

Council pursuing 'corrective action' in fallout over Eppley gun shot

By ERIC A. HOWALD
Of the Keizertimes

The Keizer City Council voted unanimously to consider a memo of corrective action for Councilor Roland Herrera at a meeting Monday, April 19.

The memo will be prepared by councilors Elizabeth Smith and Kyle Juran and presented to the council for consideration at its May 3 meeting. Smith, alongside Mayor Cathy Clark and Councilor Dan Kohler, signed a statement of concern asking that Herrera be investigated for possibly mishandling public records, violating the council's social media policy and conducting business out of view of the public.

An agenda and meeting packet released on April 14, made it public that some members of the council wanted Herrera investigated. The statement of concern cited reasons to believe that Herrera had broken attorney-client privilege and violated council policies.

Issuing a memo of corrective action could be viewed as a retreat from the censure or letter of concern the statement of concern originally posed as possible penalties. Memos of corrective action are traditionally used to formally notify an employee of (1) an area of management concern, (2) the action(s) required of that employee to resolve the problem, and (3) the consequences should the necessary improvement not be accomplished.

Herrera read from a prepared statement and admitted to forwarding an email

containing the incident report from the former Keizer city manager after he discharged a gun in his city hall office.

Herrera said he forwards emails to his personal email account regularly so that he can view them on a larger monitor and the forwarding of the incident report should be taken alongside consideration of his need to accommodate physical limitations.

"I need to be able to read city documents carefully and I forwarded it [the email] as part of serving the city," Herrera said. "I am honored to serve and will continue to do so with pride, spirit and optimism."

Later in the meeting, Mayor Cathy Clark asked why he had not informed city staff or fellow councilors of the need for additional accommodations.

Herrera replied that a laptop provided by the city stopped working during the pandemic and he reverted to personal computers, but that he was trying to keep his health struggles private.

City staff did send an employee to Herrera's home to assist with connectivity issues shortly after the COVID-19 pandemic forced virtual meetings, but the problems persisted. Herrera mentioned the struggle on a few occasions as more to virtual meetings were held.

The council moved the discussion of Herrera's potential censure near the top of the agenda and before public testimony was taken. Councilor Ross Day took issue with any dissent from the public before they had a chance to offer it.

"I never realized that I'd wasted 23 years

denied a good man due process and what kind of message does it send to the rest of Keizer's awesome employees," Day was nearly shouting by the time he finished the statement.

The specific allegation in regard to mishandling public records involves an email Herrera forwarded to a private email account. A Keizertimes public record request regarding a gun discharged in Eppley's office on early March 4 included a copy of an email Herrera forwarded the email to his account on March 5. By forwarding the letter, Clark, Smith and Kohler allege Herrera violated attorney-client privilege.

The letter claims Herrera was one of only 11 people with access to the report, and the only one who said he had been contacted by media organizations.

In response, Herrera asked that the city staff produce records showing that forwarding emails to his personal account is something he does regularly. If he did so, the letter states, he did so "knowing council rules require councilors to use the city email in order to comply with Oregon Public Records Law."

Lastly, the letter accuses Herrera of violating open meetings policy. The letter states he posted to a Facebook page during a council meeting on March 15 while the council was listening to public testimony from residents regarding the Eppley's discharge of a gun. Herrera made the post a few minutes after public testimony had ended.

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of my life as an attorney because someone read something on social media and are now experts," Day said. "Those screaming for due process are the same ones who wanted us to fire Chris Eppley without due process."

He also lambasted whoever might have had a part in making Eppley's incident report public.

"Whoever did that, I hope you crawl back under the rock you came from. You

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