



City Council

Thursday, August 13, 2026 at 4:15 pm

Attendees: Mayor Heide Lambert, Council President Greg Dunn, Councilor Susan Woodruff, Councilor Jayme Morris, Councilor Rick Booth, Councilor Michelle Severson, Councilor Jerry Townsend

MEETING NOTICE AND AGENDA

The Waldport City Council will meet at 4:15 p.m. on Thursday, August 13th, 2026 at the Waldport Community Center, 265 NW Alsea Hwy to take up the following agenda:

- 1. Call to Order w/ Roll Call**
- 2. Consent Agenda**
Minutes, departmental and committee reports, external entity reports, etc
 - a. City Council Meeting Minutes of July 2026**
 - b. Library Report**
 - c. LCSO report for July 2026**
- 3. Public Comments**
(limit 3 minutes please)
- 4. Public Hearings/Ordinances**
 - a. Ordinance Amending Waldport Employee Handbook (2nd reading)**
 - b. Ordinance amending Title 16 regarding Storage Containers**
 - c. Ordinance correcting scrivener errors in Waldport Municipal Code**
 - d. Ordinance establishing correction process for Municipal code**
- 5. Discussion and action on business having previously come before the Council (Old Business)**
 - a. Memorial Bench form and process review (held for time)**
 - b. Dahl Recycling Program (postponed until Dahl states they are ready to present)**
- 6. Discussion and action on business newly introduced to the Council (New Business)**
 - a. Fiscal 2021 Audit**
<https://mcclibraryfunctions.azurewebsites.us/api/munidocDownload/31201/95c9581134ef4/pdf>
- 7. City Manager's Report**
- 8. Council Comments and Concerns**

- 9. Executive Session - Pursuant to ORS 192.660(2)(b) city manager has requested an open hearing so this will not be an executive session**
 - 10. Hearing under ORS 192.660(2)(b) and OAR 199-040- 0030**
 - a. Procedural Requirements Statement to Council Regarding Hearing from City Attorney**
 - b. Complaint by Todd Swift**
 - c. Complaint by Judith Hees**
 - d. Complaint by Kurtis Barker**
 - e. Complaint by Heide Lambert (Sept 18th, 2025)**
 - f. Complaint by Heide Lambert (Sept 19th, 2025)**
 - 11. Good of the Order/Adjournment**
-

The Community Center Meeting Room is accessible to all individuals. Hearing devices or individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 541-563-3561.

The public is also encouraged, to email or mail written testimony to the City. Comments may be mailed to PO Box 1120, Waldport, OR 97394, or to Recorder@waldport.org and must be received no later than 1:30 p.m. on the day of the meeting. Public comments submitted by mail or email will be entered into the official record, distributed to the governing body, and summarized; however, due to personal privacy issues, they are not generally published in the online agenda packet.

The City of Waldport reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting. Agenda materials for this meeting are available at <https://towncloud.io/go/waldport-or> .

Notice given this 8th day of August, 2026
Dann Cutter, City Manager

Contact: Megan Torres (recorder@waldport.org 541-563-3561) | Agenda published on 08/06/2026 at 11:18 AM

1 **Waldport City Council**

2 **July 23rd 2026**

3 **Meeting Minutes**

4 **1. CALL TO ORDER W/ ROLL CALL:** Council President Greg Dunn called the meeting
5 to order at 4:15 pm. Council President Greg Dunn and Councilors Rick Booth, Susan
6 Woodruff, Jayme Morris, and Jerry Townsend answered the roll. Mayor Heide
7 Lambert and Councilor Michelle Severson were excused. A quorum was present.

8 **2. CONSENT AGENDA: Councilor Townsend** moved to approve the following Consent
9 Agenda items as presented:

10 **a. City Council Meeting Minutes of June 2026**

11 **b. Library Report**

12 **c. LCSO Report**

13 **d. Moose Lodge Street Dance Proclamation**

14 **Councilor Booth** seconded the motion. The motion passed as follows:

15 **Aye 5 (Dunn, Booth, Woodruff, Morris, Townsend)**

16 **Nay 0**

17 **Excused 2 (Lambert, Severson)**

18 **3. PUBLIC COMMENT: Council President Dunn** opened the floor for public comment,
19 and noted the 3-minute per commenter time limit.

- 20 • **Todd Swift** provided public comment. He asked whether the Council had
21 concerns about the nearly 300 people who voted in favor of the recall. He stated
22 that he had volunteered at an event associated with the Yachats La De Da
23 Festival and had assisted with drafting short-term rental policies for Dune City.
24 He said that officials and community members in both cities had treated him
25 with kindness and respect and had invited him to return. He contrasted those
26 experiences with what he described as being told to "go get a lawyer," being
27 criticized on social media, and being investigated. He suggested that these

1 experiences may contribute to citizen dissatisfaction with the City. Mr. Swift
2 concluded by asking everyone in attendance to show decorum during public
3 comments by refraining from talking over speakers, Councilors, or the City
4 Manager.

- 5 • **Cindy McCart** provided public comment. She stated that her comments were
6 directed to Dann Cutter and the Council. She said she was pleased and relieved
7 that voters did not approve the recall. She expressed appreciation for the
8 members of the City Council and Planning Commission for dedicating their time
9 and efforts to making Waldport a great place to live. She also expressed hope
10 that, moving forward, the Council will be able to perform its duties with
11 community support and without conflicts that impede progress.
- 12 • **Tony Thimakis** provided public comment. He stated that he had one request
13 regarding the City's planned review of the employee handbook. He said the
14 current handbook was based on private-sector practices rather than public-
15 sector standards. He recommended using model handbooks from the League of
16 Oregon Cities (LOC) or Citycounty Insurance Services (CIS) as references, and
17 suggested that the Bureau of Labor and Industries (BOLI) handbook would be an
18 even more current resource. He noted that the BOLI handbook costs
19 approximately \$80 and commented that it would likely cost less than the City's
20 legal review of the handbook.
- 21 • **Melaine Cease** provided public comment. Requesting that she not be
22 interrupted during her testimony and asked that her time be restored if
23 interrupted. She stated that her comments addressed two issues: the Council's
24 supervision of the City Manager and alleged First Amendment violations related
25 to the use of social media to discuss City business. She referenced the U.S.
26 Supreme Court's 2024 decision in *Lindke v. Freed*, stating that it can be difficult
27 to distinguish between official and personal speech on social media. She
28 alleged that the City Manager and Councilor Dunn had blocked members of the
29 public from viewing their social media posts and asserted that doing so violated

the First Amendment. She also expressed concerns regarding Councilor Woodruff's social media posts about City matters, stating that she had asked whether those posts represented personal or official statements but had not received a response. Ms. Cease referenced guidance from the League of Oregon Cities regarding the use of social media by public officials and asserted that discussions of City business on private social media platforms could raise constitutional concerns. She further alleged that a Joni Biron Morris had publicly shared her wife's utility account information on social media. Members of the audience questioned the identity of the individual referenced, indicating there was no City employee by that name. When the three-minute public comment period expired, the **City Recorder Megan Torres** announced that time had been reached. **Ms. Cease** continued by citing prior Council meeting minutes regarding the adoption of a social media policy based on recommendations from Citycounty Insurance Services (CIS) and the League of Oregon Cities (LOC). She concluded by stating that she was prepared to file a federal First Amendment lawsuit to restore what she described as her First Amendment rights.

- Following the public comment, **City Recorder Megan Torres** clarified that she announces when the three-minute public comment limit has been reached to notify speakers and the audience that time has expired and remarks should conclude soon. **Ms. Cease** stated that she had found a reference to a five-minute time limit. **City Recorder Torres** responded that the published agenda specifies a three-minute limit and that she would continue to announce when that time is reached.
- **Theresa Carter** provided public comment. She asked for an update on the City's audit, stating that she had raised concerns about it the previous April. She questioned why the auditor had not presented information to the Council and the public, stating that the audit affects taxpayers and that the community wants to know how public funds are being spent. She also asked why there had been no discussion regarding a matter she described as a "pedophilia case." A City

1 employee stated that the matter she referenced was not City business. **Council**
2 **President Dunn** responded that no criminal charges were filed or any guilty
3 findings were reached.

- 4 • **Sandy Staples** provided public comment. She complimented the city on the
5 upkeep of the planters and the sidewalk and gutters.
- 6 • **Jan Hansen** provided public comment. She expressed her appreciation that the
7 Council was still seated. She referenced the 2020 Facility Needs Assessment for
8 the Waldport Public Library, which identified the library as an essential
9 educational, informational, and cultural asset to the community. She noted that
10 the assessment found the current building has numerous deficiencies that limit
11 the library's ability to fully serve the public. The assessment recommended a
12 facility of approximately 14,000 square feet, including expanded spaces for
13 teens and children, additional public computer access, and meeting rooms. She
14 stated that the Waldport Library Foundation was established in 2021 to begin
15 fundraising for a new library. Although approximately \$50,000 has been raised
16 through donations, the amount is insufficient to fund construction of a new
17 facility. As a result, the Foundation would like to shift its immediate focus toward
18 addressing the deficiencies of the existing building. She explained that the
19 Foundation is willing to assist in any legally permissible way, including
20 identifying grant opportunities and helping with the groundwork needed to
21 complete building repairs. While the long-term goal of constructing a new library
22 remains unchanged, the Foundation wishes to help resolve the current building
23 issues. She requested the Council's support and endorsement of this effort.
- 24 • **Heather Johnson** provided public comment. She stated that she was thankful to
25 see the Council still seated and wanted to recognize the work they have been
26 doing in service to the community. She said their efforts have not gone
27 unnoticed and expressed appreciation for their willingness to listen to residents,
28 help solve problems, and make decisions that move the community forward.
29 She also commended the Council for collaborating effectively, remaining

1 focused, and putting the community first, even during challenging times. She
2 concluded by thanking the Council members for their hard work, leadership, and
3 commitment.

- 4 • **Todd Holt** provided public comment. He stated that he lives on Alsea Way and
5 attended the meeting because he had signed the petition to recall the Council.
6 He described himself as the self-appointed mayor of the Peterson Park
7 subdivision and stated that, of the Council members, only Councilor Woodruff
8 had visited the neighborhood to observe the issues residents have been
9 addressing for several years. He said that, despite those efforts, little progress
10 had been made. He further stated that one of the homes in the neighborhood is
11 a drug house that poses a safety concern and that houseless individuals have
12 been defecating in the area. He said he has been raising these concerns for the
13 past five years and that the only improvement has been the removal of a junk
14 vehicle from one property. He expressed frustration that the Council had not
15 taken sufficient action to address these issues. He then made a threatening
16 statement directed toward the City Manager regarding retaliation and "kicking in
17 the barn doors."

- 18 • **April Swift** provided public comment. She stated that, for the benefit of
19 Waldport residents, nature enthusiasts, families, disc golfers, and visitors, she
20 believed it was important to reopen the discussion regarding trail maintenance.
21 She noted that grant funding opportunities may be available for the trails and
22 expressed concern about increased trail vandalism. She asked the Council to
23 reconsider trail maintenance and to consider directing the City Manager to
24 pursue grant funding while increasing stewardship and vigilance in protecting
25 the City's trail system for the benefit of residents and visitors.

