

ESTERMAN: Council decided intent to live in city was clear

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related to Esterman's residence, saying that he was living in his longtime home in Tollgate, which is outside the city limits. City staff looked into City water records for that period. During the seven months that Esterman said he was living at the Oak Street house, City records indicate his total water usage never went over 100 cubic feet, or 748 gallons.

Councilor Chuck Ryan presented some calculations he had done regarding water usage, which he concluded showed that Esterman would have only had five showers and five flushes per month for the seven months.

Esterman countered that he probably was only in residence for three weeks total over that seven-month period due to traveling for business and caring for his elderly mother in California.

Although garbage service is mandatory within the city limits, there was none ordered for the Oak Street house during those seven months. Esterman said he wasn't aware that it was mandatory and his landlord had told him to bring his garbage to her commercial dumpster.

Despite the fact that the move to Jefferson Way in April 2016 was supposed to be temporary, Esterman stated he is still living there due to further problems at Oak Street. City utility records pulled Wednesday night also indicate no or little activity between April and November 2016 at the Jefferson Way property. During this past

summer, Esterman reported that he spent one or two nights a week at his Tollgate house, as his mother and brother were there for the summer.

He listed his Tollgate house for sale this past September and he said it has since sold.

City Attorney Jeremy Greene informed the Council that in some cases, physical presence might not be required for a person to be considered a resident of a particular address. He went on to say that in certain instances what's relevant is a person's *intent* to make an address his permanent residence.

Michael Peterkin, Esterman's attorney, stated, "We have nothing to hide. We're here to discuss the law."

Peterkin argued it is undisputed that Esterman has leased the Oak Street house. He has paid monthly rent since October 2015, and, therefore, he has possessory rights to the property to the exclusion of all others. He said that Esterman intends to go back to Oak Street as soon as repairs are complete.

"If you couldn't enter his house, you must vote to seat him," Peterkin concluded.

Esterman changed his DMV records from Tollgate to Oak Street, as well as his driver's license and voter registration card. Peterkin said all those changes prove Esterman's intent to be a city resident.

He pointed out that in the City Charter, there is no mention of a required number of days to live in the city for determining residency. He cited the example of people who live in Sisters but spend the winter months someplace else. They are still considered Sisters residents and able to

vote in Sisters elections.

Esterman renewed his lease on the Oak Street house in October 2016.

Councilor David Asson had prepared a sheet of arguments as to why Esterman should be seated. He handed those out to the other councilors during the hearing. Twice, Council President Nancy Connolly asked Peterkin and Esterman if they wanted a copy and they declined, saying they already had a copy.

Asson pointed to Esterman's 30-year tenure in the community and that he had made a premeditated move in order to qualify as a candidate.

“ Esterman deserves to serve on Council. He has shown the intent to be a city resident. — David Asson

"Esterman deserves to serve on Council. He has shown the intent to be a city resident," Asson said.

Councilor Amy Burgstahler said she thought Esterman had shown a strong intent regarding city residency. She pointed out that he had paid \$10,000 in rent over the past year. She thinks he has a perspective and understanding of Sisters. He received 566 votes — 32 percent of the vote with three candidates and one write-in candidate — even after allegations regarding his

residency had been made. She also cited his participation in the candidate forum, flying up from California especially for the forum. She questioned if he will be available enough given his business ventures and caring for his mother, but said that was not an issue under consideration at the hearing.

Councilor Andrea Blum said, "Perhaps common-sense thinking would say Esterman is not a city resident — if he didn't live here, sleep here, watch TV here, wash his clothes here. So, the intent to live here (in the city) is really the issue."

Blum believes Esterman "absolutely intends to live here. Circumstances got in the way of living in the city."

Connolly said that she agreed with Blum about common sense but argued that it points to the conclusion that Esterman shouldn't be seated.

Asson made a motion to seat Esterman. Connolly and Ryan voted against seating him and Asson, Blum and Burgstahler voted in favor.

Esterman will be sworn in, along with Blum and Ryan, at the January 12, 2017 Council meeting.

Bend police shooting: Man tried to assault officer in July

BEND (AP) — Court records show a man fatally shot by Bend police recently pleaded no contest to a charge of attempting to assault an officer.

The incident happened in July, when Michael Jacques was also accused of disorderly conduct and harassment. He pleaded no contest just over a month ago and was sentenced to 12 days in jail and a year on probation.

Police say Jacques was pulled over late Friday because he was driving erratically. An altercation ensued and at least one officer fired.

Jacques died at the scene. A multi-agency investigation into the use of deadly force is being coordinated.

Wishing everyone a blessed holiday season.

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