

**ATTORNEY: Council is seeking new legal counsel**

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that,” Allen told *The Nugget*. “I have notified the firm that we would like to work toward ending the relationship and are hoping for a smooth transition.”

At their meeting last week, Council discussed several issues regarding Bryant’s role as City Attorney. There have been complaints from City employees and Council members that they have not been getting timely responses to inquiries made to Bryant’s office. One such instance had to do with a Memorandum of Understanding regarding the Economic Development Loan Program.

The most recent issue had to do with discussions and negotiations by Council regarding complaints against then-City Manager Andrew Gorayeb. Council relied heavily on Bryant’s knowledge, expertise, and advice on personnel issues in order to avoid litigation and/or the release of the investigator’s report. When several public records requests were made for the report, District Attorney John Hummel rejected Bryant’s arguments against disclosure

and ordered its release.

In a council meeting on May 12, Bryant recommended that the City appeal the order.

“There were representations to both the City Manager and the staff that the City Council would use their best efforts to keep the report confidential,” Bryant told the Council.

He said that, in his view, that meant at least making an appeal to the circuit court. The Council elected to comply with the DA’s order and released the report as a public record.

Council had specified that all names except Gorayeb’s would be removed before the report went public. The redacted copy of the investigator’s report was released by Bryant’s office on Monday evening, May 16. After copies had been provided to the parties who made public records requests to the City, it was discovered there were more than 20 times when a needed redaction had not been made.

A number of employees were distressed by the many errors in redacting. Later the next day the City received a corrected copy from Bryant’s office. Up through last Friday, no one at the City had been contacted directly by Bryant with an apology or an explanation.

In another long-running and complex issue, the City’s respondent brief that was filed with the State Land Use Board of Appeals (LUBA) regarding McKenzie Meadow Village (MMV) senior-living facility was missing one key component and another was not labeled or located where it should have been. According to the LUBA Final Opinion and Order of April 11, 2016, there were four assignments of error cited by the attorney for Pinnacle Alliance Group, a rival senior-living facility developer.

LUBA denied the first assignment of error, meaning the City was correct in their argument. Findings in the second assignment of error included:

“The 1,666-page record in this appeal does not include a separate listing in the table of contents for the city council decision that is the subject of this appeal.” In other words, the LUBA Board members reviewing the City’s response had to search through 1,666 pages to find the Council’s two-page decision.

When they did find it, the decision included the following statement:

“The findings of fact in this matter are located in the staff report, incorporated herein as Exhibit A.”

On the next page, the

decision lists “exhibits and conditions of approval,” which included “Exhibit A – Staff Report.”

None of the two-page City Council decisions that appear in the record have a staff report attached, much less one that is labeled “Exhibit A.” The only staff reports in the entire record that are labeled “Exhibit A” have to do with the 2010 McKenzie Meadow Village master plan and the 2012 modified master plan.

Neither of two other staff reports, either of which might have been the one the Council meant to adopt as the findings to support its decision, is labeled “Exhibit A,” or “attached to, or even in particularly close proximity to, one of the two-page city council decisions in the record.”

The board’s decision on the second assignment of error required LUBA to remand, due to no Exhibit A.

The City Council now must clearly identify the findings it intended to adopt. Because of the remand on the second assignment of error, it was unnecessary for LUBA to address Pinnacle’s other two assignments of error.

LUBA did, however, discuss those assignments of error, to clarify some of the issues the City Council may need to address on remand. They clearly spelled out exactly what issues should be addressed by Council, which will require careful and correct legal advice.

There is still a third appeal by Pinnacle regarding MMV yet to be heard by LUBA.

The City of Sisters is soliciting requests for proposals for City Attorney services. The City is willing to consider proposals from legal firms or individuals. For more information email at [knelson@ci.sisters.or.us](mailto:knelson@ci.sisters.or.us) or call 541-323-5213.

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# THANK YOU, SISTERS!



We are grateful for – and humbled by – the people of Sisters who have expressed their desire to make a long-term investment in our schools and our community. The current state school funding realities create strong headwinds for Oregon schools, but this victory shows that Sisters will overcome these challenges.

Also, we respect the community members who voted no on this bond. We must focus on investing this money wisely and ensuring the “return” is felt by everyone in Sisters. A few years from now, our hope is that everyone in Sisters will feel this was a great outcome.

We are inspired by the strategic direction that the Sisters School District Board, Administrators and Educators are setting for our community. With this victory comes a responsibility to execute the plans put before the voters to the best of your abilities. We have total confidence in you and look forward to the journey ahead in partnership with you.



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