26 **4. PUBLIC HEARINGS/ ORDINANCES**

- 27 a. **Statement on Code Ordinances: City Manager Dann Cutter** stated that
28 several ordinances had been presented to the Council for consideration. He
29 explained that most of the ordinances involve Title 16 and consist of staff-

identified scrivener's errors. As an example, he noted that one section incorrectly states that wastewater at 150 degrees Celsius may be discharged into the wastewater system, when it should state 150 degrees Fahrenheit. He added that other revisions are needed to update the code for compliance with Oregon law. He explained that these ordinances are primarily editorial in nature and do not make any substantive changes to existing law. Processing the corrections as a batch will streamline the process and allow staff to document each revision through an errata sheet. He further noted that two additional ordinances require Council action. One ordinance adopts the City's required personnel policies, and the other amends the employee handbook to incorporate three policies required under state law. He explained that, rather than reviewing each ordinance individually, staff could instead return to the Council with two ordinances. The first would address the identified scrivener's errors and adopt the accompanying errata sheet. The second would authorize the necessary code revisions to correct the identified issues. **Councilor Woodruff** asked why the Council would need to wait until the next meeting to provide that direction. **City Manager Cutter** responded that the Council's action at this meeting would be to direct staff to prepare the ordinance and resolution for consideration at the next meeting. He explained that the ordinances must be drafted and made available for public review before they can be considered for adoption. He added that the last time this was formally done was in 1996.

Councilor Booth moved to direct the City Manager to bring back to Council an Ordinance to streamline fixing scriveners errors and a Resolution directing financial and legal review of the code.

Councilor Morris seconded the motion. The motion passed as follows:

AYE 5 (Dunn, Booth, Woodruff, Morris, Townsend)

NAY 0

ABSENT 2 (Severson, Lambert)

Council President Dunn read by title twice Ordinance 830, An Ordinance adopting required personnel policies to accompany the amended City of Waldport employee handbook- the workplace fairness act anti-discrimination and anti-harassment policy, the pregnancy and lactation accommodation policy and employee notice, and the public employee political activity notice- and declaring an effective date.

Council President Dunn moved to adopt Ordinance 830.

Councilor Townsend seconded the motion. The motion passed as follows:

AYE 5 (Dunn, Booth, Woodruff, Morris, Townsend)

NAY 0

ABSENT 2 (Severson, Lambert)

Council President Dunn read by title twice Ordinance 831, an Ordinance amending the City of Waldport employee handbook to correct legal deficiencies and conform the City's personnel policies to current Oregon and federal employment law, and declaring an effective date.

City Manager Cutter noted that this is considered the first reading and presentation of this, and it will be presented and read at the next meeting to move forward.

Council President Dunn moved to bring Ordinance 831 back to Council at the next meeting.

Councilor Townsend seconded the motion. The motion passed as follows:

AYE 5 (Dunn, Booth, Woodruff, Morris, Townsend)

NAY 0

ABSENT (Severson, Lambert)

5. DISCUSSION AND ACTION ON BUSINESS HAVING PREVIOUSLY COME BEFORE THE COUNCIL (OLD BUSINESS)

1 **a. Amending Title 15 and 16 regarding Storage Containers (Held): City Manager**

2 **Cutter** noted that making changes now to this title would require sending out
3 mailer notifications to every resident, and since that will be happening anyway
4 after the code changes, the goal is to postpone until we can roll out the
5 notifications together and allows time for legal feedback on allowances on
6 change.

7 **b. Memorial Bench Form and Process Review (Held): City Manager Cutter** noted

8 that there was some confusing information from a vendor on the benches that
9 didn't match what we had been told previously. This item is being withheld until
10 confirmation is made.

11 **c. Dahl Recycling Program (Held): City Manager Cutter** noted that he was unsure

12 if Dahl would be ready by August.

13 **6. DISCUSSION AND ACTION ON BUSINESS NEWLY INTRODUCED TO THE**
14 **COUNCIL (NEW BUSINESS):**

15 **a. Park Dedication: City Manager Cutter** reported that 1.35 acres of property
16 along the Alsea River had been donated to the City for use as a park. He noted
17 that the property is not suitable for residential development. The donor's only
18 request was that the park be named after his company, **Earthlight Park**.

19 **Councilor Booth** asked whether naming the park in recognition of the donor
20 would bind future Councils. **City Manager Cutter** responded that, as a
21 legislative body, the Council cannot bind future Councils. He explained that
22 while the intent is for the park to retain the name permanently, a future Council
23 could choose to change it. **Councilors Woodruff and Booth** asked whether the
24 donor understood that the park name might not be permanent. **City Manager**
25 **Cutter** stated that this had been communicated to the donor by email and that
26 naming the park was a request rather than a condition of the donation. **Council**
27 **President Dunn** read **Resolution No. 1338**, entitled A Resolution Adopting the
28 Name "Earthlight Park" for the Donated Property Along the Alsea River and
29 Highway 34.

1 **Councilor Morris** moved to Adopt Resolution 1338.

2 **Councilor Woodruff** seconded the motion. The motion passed as follows:

3 **AYE 4 (Dunn, Woodruff, Morris, Townsend)**

4 **NAY 1 (Booth)**

5 **Absent 2 (Severson, Lambert)**

6 **City Manager Cutter** noted that the property has dock rights, which creates the
7 opportunity to apply for grants.

8 **b. Fiscal 2021 Audit (Deferred to August after Submission to State and City**

9 **Response): City Manager Cutter** reported that the City had received the final

10 audit and is in the process of filing it with the State. He stated that the audit

11 would likely be presented to the Council at its next meeting. **Councilor**

12 **Woodruff** asked whether any changes had been made to the financial figures.

13 **City Manager Cutter** responded that the numbers had not changed. He

14 explained that the auditors had added clarifications addressing questions

15 previously raised by the Council and corrected a mislabeled page. He further

16 noted that the auditors would provide a letter identifying any deficiencies, and

17 the City would respond with a corrective action letter outlining financial

18 recommendations to address those findings. **City Manager Cutter** added that

19 the audit period covered a time when the City's financial services were managed

20 by the Council of Governments (COG) as a third-party financial administrator,

21 which made the process more challenging. He noted that new financial policies

22 and procedures have since been implemented.

23 **c. Judge Pro Tem: City Manager Cutter** stated that the City's contract with the

24 newly appointed Municipal Judge includes a provision allowing the judge to

25 appoint a Judge Pro Tem to serve in the event of the judge's absence. He then

26 provided background information on the proposed Judge Pro Tem.

27 **Councilor Townsend** moved to Approve the elected Pro Tem Judge.

28 **Councilor Booth** seconded the motion. The motion passed as follows:

29 **AYE 5 (Dunn, Booth, Woodruff, Morris, Townsend)**

NAY 0

ABSENT 2 (Severson, Lambert)

7. MANAGERS REPORT: City Manager Cutter reviewed the City Manager's Report. He reported that the required reports for the Crestline Sidewalk Project had been completed and submitted to ODOT. The Sewer to the Industrial Park Project has entered Phase 2, and the Wastewater Project is nearing completion. The new basketball court at Southworth Park is expected to be poured soon. A kickoff meeting for the pump track project has been held, and the design process is underway. He also reported that the City has applied for a Small Cities Grant and is awaiting a funding determination. The Library roof replacement was completed in June, and a contract has been awarded to Arrow Heating to replace the library's heating and cooling system. He provided an audit update, as discussed earlier in the meeting. **City Manager Cutter** announced that the City has hired a new Code Enforcement Officer and a new Water Plant Operator. He noted that the addition of the Code Enforcement Officer and the implementation of a citation process will help address properties that have generated repeated code enforcement complaints. He further reported that the new playground had been vandalized and that an insurance claim had been filed. He stated that the Fourth of July fireworks display and the Beachcombers Festival were both successful events. The City's website now includes a conversion schedule with an anticipated August start date. Finally, he reported that the City has successfully closed out the Travel Oregon Grant and received \$50,000 in grant funding for the park project.

8. COUNCIL COMMENTS AND CONCERNS: Councilor Morris expressed concern about the condition of the City's walking trails, noting an increase in encampments and litter along the trail system. **City Manager Cutter** stated that he would have the City's new landscaper inspect the trails, photograph any issues, and share the information with the Lincoln County Sheriff's Office. **Councilor Woodruff** asked whether the concerns raised by public speaker **April Swift** could be addressed. **City Manager Cutter** replied that he is pursuing grant opportunities to improve the trails.

1 **Councilor Woodruff** also asked whether the Trail Committee could be
2 reestablished. **City Manager Cutter** responded that it would be a worthwhile effort
3 and noted that there appear to be several community members interested in
4 participating. **Councilor Townsend** stated that developing a long-term plan to
5 regularly inspect, maintain, and document conditions on the trails would be
6 beneficial. **City Manager Cutter** added that a trail consultant is preparing a
7 strategic plan for the trail system at no cost to the City, although implementation of
8 the plan will require funding. **Councilor Booth** shared concerns that the **American**
9 **Red Cross** has reported an emergency blood shortage, with supplies approximately
10 25 percent lower than they were in May. He encouraged community members to
11 locate a blood drive and donate, noting that incentives are available for donations
12 made between July 13 and July 31. He also commented on the number of wildfire
13 response crews being deployed throughout the state, noting that there were
14 approximately 95 active wildfires in Oregon. He encouraged residents to remain
15 vigilant and report any suspicious activity or fire hazards. **Councilor Woodruff**
16 asked about the status of the City's speed signs. Discussion followed regarding the
17 need for electrical service and coordination with an electrician before the signs can
18 be installed. **Councilor Woodruff** also asked about public speaker **Jan Hansen's**
19 request that the **Waldport Foundation** shift its fundraising focus to support a library
20 remodel. **City Manager Cutter** noted that the Council could make a motion of
21 support.

22 **Councilor Woodruff moved to support the Waldport Foundations request to**
23 **support the Library remodel.**

24 **Councilor Townsend seconded the motion. The motion passed as follows:**

25 **AYE 5 (Dunn, Booth, Woodruff, Morris, Townsend)**

26 **NAY 0**

27 **ABSENT 2 (Severson, Lambert)**

28 **Councilor Woodruff** announced that a free Household Hazardous Waste
29 Collection Event would be held in Toledo on Saturday from 10:00 a.m. to 2:00 p.m.

1 **Council President Dunn** expressed gratitude to the community for voting against
2 the recall. He stated that the Council had heard the concerns raised by community
3 members and is committed to working to restore public trust and confidence in the
4 Council.

5 **9. EXECUTIVE SESSION: City Council President** read aloud the following:

6 **a. Pursuant to ORS 192.660(2)(f) To consider information or records that are**
7 **exempt from disclosure by law, including written advice from your attorney.**

- 8 • **Prior to convening in executive session, a member of the public requested**
9 **permission to make one final statement.** By Council consensus, the request
10 was granted.

- 11 • **Jen Perry** addressed the Council during public comment. She stated that, to her
12 understanding, Oregon law does not provide a statutory right for the public to
13 speak or provide testimony at City Council meetings and thanked the Council
14 for allowing members of the public the opportunity to do so.

- 15 • During Ms. Perry's comments, members of the audience became disruptive. The
16 Council called for order and asked those in attendance to allow the speaker to
17 complete her remarks.

