

# TIES: 'Procedures ... were swept under the rug'

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Canyon; direct payments to both Gates and Detroit to replace revenue losses; paying for contracted financial analysis for both cities and other contracted support; as well as paying for staff support to meet on-going city needs and assist with recovery efforts," Kelley said. "A retired city manager was hired to assist the City of Gates and the county had been seeking a second person with a similar skill set to assist the City of Detroit."

Eppley will support wildfire recovery efforts in the Santiam Canyon including providing direct support to the City of Detroit. The job opening was not made public, Kelley said. Applicants with prior experience were sought through professional associations and government partners. Kelley said the hiring body knew of Eppley firing a gun in his Keizer office.

"The commissioners were not directly involved in the hiring of temporary wildfire recovery staff for the cities of Gates and Detroit; however, the appointments were discussed with the commissioners and the mayors of each city," Kelley said.

Detroit's ties to Keizer officials', councilors' and regional leaders' began unfolding publicly in February. Todd Smith, the husband of Elizabeth Smith, a Keizer city councilor and president of the body, was appointed to the Detroit City Council in the wake of a vacancy.

Detroit's City Council requires five members to be primary residents of Detroit, which the council has interpreted as six months plus one day. Two council members may be non-primary residents. Three applicants applied for the vacancy, the residency of two applicants, including Todd Smith were called into question. Todd Smith provided bills from Consumer Power, Inc., as proof of residency from January 2020 until the canyon fires in September. After disqualifying one candidate based failing to meet residency requirements, the council deadlocked on

a 3-3 vote over the remaining two candidates, more discussion was held and Todd Smith became the unanimous choice.

The vote to appoint Todd Smith was unanimous, but his appointment became an issue of scotched-earth debate during an April 6 meeting.

At the April meeting, Trett said he had conferred with the city's attorney, Bill Monahan about the appointment and found there had been a

procedural error. Monahan, an employee of the Mid-Willamette Valley Council of Governments, is being paid by the city for his work consulting with the Detroit council.

"The vote passed unanimously, but it was a procedural error and does not rise to the level of having to undo things," Trett said.

Councilor Michele Tesdal said there was a lack of evidence regarding Todd Smith's primary residency - at least six months plus one day - as required by the city charter.

A heated rebuttal from a different council prompted Councilor Tim Luke to interject.

"Procedures were not followed, they were swept under the rug," said Councilor Tim Luke. "I'm sick of being accused of divisiveness when we are trying to bring people together. The thing that does not bring them together is the good old boy system."

After moving on to other issues, Monahan made a presentation to the council on another matter. Immediately

after the presentation, Todd Smith made a motion to hire Day Law as a city attorney on a pro temp basis. Keizer-based Day Law is owned by Ross Day, a Keizer city councilor serving alongside Elizabeth Smith.

Trett appeared blindsided by the motion and asked, "Day Law?" After some discussion, Trett and others said they would like more time to research the topic and look at how it would work. Day was also in attendance at the meeting and was soon making his case as a parliamentarian who could help clean up the city's operations. A parliamentarian advises governing bodies on interpretation of rules and procedures.

"This is what I do for a living," Day told the council. "I believe my firm can help the city be in compliance with records retention laws, public meeting records and management issues. I have substantial concerns about your public records retention." Day said he would be volunteering his services.

Councilors Todd Smith and Eric Page wanted an immediate vote on retaining Day, but the motion failed and the matter was tabled. Despite vigorous opposition by Detroit councilors Tim Luke and Tesdal, the decision to retain Day was approved in a 5-2 vote on April 13.

"We are taking longer to discuss cluster mailboxes than this particular decision," Tesdal said.

Throughout the remainder of the meeting, Day could be heard audibly sighing and groaning during council discussions. Sometimes he would interject with advice, sometimes not.

During the same meeting, Tesdal read a letter into the record from Elizabeth Smith

alleging Tesdal sidestepped rules and was not acting "in a fair and transparent manner" in filling out paperwork for a grant without council approval and talking with others about upcoming tourism goals. Before reading the letter, Tesdal stated Elizabeth Smith's role as a Keizer city councilor and the president of the council, which was not part of the letter.

Todd Smith accused Tesdal of "slander" for using Elizabeth Smith's titles in Keizer when those were not part of the letter itself. Slander is a false oral statement about a person with intention to defame and damage their reputation.

Later in the April 13 meeting, members of the city council approved to continue meeting in the Keizer Civic Center for the foreseeable future. Keizer officials offered free use of the space to the Detroit council but there are possible venues much closer to Detroit.

Tesdal said a three-bay garage owned by the Idanha Fire District - and only 6 miles away - would serve the city's residents better.

Other councilors said the district did not want the council to use their facilities and that the meetings could not be broadcast from the facility, but that was refuted by the district's assistant chief, Damon Faust.

"The three-bay in Idanha is viable and, with notice, can be set up to accommodate and meet needs. Could make connectivity work," said Faust in a chat associated with the meeting.

Despite the numerous ties to Keizer officials, Marion County's legal counsel, Jane Vetto, said there was no conflict in hiring Eppley to assist with wildfire recovery.

**We are taking longer to discuss cluster mailboxes.**

**- MICHELE TESDAL**  
City councilor, DETROIT



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