with Staff on page 6 in regard to procedures for mail being circulated by staff as soon as practical after it arrives. It was clarified that all mail addressed to the Mayor and Councilors are not opened and are immediately placed in the individually addressed mailboxes located at City Hall. Email correspondence is also forwarded immediately to the Councilors that are listed in the email. Mail (hard copy or email) is only distributed to the receipts listed on

the correspondence, which does not necessarily mean all City Councilors. Councilor Kloepfer requested clarification of the statement regarding staff not opening mail addressed to individual officials without authorization. She was under the impression that City staff had access to all Councilor emails. Administrator Sweet clarified that this was not accurate because City staff do not have access to Councilors email accounts. Administrator Sweet has the ability to request through the email provider; however, he does not have direct access either. He explained that many emails come into his City's email account that are addressed to the City Council and are then forwarded on to the individual Councilor's email account. There was specific reference to emails received regarding the elk issue. Councilor Kloepfer also requested review of section IV Council Meetings, Workshops or Trainings in reference to that statement that meetings may be held with or without opportunity for public input. Administrator Sweet said that it is an option to allow public comment at worksessions; although, he could not recall a worksession where this has happened. Councilor Gould suggested terminology clean-up in this section to more clearly define that workshop or training meeting includes worksessions. Councilor Gould also referenced information she received at the League of Oregon Cities (LOC) Conference. She learned that the City's liability insurance carrier CIS has been finding a greater exposure to new Councilors who do not understand their role and can create a hostile work environment for staff. She used an example of an elected official directing a public works staff member based on comments by a community member, which resulted in waste of public labor and materials. It was recommended that every time there is a new Councilor or at least once a year, there is a review and sign off by all Council members. She also requested additional clarification on public records requests. She was interested in understanding how City staff know what information Councilors have in their possession and how it is requested/gathered when a public records request is submitted. She feels it would be beneficial to have a section in the Rules of the Council regarding this topic, especially regarding Councilors obligation to retain data in their possession; as well as submit it back to City Hall when their position is no longer held. Councilor Kloepfer requested clarification on the media being present during Executive Sessions. It was clarified that they are allowed to be present but are not allowed to report on the information discussed in the meeting. She also wanted to know if the Planning Commissioners had similar rules. Administrator Sweet explained that the Planning Commissioners have a different role in City government and that they did not have a document like the Rules of the Council. Councilor Kloepfer feels that it may be a good idea for them to also have a document outlining positive public behaviors and relating to the public. There was a brief discussion on the last Planning Commission meeting.

Mayor Smith adjourned the regular Council meeting at 8:17 pm.


Chad Sweet, City Administrator


Mayor Kerry Smith