- 18 • Ms. Perry continued by requesting that the Council address what she believed to
19 be inaccurate statements made during public comment. She also suggested
20 moving the public comment period to the end of Council meetings so that
21 Council members could consider the public's concerns after conducting City
22 business and so that attendees would be encouraged to remain for the entire
23 meeting rather than leaving after providing testimony.

- 24 • The Council discussed that public comment had previously been scheduled at
25 the end of Council meetings before being moved to the beginning of the agenda.
26 Council members noted that they could choose to return public comment to the
27 end of the agenda or provide opportunities for public comment at both the
28 beginning and the end of future meetings.

- **EXECUTIVE SESSION:** At 5:43 PM, the Council recessed into executive session pursuant to ORS 192.660(2)(f) to consider information or records that are exempt from disclosure by law, including written advice from your attorney.

10. ACTIONS IF ANY FROM EXECUTIVE SESSION: The Council reconvened into open session at 6:08 PM.

Councilor Woodruff moved to hold a public hearing regarding the complaints that have been received regarding the City Manager, and to hold the Public Hearing as soon as possible.

Councilor Booth seconded the motion. The motion passed as follows:

AYE 5 (Dunn, Booth, Woodruff, Morris, Townsend)

NAY 0

ABSENT 2 (Severson, Lambert)

A conversation was held regarding legal notifications of the party involved.

11. GOOD OF THE ORDER/ ADJOURNMENT: There being no further business to come before the Council, **Council President Dunn** adjourned the City Council Meeting at 6:10 PM.

Respectfully Submitted,

Megan Torres, Municipal Clerk

APPROVED by the Waldport City Council this _____ day of _____, 2026.

SIGNED by the Mayor this _____ day of _____, 2026.

X

Heide Lambert, Mayor

Waldport Public Library August 2026 Newsletter

Waldport Public Library Happenings

Welcome to our monthly library newsletter. We are happy to share our monthly statistics, our current programming, as well as our upcoming events. We take pride in making our corner of the community a positive and impactful one.

Upcoming Events:

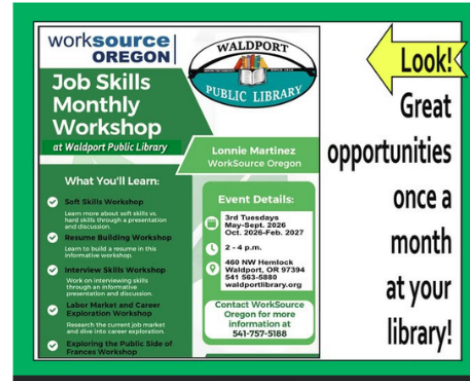
- Summer Reading Program August Presenters...Rogers Puppet Theatre,...ACM Aztec Dance Group...Museum of Natural and Cultural History
- Teen and Adult Art Night continues with a Wabi sabi workshop
- Family Art
- Game Night

Monthly Statistics for July

- New Library Cards: 19
- Number of Guests Who Visited: 3,214
- Number of Programs Held: 14
- Program Attendance: 240
- Community Meetings/Attendance: 3/23

Challenges Facing The Library:

- Meeting the growing needs of the community we serve
- New heating system needed-in process
- Aging infrastructure/looking at a potential remodel



STAND OUT JULY EVENTS

Animal Day was a stand out Summer Reading Program Event.. We partnered with Lincoln Co Animal Shelter, Pet Partners, and community members who all came to share their animals. We had therapy dogs, dogs needing to be adopted, two goats, a piano playing chicken and a calf for everyone to meet!

WorkSource Oregon comes once a month to the Waldport Library and offers job search skill seminars for resume building, interview skills, and career exploration. We are excited to offer this helpful and educational community opportunity.

LINCOLN COUNTY SHERIFF'S OFFICE

SHERIFF ADAM D. SHANKS



August 10, 2026

Dann Cutter, Waldport City Manager

Bobbi Price, Yachats City Manager

Calls For Service

Deputy Reagan/ Deputy Hegerberg responded to or initiated 182 calls for service for the Cities of Waldport and Yachats during July.

Enforcement Actions

Deputy Reagan/ Deputy Hegerberg conducted 77 traffic stops, 8 Field Interviews, and 12 area checks. Deputy Reagan/ Deputy Hegerberg generated 25 police reports.

Reagan's Report

Waldport-

- The month of July for me has been a busy one. July 3rd was a massive success in my opinion. The Sheriff's office had a large presence in Waldport, and it appeared most folks were on their best behavior. I was able to get out and talk with a lot of people who were having a great time and really enjoyed the show. On a different note, I got a lot of feedback regarding parking during that night. I would love to discuss with those interested in creating a plan for better parking. We had an incident where a fire engine was enroute to a call, but due to illegally parked vehicles on the sea wall, there was the equivalent of one lane of travel open on HWY 101. I would love to hear some ideas for big events like these and would be happy to try to get the Sheriff's office involved to tackle this issue for future events that bring so many people to Waldport.
- Calls for service and self-initiated activity. I made 5 arrests in the city of Waldport. Two of which were traffic stops, where I learned the drivers were criminally suspended. Another was an individual with multiple out-of-county warrants.

Administration
251 W. Olive Street
Newport, Or 97365
541-265-4277

Jail
251 W. Olive Street
Newport, Or 97365
541-265-4277

Patrol
225 W. Olive Street
Newport, Or 97365
541-265-4277

Support Services
225 W. Olive Street
Newport, Or 97365
541-265-4912

Animal Shelter
510 NE Harney Street
Newport, OR 97365
541-265-6610

LINCOLN COUNTY SHERIFF'S OFFICE

SHERIFF ADAM D. SHANKS



- This individual threatened to use explosives to keep deputies from effecting an arrest. I was able to contact the subject, separate her from her vehicle, and take her into custody. Lastly, I received a report of a wallet theft from The Flounder. After investigation, I learned the suspect also had 4 outstanding warrants from another county. In addition to this individual being lodged at the jail for his warrants, I charged him for theft in the second degree, fraudulent use of a credit card, and ID theft.
- I have several open-theft investigations with promising leads. I have been able to establish many relationships with members of the community that have made my ability to investigate these crimes much easier.

Yachats-

- For July, my time has still gone mainly towards traffic stops. My focus has not changed, which is slowing vehicles down as they enter town. I focus mainly on the north and south ends of Yachats, trying to be as visible to drivers as I can. Paired with the speed sign, I noticed a significant decrease in local traffic speeding while entering Yachats.
- In July, I also conducted a traffic stop on a vehicle for expired registration and subsequently arrested the driver for outstanding out-of-county warrants. This reinforces the importance of not only stopping vehicles for moving violations, but equipment violations as well.
- You might often see me parked in town on the side of the road and wonder what I'm doing. I often look for seatbelts, cellphone use, and crosswalks; however, I am also just observing what is happening all around. This month, I was watching traffic on the south end of town and witnessed an incident where a dog bit someone. I was able to respond as soon as it happened and took appropriate action. I am also more than happy to stop and talk with folks who are walking by. I am open to any advice and recommendations from the public

Administration
251 W. Olive Street
Newport, Or 97365
541-265-4277

Jail
251 W. Olive Street
Newport, Or 97365
541-265-4277

Patrol
225 W. Olive Street
Newport, Or 97365
541-265-4277

Support Services
225 W. Olive Street
Newport, Or 97365
541-265-4912

Animal Shelter
510 NE Harney Street
Newport, OR 97365
541-265-6610

LINCOLN COUNTY SHERIFF'S OFFICE

SHERIFF ADAM D. SHANKS



on how I can serve Yachats. If you ever have a question and I am not actively on a call, I am always more than happy to chat.

- I have made it a point to drive through state parks frequently in the area, ensuring folks keep the area clean and free from garbage. When I come across individuals who appear to be camping, I do my best to advise them of a better place to do so. From my time in the contract. Much of the community takes pride in keeping Yachats a clean and enjoyable place to be.

Sincerely,

Adam D. Shanks, Sheriff



Abigail Dorsey, Patrol Sergeant

Administration
251 W. Olive Street
Newport, Or 97365
541-265-4277

Jail
251 W. Olive Street
Newport, Or 97365
541-265-4277

Patrol
225 W. Olive Street
Newport, Or 97365
541-265-4277

Support Services
225 W. Olive Street
Newport, Or 97365
541-265-4912

Animal Shelter
510 NE Harney Street
Newport, OR 97365
541-265-6610

ORDINANCE NO. ___831___

AN ORDINANCE AMENDING THE CITY OF WALDPORT EMPLOYEE HANDBOOK TO CORRECT LEGAL DEFICIENCIES AND CONFORM THE CITY'S PERSONNEL POLICIES TO CURRENT OREGON AND FEDERAL EMPLOYMENT LAW, AND DECLARING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the City of Waldport (the City) maintains an Employee Handbook, last updated March 2022 (the Handbook), setting forth the personnel policies governing the employment relationship between the City and its employees; and

WHEREAS, the City Council (the Council) has caused the Handbook to be reviewed for compliance with current Oregon and federal employment law; and

WHEREAS, that review identified provisions that are outdated, incomplete, internally inconsistent, or inconsistent with current law, and identified required policies that are absent from the Handbook; and

WHEREAS, the City employs twenty-six (26) employees, a headcount that subjects the City to the Oregon Family Leave Act (ORS 659A.150 to 659A.186), which applies to employers with 25 or more employees; the Oregon Military Family Leave Act (ORS 659A.090 to 659A.099); the paid sick time requirements of the Oregon Sick Time Law (ORS 653.601 to 653.661), under which paid sick time is required of employers with 10 or more employees; the Oregon pregnancy-accommodation requirements of ORS 659A.147 (applicable to employers with 6 or more employees); the federal Pregnant Workers Fairness Act, 42 U.S.C. 2000gg et seq. (applicable at 15 or more employees); and the PUMP Act, 29 U.S.C. 218d; and

WHEREAS, the federal Family and Medical Leave Act, 29 U.S.C. 2601 et seq. (FMLA), applies only to employers with 50 or more employees and therefore does not currently apply to the City, while Paid Leave Oregon (ORS chapter 657B) applies to the City on a contribution basis without regard to employer size; and

WHEREAS, the Oregon Workplace Fairness Act requires every Oregon employer to adopt a written anti-discrimination and anti-harassment policy containing the minimum elements specified in ORS 659A.375; and

WHEREAS, the Council finds that amending the Handbook as set forth in this Ordinance is necessary to bring the City's personnel policies into compliance with applicable law and to reduce the City's legal exposure;

NOW, THEREFORE, THE CITY OF WALDPORT ORDAINS AS FOLLOWS:

SECTION 1. ADOPTION OF HANDBOOK AMENDMENTS.

The City of Waldport Employee Handbook is amended as set forth in Sections 2 through 22 of this Ordinance. Where a Section below directs that Handbook language be

replaced, the prior language is repealed and the new language adopted in its place. Where a Section directs that a new policy be added, that policy is adopted as part of the Handbook. All existing Handbook provisions not amended by this Ordinance remain in full force and effect.

SECTION 2. NO-DISCRIMINATION POLICY — PROTECTED CLASSES (Handbook § 1.A).

The No-Discrimination Policy is amended to add “gender identity” to the enumerated protected classes, so that the enumerated classes read: race, color, religion, sex, gender identity, sexual orientation, national origin, age, disability, genetic information, uniformed-service or veteran status, marital status, and any other status protected by applicable federal, Oregon, or local law. This enumeration is illustrative and does not limit the catch-all reference to any other protected status.

SECTION 3. NO-HARASSMENT POLICY — SEXUAL-HARASSMENT DEFINITION (Handbook § 1.B).

The definition of sexual harassment is amended to delete the parenthetical phrase (regardless of whether such conduct is ‘welcome’). ¹ As amended, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature, under the circumstances described in the Handbook.

SECTION 4. WORKPLACE FAIRNESS ACT COMPLIANCE — REQUIRED ANTI-HARASSMENT POLICY ELEMENTS (Handbook § 1.B).

The No-Harassment Policy is amended to add, and the City shall maintain, a written anti-discrimination and anti-harassment policy that contains, at a minimum, each element required by ORS 659A.375(2), as follows:

- (a) A process by which an employee may report prohibited conduct;
- (b) Identification, by position, of the individual designated by the City to receive reports of prohibited conduct, together with an alternate individual designated to receive such reports. Until otherwise designated in writing, the designated individual is the City Manager and the alternate is the City Recorder; provided that where the report concerns the City Manager, the report shall be made to the alternate;
- (c) A statement of the applicable statute of limitations, which is five (5) years for the filing of a civil action or a complaint with the Bureau of Labor and Industries

¹ City of Waldport Employee Handbook at 5

alleging unlawful discrimination or harassment under ORS 659A.030, 659A.082, or 659A.112, as provided in ORS 659A.875 and ORS 659A.820;

- (d) A statement that the City may not require or coerce an employee to enter into a nondisclosure or nondisparagement agreement, including a description of the meaning of those terms;
- (e) An explanation that an employee claiming to be aggrieved by prohibited conduct may voluntarily request to enter into an agreement described in ORS 659A.370(2), and a statement that the employee has at least seven (7) days to revoke any such agreement; and
- (f) A statement advising the City and its employees to document any incidents involving prohibited conduct.

The City shall make the policy available to employees within the workplace, provide a copy to each employee at the time of hire, and require the designated recipient to provide a copy of the policy to any employee at the time the employee discloses information regarding prohibited discrimination or harassment, consistent with ORS 659A.375(3).

SECTION 5. SETTLEMENT AND SEPARATION AGREEMENTS — CONFORMANCE TO ORS 659A.370.

A new policy is added providing that any settlement, separation, or severance agreement offered by the City that relates to a claim of conduct described in ORS 659A.370(1) shall conform to ORS 659A.370. The City shall not require or coerce, as a condition of employment, continued employment, promotion, compensation, or benefits, any nondisclosure, nondisparagement, or similar provision prohibited by ORS 659A.370(1). Any nondisclosure, nondisparagement, confidentiality-of-settlement, or no-rehire provision relating to such conduct may be included in a settlement or separation agreement only when requested by the employee, must afford the employee at least seven (7) days to revoke, and must not become effective until the revocation period has expired. No-rehire provisions offered in connection with a workers' compensation settlement shall conform to ORS 659A.390.

SECTION 6. EMPLOYEE CLASSIFICATION AND BENEFIT ELIGIBILITY (Handbook § 2.A).

The Employee Classification policy is amended to provide that no classification of employee shall be excluded from any benefit, leave, or protection required by applicable law on the basis of that classification. In particular, and notwithstanding any statement that regular part-time or temporary employees are ineligible for benefits, all employees remain entitled to paid sick time and to all other leaves and protections required by Oregon and federal law to the extent they qualify under the applicable statute.

SECTION 7. MEAL PERIODS AND REST BREAKS (Handbook § 2.C).

The Meal Periods and Rest Breaks policy is amended to conform to OAR 839-020-0050, as follows:

- (a) The City shall provide each employee a meal period of not less than thirty (30) continuous minutes, during which the employee is relieved of all duties, for each work period of not less than six (6) or more than eight (8) hours. If the employee is not relieved of all duties for the full thirty (30) minutes, the City shall pay the employee for the entire meal period. No meal period is required for a work period of less than six (6) hours, and additional meal periods shall be provided for work periods exceeding eight (8) hours as required by OAR 839-020-0050.
- (b) The City shall provide each employee a paid rest period during which the employee is relieved of all duties for each segment of four (4) hours or major part thereof worked in a work period. Rest periods shall be in addition to and taken separately from meal periods. The City's current practice of providing a fifteen (15) minute paid rest period, which exceeds the ten (10) minute statutory minimum, is retained as a City benefit.

SECTION 8. OVERTIME AND COMPENSATORY TIME (Handbook §§ 2.D, 2.E).

The Compensatory (Comp) Time policy is amended to provide that compensatory time off in lieu of overtime compensation is furnished pursuant to 29 U.S.C. 207(o) and only pursuant to an agreement or understanding reached between the City and the employee before the performance of the overtime work (or, for represented employees, pursuant to the applicable collective bargaining agreement). Compensatory time continues to accrue at a rate of one and one-half hours for each overtime hour worked and remains subject to the Handbook's accrual cap, which is below the maximum permitted by 29 U.S.C. 207(o)(3).

SECTION 9. TIMEKEEPING AND SALARY-BASIS PROTECTION (Handbook § 2.F).

The Timekeeping Requirements policy is amended to add the following:

- (a) No provision of the Handbook authorizes any deduction from, or delay in payment of, the guaranteed salary of an exempt employee except as permitted by 29 C.F.R. 541.602(b). Any policy providing for a delay in pay for late submission of a time record applies only to non-exempt employees.
- (b) Safe Harbor. It is the City's policy to comply with the salary-basis requirements of the Fair Labor Standards Act. Improper deductions from the salary of an exempt employee are prohibited. An employee who believes an improper deduction has been made may report it to the City Manager or payroll. The City will promptly review any such report and, if it determines that an improper

deduction was made, will reimburse the employee and take steps to prevent recurrence.

SECTION 10. WAGE AND SALARY POLICIES — ANNUAL ADJUSTMENT (Handbook § 2.H).

The Wage and Salary Policies are amended to clarify that any annual cost-of-living or salary-schedule adjustment described in the Handbook is subject to annual Council appropriation and the availability of budgeted funds, and does not constitute a contractual entitlement or alter the at-will nature of employment described in this Handbook.

SECTION 11. PAID SICK TIME (Handbook § 3.B and § 3.C).

The sick-leave provisions are amended to conform to the Oregon Sick Time Law (ORS 653.601 to 653.661), as follows:

- (a) Coverage. Paid sick time is provided to all employees, regardless of full-time, part-time, or temporary status. The prior limitation of sick leave to part-time and temporary employees only is repealed.² Because the City employs ten (10) or more employees, sick time is paid at the employee's regular rate of pay.
- (b) PTO Equivalency. The City may satisfy its paid-sick-time obligation for full-time employees through its paid leave (paid time off) program only if that program is substantially equivalent to or more generous than the requirements of ORS 653.601 to 653.661 and, at a minimum, complies with those requirements for the first forty (40) hours the program provides each year. Employees may use such paid leave for all purposes protected under ORS 653.616, and the City shall not retaliate against any employee for using or requesting protected sick time.
- (c) Permitted Uses; Accrual; Notice. Accrual, carryover, permitted uses, notice, and documentation for paid sick time shall be administered in accordance with ORS 653.601 to 653.661 and the rules adopted thereunder.

SECTION 12. FAMILY LEAVE — OREGON FAMILY LEAVE ACT AND FMLA (Handbook § 3.E).

The Family Medical Leave policy is repealed and replaced to reflect the City's current coverage:

- (a) Oregon Family Leave Act. Because the City now employs twenty-five (25) or more employees, the City is a covered employer under the Oregon Family Leave Act (ORS 659A.150 to 659A.186) (OFLA). Eligible employees are entitled to OFLA leave for all purposes and in all amounts provided by OFLA, including parental leave, serious-health-condition leave for the employee or a family member, pregnancy-disability leave, sick-child leave, bereavement leave, and other leave provided under ORS 659A.150 to 659A.186, subject to the eligibility,

² City of Waldport Employee Handbook at 3

notice, certification, and reinstatement requirements of OFLA and the rules adopted thereunder. OFLA leave shall be administered consistently with, and where applicable concurrently with, any leave available under Paid Leave Oregon and, if the City becomes subject to it, the FMLA.

- (b) FMLA. The federal Family and Medical Leave Act applies to employers with 50 or more employees and does not currently apply to the City. If the City becomes a covered employer under the FMLA, the City shall administer FMLA leave in accordance with 29 U.S.C. 2601 et seq., and OFLA and FMLA leave shall run concurrently to the extent permitted by law.
- (c) Military Family Leave. The Oregon Military Family Leave Act (ORS 659A.090 to 659A.099) continues to apply. An eligible employee who is the spouse of a member of the Armed Forces, National Guard, or military reserve forces who has been notified of an impending call or order to active duty, or who has been deployed, is entitled to up to fourteen (14) days of unpaid leave per deployment as provided by ORS 659A.093.

SECTION 13. PAID LEAVE OREGON (New Handbook § 3).

A new policy is added to the Time Off and Leaves of Absence article providing as follows:

- (a) Program. Paid Leave Oregon (ORS chapter 657B) provides eligible employees with paid family, medical, and safe leave insurance benefits administered by the Oregon Employment Department. Eligibility is based on the employee's contributions to the Paid Family and Medical Leave Insurance Fund and the filing of a claim, and does not depend on the size of the employer.
- (b) Coordination with Other Leave. Paid Leave Oregon benefits are in addition to accrued paid sick time, vacation, and other paid leave earned by the employee. An employee may use accrued paid leave in addition to Paid Leave Oregon benefits to the extent permitted by ORS 657B.030.
- (c) Job Protection. An eligible employee who takes Paid Leave Oregon leave is entitled to the restoration and anti-retaliation protections provided by ORS chapter 657B.
- (d) Administration. The City shall administer contributions, notices, and coordination of Paid Leave Oregon with OFLA and other applicable leave in accordance with ORS chapter 657B and the rules adopted thereunder.

SECTION 14. PREGNANCY ACCOMMODATION (New Handbook § 3).

A new Pregnancy Accommodation policy is added providing as follows:

- (a) Reasonable Accommodation. Consistent with ORS 659A.147 and, because the City employs fifteen (15) or more employees, the federal Pregnant Workers Fairness Act (42 U.S.C. 2000gg et seq.), the City shall provide reasonable

accommodation to a qualified applicant or employee for known limitations related to pregnancy, childbirth, or a related medical condition, including lactation, unless the accommodation would impose an undue hardship on the operation of the City. The City shall not deny employment opportunities based on the need for such accommodation, retaliate against an employee for inquiring about, requesting, or using such accommodation, or require an employee to take leave if a reasonable accommodation can be provided.

- (b) Notice. As required by ORS 659A.147(2), the City shall post, in a conspicuous and accessible location, signs informing employees of their rights to be free from discrimination based on pregnancy, childbirth, and related medical conditions and to reasonable accommodation, and shall provide written notice of these rights to each new employee at the time of hire, to existing employees, and to any employee within ten (10) days after the employee informs the City of the employee's pregnancy.

SECTION 15. LACTATION ACCOMMODATION (New Handbook § 3).

A new Lactation Accommodation policy is added providing that, consistent with ORS 653.077 and the federal PUMP Act (29 U.S.C. 218d), the City shall provide an employee reasonable rest periods to express milk for the employee's child each time the employee has need to do so, and shall make reasonable efforts to provide a private location, other than a public restroom or toilet stall, in close proximity to the employee's work area for that purpose. Rest periods used to express milk shall be treated as paid to the extent the employee is otherwise entitled to paid rest periods, and the failure to give advance notice shall not be grounds for discipline.

SECTION 16. JURY DUTY — EXEMPT EMPLOYEES (Handbook § 3.G).

The Jury and Witness Duty policy is amended to provide that, for exempt employees, the City shall offset any jury or witness fees received by the employee against the salary due for the week in which the service occurs, consistent with 29 C.F.R. 541.602(b)(3), rather than requiring the employee to remit such fees, in order to preserve the employee's exempt status. The existing requirement that compensation, less mileage, be transferred to the City continues to apply to non-exempt employees.

SECTION 17. DRUG AND ALCOHOL TESTING (Handbook § 5.A).

The Alcohol/Drug Use, Abuse and Testing policy is amended as follows:

- (a) Confirmatory Testing. Where an on-site or initial screening test yields a positive result that is to be used to deny or deprive any person of employment or a benefit, or that may result in an adverse employment action, the same specimen shall be submitted to a clinical laboratory certified under ORS 438.040, and the presence

of the substance confirmed, before the result is released or acted upon, consistent with ORS 438.435.

- (b) Alcohol Testing. The City may require a breathalyzer or blood alcohol content test only with the individual's consent or where the City has reasonable grounds to believe the individual is under the influence of intoxicating liquor, consistent with ORS 659A.300. The City shall bear the cost of any such test. For purposes of this policy, an individual is under the influence when the individual's blood alcohol content exceeds the threshold established in the City's work rules or in any applicable collective bargaining agreement.
- (c) Medical Marijuana. The provision stating that the City will not accommodate an employee's use of medical marijuana is retained, consistent with Oregon law, which does not require an employer to accommodate the use of medical marijuana.

SECTION 18. SOCIAL MEDIA AND POLITICAL ACTIVITY (Handbook §§ 5.D, 5.I).

- (a) Social Media. The Social Media policy is amended to remove any categorical prohibition on employees discussing or referencing City business, or engaging in individual discussions on an issue, using personal social-media accounts. As amended, the policy restricts only (i) speech made pursuant to an employee's official duties or that a reasonable person would understand to be made on behalf of the City, (ii) disclosures that compromise the City's security or legally protected confidential information, and (iii) content that violates the City's no-harassment and no-discrimination policies or that demonstrably disrupts City operations or undermines the City's ability to perform its functions. Nothing in the policy shall be construed to restrict an employee's right, when acting as a private citizen, to speak on matters of public concern, or to restrict activity protected by law.
- (b) Employee References. The provision prohibiting employees from using a website or the internet to discuss a current or former employee's performance is amended to apply only to disclosures made in the course of, or purporting to be made on behalf of, the City, and shall not be construed to restrict an employee's protected speech as a private citizen.
- (c) Political Activity. The Political Activity policy is amended to conform to ORS 260.432. An employee may not, while on the job during working hours or while otherwise acting in an official capacity, solicit money or services for, or otherwise promote or oppose, any political committee, candidate, measure, petition, or recall. This restriction does not apply during meal or rest breaks or other allowable time off, and does not restrict an employee's right to express personal political views provided a reasonable person would not infer that those views represent the views of the City. The City shall post the notice of public-employee political-activity restrictions required by ORS 260.432(4).

SECTION 19. CRIMINAL HISTORY (Handbook §§ 5.A.6, 5.H).

The provisions requiring disclosure of criminal arrests, citations, and convictions are amended as follows:

- (a) Consistent with ORS 659A.360, the City shall not require an applicant to disclose a criminal conviction on an employment application or before an initial interview (or, if no interview is conducted, before a conditional offer of employment), except where consideration of criminal history is required by law or where the position is exempt under ORS 659A.360(4).
- (b) Ongoing disclosure obligations for current employees are limited to (i) convictions, and (ii) arrests, citations, or charges that directly bear on the employee's ability to perform the essential functions of the position, such as the loss or limitation of driving privileges for a position that requires a valid driver's license. The City shall evaluate criminal-history information on an individualized, job-related basis, and the report of an arrest or conviction shall not result in automatic adverse action.

SECTION 20. ATTENDANCE — PROTECTED-LEAVE CARVE-OUT (Handbook §§ 3.A, 6.C).

The attendance and job-abandonment provisions, including the provision treating a no-call/no-show of three (3) days as job abandonment or voluntary resignation, are amended to provide that they do not apply where the employee's absence is covered by a protected leave under applicable law and the employee provides notice as soon as is practicable consistent with the applicable leave statute.

SECTION 21. AT-WILL EMPLOYMENT PRESERVED.

Nothing in this Ordinance or in the Handbook, as amended, creates a contract of employment or alters the at-will nature of employment, except for employees whose employment is governed by a collective bargaining agreement, a written employment contract, or a civil-service or other for-cause protection established by law or ordinance, whose rights are governed by the applicable instrument. The amendments adopted by this Ordinance establish minimum legal compliance standards and do not confer any contractual right to continued employment or to any particular term or condition of employment.

SECTION 22. CONFORMING AMENDMENTS AND ADMINISTRATION.

The City Manager is authorized and directed to make non-substantive conforming changes to the Handbook necessary to implement this Ordinance, including renumbering sections, correcting cross-references, updating the table of contents, and correcting

typographical errors, and to prepare and distribute an amended Handbook and any notices required by law.

SECTION 23. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 24. REPEALER.

All prior Handbook provisions, ordinances, resolutions, and policies, or parts thereof, in conflict with this Ordinance are hereby repealed to the extent of the conflict.

SECTION 25. SAVINGS.

The repeal or amendment of any Handbook provision by this Ordinance does not affect any right accrued, obligation incurred, or proceeding commenced under the prior provision before the effective date of this Ordinance, and any such right, obligation, or proceeding may be asserted, enforced, or continued as if this Ordinance had not been adopted.

SECTION 26. EFFECTIVE DATE.

This Ordinance takes effect thirty (30) days after its adoption by the Council and approval by the Mayor, in accordance with the City Charter and applicable law.

PASSED by the City Council of the City of Waldport, Oregon, this _____ day of _____, 20____, by the following vote:

AYES: _____ NAYS: _____ ABSTAIN: _____ ABSENT: _____

Mayor, City of Waldport

ATTEST:

City Recorder



CITY COUNCIL MEETING AGENDA

COVER SHEET FOR DISCUSSION / ACTION

TITLE OF ISSUE: Consideration of modification to the city code regarding Connex containers

FOR MEETING DATE: August 13th, 2026

SUMMARY OF ISSUE:

The city has a prohibition regarding Connex (shipping) containers in a good portion of town regrading commercial and residential properties. Specifically:

“Title 16.72.040(1)

Conex or other metal cargo containers are:

1. Permitted outright in the Planned Industrial (I-P) and Public Facilities (P-F) zones;
2. Permitted outright in the Retail Commercial (C-1), General Commercial (C-2) and Commercial Tourism (C-T) zones located east of Lint Slough and south of the Hwy 101/Maple Street intersection; and
3. Prohibited in all other zones.
4. Temporary uses of metal containers are allowed for a limited time for storage during residential remodeling or for moving purposes, allowed during construction with a valid building permit, and allowed with construction activities associated with implementing a subdivision or planned development.”

In overall review, a question came up on regarding how to best implement the changes citizens sought, while conforming with Oregon Law, and importantly, Oregon law concerning land owners rights.

This is NOT the ordinance I intended to bring. Instead, it identifies that the current law and restriction needs to be addressed as we hold hearing into the larger land use changes coming under the Title 16 review coming from the planning Commission shortly. Instead, this ordinance addresses some of the concerns by providing clarity to the law already in place.

We will include additional language which was intended for this ordinance for review by the planning commission.

STAFF RECOMMENDATION or ACTION REQUESTED:

A motion to adopt or amend the ordinance would be appreciated.

Ordinance No. 832:
Defining Conex Containers for the purpose of clarification
amending Title 16.04 and declaring an emergency.

[City of Waldport, Oregon]

Statement on Purpose and Authority

WHEREAS The City Council finds that the placement and use of Conex-style intermodal freight containers within the city limits may affect neighborhood appearance, property values, and public health and safety if not reasonably regulated.

WHEREAS This ordinance is adopted pursuant to the City's municipal authority to enact local legislation, subject to the Oregon Constitution and the criminal laws of the State of Oregon, and to prohibit and punish conduct not prohibited by state law so long as the ordinance is not inconsistent with state law.

WHEREAS It is not intended that this language adds or removes any existing property owner's right, simply clarifies existing rights within the scope of current laws and restrictions.

WHEREAS The state of Oregon exempts structures under 200 sq ft from certain restrictions.

NOW, THEREFORE, THE CITY OF WALDPORT ORDAINS AS FOLLOWS:

1. Title 16.04 shall be amended to add:

"Conex Storage Containers (or Metal Shipping Container) shall be considered those only over 20 ft in length, and shall otherwise be considered accessory structures.

2. An emergency is declared and this ordinance shall take effect immediately upon passage.

Votes:

Lambert ____ Dunn ____ Booth ____ Morris ____ Woodruff ____ Severson ____ Townsend ____

ADOPTED by the City Council of the City of Waldport, Oregon, this 13th day of August, 2026.

Heide Lambert Mayor, City of Waldport

ATTEST:

Megan Torres, City Recorder

CITY OF WALDPOR, OREGON

ORDINANCE NO. __833__

AN ORDINANCE AMENDING TITLES 1, 2, 3, 5, 6, 8, 9, 10, 12, 13, 15, AND 16 OF THE WALDPOR MUNICIPAL CODE TO CORRECT DRAFTING ERRORS, INCORRECT CROSS-REFERENCES, OBSOLETE CITATIONS, AND INTERNAL INCONSISTENCIES IDENTIFIED IN A COMPREHENSIVE CODE REVIEW.

RECITALS

WHEREAS, the City of Waldport has conducted a comprehensive, title-by-title review of the Waldport Municipal Code; and

WHEREAS, that review identified typographical errors, incorrect internal cross-references, internal inconsistencies, and obsolete statutory and agency citations across Titles 1, 2, 3, 5, 6, 8, 9, 10, 12, 13, 15, and 16; and

WHEREAS, the City Council finds that the corrections set forth in this Ordinance are non-substantive corrections that clarify the Code and carry out its intent, and that consolidating them into a single ordinance promotes efficient adoption and a clean, accurate Code; and

WHEREAS, the City Council further finds that certain items identified in the review involve policy determinations or require verification against underlying ordinances or current law, and are reserved for further review as provided in this Ordinance;

NOW, THEREFORE, THE CITY OF WALDPOR ORDAINS AS FOLLOWS:

Section 1. Amendments to Title 1 (General Provisions). The following provisions of Title 1 of the Waldport Municipal Code are amended. Corrections are non-substantive except as expressly noted:

- **WMC 1.16.020.** In WMC 1.16.020, the definition of "Appraisal" is amended to replace "ORD Chapter 308" with "ORS Chapter 308."
- **WMC 1.16.020.** In WMC 1.16.020, the definition of "Person" is amended to read: "'Person' means a public or private entity."
- **WMC 1.16.020.** In WMC 1.16.020, the definition of "Fair Market Value" is amended to add the omitted closing quotation mark and to correct punctuation, without change in meaning.
- **WMC 1.16.040(A).** In WMC 1.16.040(A), the reference to "Section 1.60.030" is corrected to "Section 1.16.030."

- **WMC 1.16.040(D)(1).** In WMC 1.16.040(D)(1), “All property owners of record with one hundred (100) feet” is corrected to “within one hundred (100) feet.”
- **WMC 1.16.110(A).** In WMC 1.16.110(A), the reference to “ORS 34.010 to 43.100” is corrected to “ORS 34.010 to 34.100.”
- **WMC Chapter 1.08.** In WMC Chapter 1.08, the ordinance-history abbreviation “Ordinance.” is standardized to “Ord.” throughout the chapter.

Section 2. Amendments to Title 2 (Administration and Personnel). The following provisions of Title 2 of the Waldport Municipal Code are amended. Corrections are non-substantive except as expressly noted:

- **WMC 2.02.020(B)(2).** In WMC 2.02.020(B)(2), “recission” is corrected to “rescission.”
- **WMC 2.04.030.** In WMC 2.04.030, “for a term of four years from the first calendar day of this year” is corrected to “for a term of four years from the first calendar day of the year of appointment.”
- **WMC 2.04.060(A).** In WMC 2.04.060(A), “the City zoning ordinance” is updated to “the Title 16 Development Code.”
- **WMC 2.20.010.** In WMC 2.20.010, “ORS 357.400 to ORS 375.621” is corrected to “ORS 357.400 to ORS 357.621.”
- **WMC 2.22.020(B).** In WMC 2.22.020(B), a period is inserted after “Waldport City Council,” correcting the run-on sentence.
- **WMC 2.28.010(A).** In WMC 2.28.010(A), the citation “ORS 279.055” is updated to the current Oregon Public Contracting Code (ORS chapters 279A, 279B, and 279C).
- **WMC 2.28.020(A).** In WMC 2.28.020(A), the citation “ORS 279.051” is updated to the current ORS chapter 279C provisions governing procurement of architectural, engineering, and related professional services.
- **WMC 2.28.020(E).** In WMC 2.28.020(E), the list is renumbered so that the report-filing requirement is designated as a separate subsection rather than a third “reason.”

Section 3. Amendments to Title 3 (Revenue and Finance). The following provisions of Title 3 of the Waldport Municipal Code are amended. Corrections are non-substantive except as expressly noted:

- **WMC 3.04.080.** In WMC 3.04.080, the section caption “Penalties” is changed to “Delinquency Penalties” to distinguish it from Section 3.04.180.
- **WMC 3.04.110(A).** In WMC 3.04.110(A), the reference to “Section 3.04.150” is corrected to “Section 3.04.160.”
- **WMC Chapter 3.04.** In WMC Chapter 3.04, the terms “transient tax collector” (3.04.020) and “occupancy tax collector” (3.04.120) are standardized to the defined term “lodging tax collector.”
- **WMC 3.04.090(A)(3).** In WMC 3.04.090(A)(3), “or with three (3) years after the return is filed” is corrected to “or within three (3) years.”

- **WMC 3.08.160.** In WMC 3.08.160, the reference to “Section 3.08.010” is corrected to “Section 3.08.020.”

Section 4. Amendments to Title 5 (Business Licenses and Regulations). The following provisions of Title 5 of the Waldport Municipal Code are amended. Corrections are non-substantive except as expressly noted:

- **WMC 5.04.096(C).** In WMC 5.04.096(C), the reference to “Section 5.04.095” is corrected to “Section 5.04.090.”
- **WMC 5.06.040.** In WMC 5.06.040, the reference to “Section 5.04.040” is corrected to “Section 5.04.050” (non-assignability of licenses).
- **WMC 5.06.010(B).** In WMC 5.06.010(B), the reference to “the Uniform Controlled Substances Act (Chapter 69.50 RCW)” is deleted as an erroneous Washington-law citation and replaced with the corresponding Oregon Uniform Controlled Substances Act (ORS chapter 475).
- **WMC 5.28.060(B) and 5.28.070(C).** In WMC 5.28.060(B) and 5.28.070(C), references to “Section 5.28.010” are corrected to “Section 5.28.020” (prohibited acts).
- **WMC 5.28.080(B)(2).** In WMC 5.28.080(B)(2), the required sign language is corrected to reference “Waldport Municipal Code Chapter 5.28” in place of “Section 1 of Waldport City Ordinance No. ____.”
- **WMC 5.40.030.** In WMC 5.40.030, subsection (E) is deleted as duplicative of subsection (B).

Section 5. Amendments to Title 6 (Animals). The following provisions of Title 6 of the Waldport Municipal Code are amended. Corrections are non-substantive except as expressly noted:

- **WMC Chapter 6.04.** In WMC Chapter 6.04, references to “Chapter 6.04.090” are corrected to “Section 6.04.090” throughout.
- **WMC 6.04.040(B)(10).** In WMC 6.04.040(B)(10), the reference to “Section 6.02.030” is corrected to “Section 6.04.030.”
- **WMC 6.04.010(K).** In WMC 6.04.010(K), “pursuant tot his chapter” is corrected to “pursuant to this chapter,” and “dogs are are not required” is corrected to “dogs are not required.”
- **WMC 6.04.010(N).** In WMC 6.04.010(N), “large carnivorous shakes” is corrected to “large carnivorous snakes.”
- **WMC 6.04.060(A).** In WMC 6.04.060(A), “gees” is corrected to “geese.”

Section 6. Amendments to Title 8 (Health and Safety). The following provisions of Title 8 of the Waldport Municipal Code are amended. Corrections are non-substantive except as expressly noted:

- **WMC 8.08.010.** In WMC 8.08.010, the two separate definitions of “Person” are consolidated into a single, grammatically corrected definition.
- **WMC 8.08.010.** In WMC 8.08.010, “Radioactive substance ... omits radiation” is corrected to “emits radiation,” and “Intersection ... if non, then” is corrected to “if none, then.”

- **WMC 8.08.020(A).** In WMC 8.08.020(A), “Oregon State Board of Health” is updated to “Oregon Health Authority.”
- **WMC 8.08.077(A).** In WMC 8.08.077(A), “conditions identified in Title 8.08” is corrected to “Chapter 8.08.”
- **WMC 8.08.105(L).** In WMC 8.08.105(L), the reference to “Section 9.12” is corrected to “Chapter 9.12.”
- **WMC 8.12.080.** In WMC 8.12.080, the reference to suspension “pursuant to Section 8.12.120” is corrected to “Section 8.12.130.”
- **WMC 8.12.150(A) and (B).** In WMC 8.12.150(A) and (B), references to the “Uniform Rate Reporting Format set forth in Section 8.12.160” are corrected to “Section 8.12.155.”
- **WMC 8.12.155.** In WMC 8.12.155, the rate-review trigger is corrected to read consistently as an operating ratio of “less than eighty-five percent (85%) or greater than ninety-one percent (91%),” and stray references (“Section 13”; “ORS 1823.450”) are corrected.

Section 7. Amendments to Title 9 (Public Peace and Welfare). The following provisions of Title 9 of the Waldport Municipal Code are amended. Corrections are non-substantive except as expressly noted:

- **WMC 9.08.080.** In WMC 9.08.080, “shall not be constructed to expend the scope” is corrected to “shall not be construed to expand the scope.”
- **WMC 9.50.030(C)(3) and 9.50.040(C)(2).** In WMC 9.50.030(C)(3) and 9.50.040(C)(2), “the process in Chapter 5” is corrected to “Title 5.”
- **WMC 9.50.050(A)(5).** In WMC 9.50.050(A)(5), the garbled provision is separated into two distinct prohibitions: (i) any city property leased to another entity, and (ii) City-owned or -maintained parking lots unless identified as a vehicle-camping lot.
- **WMC 9.50.060.** In WMC 9.50.060, “Campsites must be maintained” is corrected to “must be maintained,” and “Notwithstanding previous of this section” is corrected to “Notwithstanding the previous provisions of this section.”
- **WMC 9.50.070.** In WMC 9.50.070, the penalty reference is corrected to cite Chapter 1.08, and “Repeated violations of this title” is corrected to “this chapter.”

Section 8. Amendments to Title 10 (Vehicles and Traffic). The following provisions of Title 10 of the Waldport Municipal Code are amended. Corrections are non-substantive except as expressly noted:

- **WMC 10.01.010.** In WMC 10.01.010, “‘Hazardous vehicle’ mans a vehicle” is corrected to “means a vehicle,” and “trailer or boar” is corrected to “trailer or boat.”
- **WMC 10.02.030(B).** In WMC 10.02.030(B), “declared forfeited by teh court” is corrected to “by the court.”
- **WMC Chapter 10.30.** In WMC Chapter 10.30, references to “this section” that refer to the entire chapter (including 10.30.050 and 10.30.070) are corrected to “this chapter.”

- **WMC 10.12.020(G)(1) and (H)(1).** In WMC 10.12.020(G)(1) and (H)(1), “within any zoned residential” is corrected to “within any residential zone.”

Section 9. Amendments to Title 12 (Streets, Sidewalks and Public Places). The following provisions of Title 12 of the Waldport Municipal Code are amended. Corrections are non-substantive except as expressly noted:

- **WMC 12.20.130.** In WMC 12.20.130, the penalty provision is rewritten to state that a violation is a Class A civil infraction subject to Chapter 1.08, removing the criminal “sentenced/conviction” language and the dangling cross-reference fragment.
- **WMC 12.28.020.** In WMC 12.28.020, “Class ‘A’ violation” is corrected to “Class A civil infraction” consistent with Chapter 1.08.
- **WMC 12.08.060.** In WMC 12.08.060, the duplicative removal-remedy language is consolidated with Section 12.08.080, and the run-in heading is set off as a separate provision.

Section 10. Amendments to Title 13 (Public Services). The following provisions of Title 13 of the Waldport Municipal Code are amended. Corrections are non-substantive except as expressly noted:

- **WMC 13.04.030(E).** In WMC 13.04.030(E), “the water committee and City Superintendent” is corrected to “the Water Superintendent.”
- **WMC 13.08.060(C)(1).** In WMC 13.08.060(C)(1), “higher than one hundred fifty (150) degrees Celsius” is corrected to “one hundred fifty (150) degrees Fahrenheit.”
- **WMC 13.08.010.** In WMC 13.08.010, the term “Ph” is corrected to “pH.”
- **WMC 13.08.060(E)(2).** In WMC 13.08.060(E)(2), the reference to “Section 13.08.010” is corrected to “Section 13.08.060(C).”
- **WMC 13.08.040(A).** In WMC 13.08.040(A), “Oregon State Board of Health” is updated to “Oregon Health Authority,” and “Oregon State Sanitary Authority” (13.08.060) is updated to the Oregon Department of Environmental Quality.
- **WMC 13.16.090(E).** In WMC 13.16.090(E), the reference to installment payments “pursuant to Section 13.16.110” is corrected to “Section 13.16.100,” and the reference to exemptions “pursuant to Section 13.16.120” is corrected to “Section 13.16.110.”
- **WMC 13.16.100(A).** In WMC 13.16.100(A), the garbled installment/lien language is corrected for grammar and clarity, without change in substance.

Section 11. Amendments to Title 15 (Buildings and Construction). The following provisions of Title 15 of the Waldport Municipal Code are amended. Corrections are non-substantive except as expressly noted:

- **WMC 15.04.060.** In WMC 15.04.060, the section is rewritten so that the five-working-day review deadline applies to the entire building-permit review, and the reference to “the City zoning ordinance” is updated to “the Title 16 Development Code.”

- **WMC 15.08.010(B).** In WMC 15.08.010(B), corrected to provide that the east–west base line (Willow Street) extends horizontally from the east City limits to the west City limits.
- **WMC 15.08.010(C).** In WMC 15.08.010(C), corrected to provide that the north–south base line (Bay Street/Crestline Drive) extends vertically from the north City limits to the south City limits.
- **WMC 15.08.010(D).** In WMC 15.08.010(D), corrected so that blocks north of the Willow Street base line are numbered in sequence progressing to the north City limits.

Section 12. Amendments to Title 16 (Development Code). The following provisions of Title 16 of the Waldport Municipal Code are amended. Corrections are non-substantive except as expressly noted:

- **WMC 16.04.030.** In WMC 16.04.030, in the definition of “Sign,” “two surfaces splayed less than 45%” is corrected to “less than 45 degrees.”
- **WMC 16.04.030.** In WMC 16.04.030, in the definition of “Yard,” the mislabeled “5) ‘Street Side’” is renumbered as a lettered subsection (E).
- **WMC 16.04.030.** In WMC 16.04.030, in the definition of “Partition,” “O.R.S. Chapter 92.010” is corrected to “ORS 92.010.”
- **WMC 16.08 (penalty text).** In WMC 16.08 (penalty text), “Noting contained herein” is corrected to “Nothing contained herein.”

Section 13. Direction for Further Review. The City Council directs staff and the City Attorney to review and return with recommendations, and if appropriate a further amending ordinance, on the following items, which may involve policy determinations or verification against underlying ordinances or current law:

- **Title 1:** Verify and correct the Measure 49 statutory citation in the definition of “Claim” (1.16.020) currently shown as “ORS 197.25,” and reconcile the Chapter 1.04 codifier history with Ord. 804 (2024) designating the official City newspaper.
- **Title 2:** Reconcile the change-order approval thresholds in 2.28.010(C)(2) (\$50,000) and 2.28.090(B) (\$150,000), and reconcile the publication provision in 2.28.030(A) (“Daily Journal of Commerce”) with the City’s designated official newspaper.
- **Title 3:** Update the marijuana-tax citations in 3.06.010 and 3.06.020 from session law to the codified ORS provisions (ch. 475C), and confirm voter approval of the 3% rate as required by state law.
- **Title 5:** Update the medical-marijuana citations in 5.06.020 and 5.06.100 (ORS 475.300–475.346; HB 3460) to ORS chapter 475C, confirm whether Chapter 5.06 remains current, and reconcile the enforcement track for 5.08.030 and 5.40.050 with the Chapter 1.08 civil-infracton scheme.
- **Title 6:** Clarify the livestock density threshold in 6.04.070 for parcels of exactly five acres, reconcile the animal-slaughter prohibition in 6.04.080(B)(3) with the keeping of fowl (6.04.060) and livestock (6.04.070), and align the “Fowl”/“Livestock” definitions with Title 8.

- **Title 8:** Verify and correct the hazardous-waste (ORS ch. 466) and Bottle Bill (ORS ch. 459A) citations in 8.12.030 and 8.12.040(C); consider replacing the hard-coded franchisee name with a generic “franchisee”; review the evergreen franchise term; and update stale dates and the discontinued CPI index in 8.12.155.
- **Title 9:** Provide a penalty for the minor’s curfew violation (9.08.010) and reconcile the “misdemeanor”/fixed-fine framing in 9.08.060 and Chapter 9.12 with the Chapter 1.08 civil-infracton scheme; confirm the correct enforcement officer where “chief of police” is referenced; and update the future-amendments adoption mechanism in 9.04.010.
- **Title 10:** Confirm the reserved/omitted section numbers in Chapters 10.08 and 10.12; update the future-amendments adoption mechanism in 10.04.010; and clarify the delegation language (“releases”) in 10.02.040(A).
- **Title 12:** Standardize the penalty provisions in 12.12.110 and 12.16.030 to the Chapter 1.08 civil-infracton scheme; reconcile the officer titles (“City Superintendent,” “Public Works Director,” “Chief Administrative Officer”); review the 1923 curblne standard in 12.16.010; and verify the section numbering cited in 12.12.110.
- **Title 13:** Conform the “treatment works” terminology in Chapter 13.04 to the water system; repeal or update the obsolete Industrial Cost Recovery provisions (13.08.070); update the SIC-based “industrial user” definition (13.12.010) to NAICS; reconcile the 13.08.100 enforcement provisions with the Chapter 1.08 scheme; and correct the “past due”/“Post Due” terminology and the appeal-window trigger in 13.04.250.
- **Title 15:** Clarify the appointing authority for the building official and the Board of Appeals and the appeal path (15.04.010, 15.04.040); align the penalty in 15.04.070 with the Chapter 1.08 civil-infracton scheme used in 15.08.050; and define or cross-reference the “street committee” in 15.08.030.
- **Title 16:** Verify/update the ORS citation for “Day care facility” (currently ORS 418) and the obsolete “Uniform Building Code” and 1981 manufactured-home references; move the operational standards embedded in the “Mobile Vending” definition to operative text and reconcile with Title 5; align the “Family” and “Livestock” definitions with Titles 6, 8, and 9; and confirm reserved chapter numbers and standardize zone abbreviations.

Section 14. Codification and Scrivener Corrections. The City Recorder and the code codifier are authorized to make non-substantive renumbering, formatting, and scrivener corrections necessary to incorporate these amendments into the Waldport Municipal Code.

Section 15. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 16. Effective Date. This Ordinance takes effect thirty (30) days after its adoption by the City Council.

Votes:

Lambert ____ Dunn ____ Booth ____ Morris ____ Woodruff ____ Severson ____ Townsend ____

ADOPTED by the City Council of the City of Waldport, Oregon, this 13th day of August, 2026.

Heide Lambert, Mayor

ATTEST:

Megan Torres, City Recorder

CITY OF WALDPOR, OREGON

ORDINANCE NO. __834__

**AN ORDINANCE ESTABLISHING CODIFICATION AND SCRIVENER-CORRECTION AUTHORITY FOR
THE CITY RECORDER AND ADDING A NEW CHAPTER 1.02 TO THE WALDPOR MUNICIPAL
CODE.**

RECITALS

WHEREAS, the City of Waldport is a home-rule city with authority under its Charter to organize its offices and assign administrative duties to City officers, subject to state and federal law; and

WHEREAS, the Waldport Municipal Code contains, and from time to time will contain, typographical errors, incorrect internal cross-references, inconsistent numbering, obsolete section and citation references, and formatting irregularities that do not affect the substance of the law; and

WHEREAS, under Oregon law the power to make or change the law may not be delegated, but the authority to perform ministerial codification tasks that do not alter the sense, meaning, effect, or substance of an enactment may be delegated when confined by clear standards and adequate procedural safeguards against arbitrariness; and

WHEREAS, ORS 173.160 supplies a well-established model for such ministerial authority, providing that the Legislative Counsel, in preparing the statutes for publication, shall not alter the sense, meaning, effect, or substance of any Act, but within that limitation may renumber sections, change head-note wording, rearrange sections, change reference numbers to agree with renumbered provisions, substitute proper section or chapter numbers, strike merely repetitious words, standardize capitalization, and correct manifest clerical or typographical errors; and

WHEREAS, the City Council finds that delegating equivalent, tightly limited codification authority to the City Recorder, together with a reporting-and-ratification safeguard, will improve the accuracy and usability of the Code and conserve Council time, without delegating any legislative power;

NOW, THEREFORE, THE CITY OF WALDPOR ORDAINS AS FOLLOWS:

Section 1. New Chapter 1.02 Adopted. A new Chapter 1.02, "Codification and Scrivener Corrections," is added to Title 1 of the Waldport Municipal Code to read as set forth in Sections 2 through 8 of this Ordinance.

Section 2 (WMC 1.02.010). Purpose. The purpose of this chapter is to authorize the City Recorder to make and incorporate non-substantive codification and scrivener corrections to the Waldport Municipal Code without separate City Council action on each correction, while ensuring that no such correction alters the sense, meaning, effect, or substance of any provision or makes new law.

Section 3 (WMC 1.02.020). Definition. “Non-substantive correction” means a change to the text or arrangement of the Code that does not alter the sense, meaning, effect, or substance of any provision the City Council has adopted, and does not create, enlarge, diminish, or eliminate any right, duty, obligation, standard, threshold, penalty, or authority.

Section 4 (WMC 1.02.030). Authority Delegated to the City Recorder. The City Recorder, or the Recorder’s designee, is authorized to make non-substantive corrections to the Waldport Municipal Code and to incorporate them into the official Code without further action of the City Council, subject to the standards, limitations, and safeguards of this chapter. The Recorder may direct the code codifier or publisher to make such corrections.

Section 5 (WMC 1.02.040). Permitted Corrections. Within the limitation stated in Section 6, the City Recorder may:

- Correct manifest clerical, spelling, grammatical, and typographical errors;
- Renumber or re-letter titles, chapters, sections, subsections, and paragraphs, and rearrange provisions, to preserve a consistent and orderly numbering scheme;
- Correct or update internal cross-references (including references rendered inaccurate by renumbering) so that they refer to the correct provision;
- Correct a reference to an Oregon Revised Statute, Oregon Administrative Rule, or other external authority where the referenced provision has been renumbered or recodified without a change in substance, and update the name of a referenced state agency to its current legal name;
- Conform section and chapter headings, catchlines, and the table of contents to the text;
- Standardize capitalization, punctuation, defined-term formatting, and citation form for uniformity;
- Strike words, figures, or provisions that are merely repetitious or that have been superseded or repealed by later Council action, and insert editor’s, history, and codification notes; and
- Correct an obvious internal inconsistency only where a single correction is required to give effect to the Council’s manifest intent and no substantive choice among alternatives is involved.

Section 6 (WMC 1.02.050). Limitation — No Substantive Change or New Law. The City Recorder shall not, under this chapter, alter the sense, meaning, effect, or substance of any provision, and shall not make new law. The authority of this chapter does not extend to, and the following require action by the City Council by ordinance: (a) changing any standard, criterion, threshold, rate, fee, amount, time period, penalty, or classification; (b) resolving an ambiguity or

reconciling conflicting provisions where more than one substantive result is possible; (c) adding, deleting, or rewriting a substantive right, duty, obligation, prohibition, or authority; (d) substituting a successor statute, rule, or authority whose text differs in substance from the provision originally referenced; or (e) any change that would alter how a provision applies to any person or property. When in doubt whether a change is substantive, the Recorder shall treat it as substantive and refer it to the City Council.

Section 7 (WMC 1.02.060). Reporting, Ratification, and Effect. The City Recorder shall:

- Maintain a written log of each correction made under this chapter, identifying the provision affected, the correction made, and the date;
- Maintain the log online with the Municipal Code as an informational item;
- Place any correction as to which a Councilor or the City Attorney raises a question of substance on the agenda of the next regular Council meeting, and make no further reliance on that correction until the Council confirms it or adopts an amending ordinance; and
- Ensure that, if any correction is later determined to have altered the sense, meaning, effect, or substance of a provision, the text as adopted by the City Council governs and controls over the corrected text.

Section 8 (WMC 1.02.070). Construction. This chapter shall be construed narrowly to authorize only ministerial, non-substantive corrections and shall not be construed to delegate any legislative power. Nothing in this chapter limits the City Council's authority to amend the Code by ordinance.

Section 9. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 10. Effective Date. This Ordinance takes effect thirty (30) days after its adoption by the City Council.

Votes:

Lambert ____ Dunn ____ Booth ____ Morris ____ Woodruff ____ Severson ____ Townsend ____

ADOPTED by the City Council of the City of Waldport, Oregon, this 13th day of August, 2026.

Heide Lambert Mayor, City of Waldport

ATTEST:

Megan Torres, City Recorder

City Manager's Report for August 2026

1. **Major Project – Sidewalks on Crestline**

The City has completed its report for ODOT. There is only a slight hold up as we review one invoice which came late to the city which ODOT wants clarity – we have met with ODOT and are have created a plan to fix the concerns. Both ODOT and the city are happy with the outcome. The grant report will be doen shortly after they issue the final numbers.

2. **Major Project – Sewer to Industrial Park**

We are starting engineering phase 2, which will bring services down Kathleen St to service the remainder of the industrial park areas. (no change)

3. **Major Project – Wastewater project**

Our engineer has been down working with the contarctor on the process for the last portion of this project. (will update verbally if more info is provided)

4. **Major Project – Southworth Park**

The Basketball court has been poured, we are in discussions on surfacing. The Gazebos are being scheduled for construction.

The Surfacing fixes needed on the playground are scheduled for the third week of August.



5. **Design Meeting for Pump Track**

We expect a pump track preliminary design early next week.

6. **Small Cities Allotment Grant**

The City did not receive the Small cities allotment grant. It was very competitive and we scored 99 pts, but the cutoff was 101 pts. We would have scored higher had we not fixed potholes sadly. in the meantime we will be weigh limiting north Crestline Drive.

7. **HVAC install in library**

Airrow Heating has replaced the heating/cooling system in the library spaces and rework the ductwork to create storage space in the attic. Completed last week.

8. **Audit Update**

We have received the final audit. We are going through the submission process to the Secretary of States office. It has been posted on our website, unedited.

LEGAL MEMORANDUM

TO: Waldport City Council
FROM: Corey Blake
DATE: August 12, 2026
RE: Procedural Requirements and Options for City Council Hearing relating to the Complaints against Dann Cutter pursuant to ORS 192.660(2)(b) when Cutter requested an open hearing

A. Notice and Record Keeping: The notice and record keeping requirements for this hearing are the same as for any other public meeting as required by ORS 192.610 to 192.705 and the city charter, code, rules and procedures.

B. The Hearing Process:

- 1. Opening and Identification of Authorization:** The presiding officer should open the hearing by identifying the authorization under ORS 192.660(2)(b) and OAR 199-040-0030.
- 2. Presentation of Charges or Complaints:** The Council or its designee presents the charges, complaints, or grounds for proposed disciplinary action. In this case, the letters of complaint have been provided.
- 3. Employee Response and Presentation of Evidence:** Mr. Cutter or his representative is afforded an opportunity to respond to the charges, present evidence, call witnesses, and cross-examine adverse witnesses.
- 4. Council Questions and Inquiry:** Council members may question the employee to clarify facts and evaluate the evidence.
- 5. Closing Statements:** Mr. Cutter may be afforded an opportunity to make a closing statement summarizing his position and the evidence.
- 6. Closure of the Evidentiary Record:** The presiding officer then declares the evidentiary portion of the hearing closed.
- 7. Deliberation:** The Council Must Deliberate in Open Session following the conclusion of the evidentiary hearing.

C. Potential Outcomes: By Vote of the Council

1. Determine that no disciplinary action is warranted and take no action against the employee; or
2. Impose disciplinary measures short of dismissal, including suspension, demotion, written reprimand, or other corrective action consistent with the employee's employment contract, applicable personnel rules and city charter provisions;

3. Dismiss the employee from employment;
4. Refer the matter for further review.

If the Council votes to take any action other than no further action against the employee, the City Attorney and CIS should be notified to make sure the proper process is followed.

As I have relayed to the Council in the past, given the fact that the Council instructed Cutter to investigate Beachcomber Days and to share the results of the investigation with the press, law enforcement and the public, no action should be taken against Cutter for carrying out these instructions from the Council. If the Council were to punish Cutter for carrying out instructions from the Council, it could expose the City to liability. Also note that a public employee has a protected free speech right to comment on public figures or matters of public interest. Punishing Cutter for exercising his right to make such comments could, again, expose the City to liability.

From: Todd Swift <toddswift73@gmail.com>
Sent: Saturday, September 20, 2025 5:27 PM
To: Heide Lambert <heide.lambert@waldport.org>
Subject: Formal Grievance

September 20th, 2025
Mayor Heide Lambert
City of Waldport
PO Box 1120, Waldport, OR 97394

Dear Mayor Lambert,

I am sending this letter via email to you as a manner of filing a formal grievance regarding the City Manager, Dann Cutter. Of late, his egregious actions are unbecoming of a Public Employee being paid by tax dollars and receiving PERS benefits. You maybe wondering why I would submit a letter, as I have no issue coming to Council

meetings and voicing concerns openly. The reason is I have been approached by a group of Citizens that requested I submit this letter, as they fear retaliation from Mr. Cutter if they were to come forward in a similar manner. I will list the grievances below that are a compilation of complaints from said Citizens that I wholeheartedly agree with.

Issue #1: Mr. Cutter's comments in his emails to the Confederated Tribe of the Siletz Indians compared their declaration about not being victims of theft, fraud, or any crime as a result of any actions by Ms. TiAnne Rios, to two American organizations that are notorious for systemic cover-ups and institutional failures to protect children. Mr. Cutter then threatened them that he would take the stance of a "Whistleblower," and mention the Sovereign Nation in his media releases. This is documented in the August 20th, 2025 KYAQ article by Reporter Brian Bahouth.

Issue #2: As a Board Member of the Township 13 Homeowners Association, I have been working for over a year to get the City Council to collaborate with our organization. On June 12th, 2025, we finally made headway when you suggested that the City Council hold a workshop with our HOA. We've managed to get that scheduled for October 16th, 2025. Although the Council voted to hold the meeting in the workshop style you suggested to discuss easement issues, and it was clarified by the Council that it would be them (The Council), the Township 13 Board of Directors, and the City Planner that would attend the meeting, Mr. Cutter is going against the vote of the Council and changing the meeting to a Town Hall style, inviting himself as the moderator, and setting agenda items that have nothing to do with the easement issue. Mr. Cutter also threatened to have the City Attorney there, after we, in good faith, turned over our documents to the City Council President, Greg Dunn with an understanding it was to establish trust between us and avoid Attorney fees. This is all documented in the emails you were CC'd on between Mr. Cutter and Township 13.

In addition, on behalf of the Township 13 HOA, we respectfully request that the event on October 16, 2025, be that which the Council voted on in the July 12th meeting: A workshop to include members of the City Council, Township 13's Board of Directors, and the City Planner. We do not want Dann Cutter present at this event. Nor do we think his presence is necessary. In fact, based on our experience with the City Manager in the recent past, his involvement in this workshop would only impede the progress we are making.

Issue #3: Mr. Cutter overstepped his authority and attempted to use the City Contract with the Sheriff's Office to leverage the Lincoln County District Attorney into pressing charges in a case where she found insufficient evidence of a crime, thus demanding another Public Official compromise their ethics. This is documented in the email exchange between Mr. Cutter and DA Wallace on July 28th, 2025. In fact, Mr. Cutter sent numerous emails to the Sheriff and the DA from October 2024 to July 2025, trying to convince each entity to investigate/prosecute a crime(s) that neither organization believed had merit.

Issue #4: Mr. Cutter recently made public Facebook comments in which he alleged that I "Let a person abusing children sexually get away with it", "Let a community down" and "Failed to protect other children." His comments are categorically false and were in

response to a post I shared about a case I was involved in when I worked in law enforcement in which the Judge dismissed the evidence I provided. Later, in another social media comment, Mr. Cutter accused me of "Lying my ass off," and that I "Walked away from a child molester". Then, he said I was going to have to "Work hard to show [him] that [he] should have any respect for [me] walking away..."

Mr. Cutter's comments fall on thick skin, however they do demonstrate that he does not understand how the criminal justice system works, and that a balance of power must be maintained, so that no individual can be the Judge, Jury and Executioner. It also demonstrates his complete disregard for Citizens that pay tax dollars to support his salary and benefits. His comments are documented in the screenshots attached to this email.

I have been informed that you have reached out to your fellow Council members and requested an Executive Session on at least two occasions to discuss Mr. Cutter's conduct towards the Siletz Tribe. I would request that the City Council hold an Executive Session to consider ALL the conduct listed above, but based on this Council's past inactions of properly supervising the City Manager and holding him accountable, I have no confidence that they would either take this Grievance seriously, nor impose any fine, sanction or termination of employment towards Mr. Cutter. I base this on witnessing numerous Citizen complaints about Mr. Cutter at the Council meetings for over a year now, with the response being the Council conducting an investigation themselves, or having City Employees review Mr. Cutter, intentionally leaving Citizens out of the process. Because of this, I request Mr. Cutter's actions be reviewed by a 3rd party investigator as this is the only way an unbiased investigation can take place.

I would like to reiterate that this letter is a compilation of Citizen's concerns, and the fact that they reached out to me to put my name on it in lieu of submitting it themselves for fear of retaliation is telling in and of itself. Thank you for your time.

Respectfully,
Todd Swift
Waldport

Mayor Lambert,

Can you please add Dann Cutter, the City Manager, releasing information about me on social media to the list of complaints in my grievance? I have attached the screenshots showing on September 24th, 2024, Mr. Cutter chose to expose which agency I used to work for, and also chose to slander my career once again with his public statement of "You put on the uniform, which initially garnered my respect - However, the more I get reported from others of your time at Yamhill, the more that has eroded."

Ironically, Mr. Cutter chose to do this 4 days after I submitted my original grievance, where I stated others asked me to file it as they feared retaliation from Mr. Cutter in a similar manner. I see now what style of retaliation Mr. Cutter is willing to lower himself to; exposing the past employment of a private citizen and once again making slanderous statements about a career that I retired from in good standing.

I never told anyone I was with Yamhill County, therefore it appears Mr. Cutter is investigating me, a private citizen. This goes in line with my original grievance as I believe a Mr. Cutter's actions are unbecoming of a Public Employee. I am literally paying tax dollars for someone to trash me on social media?

Mr. Cutter claims "people called me. I don't search out any of this stuff." I find it hard to believe a group of people called Mr. Cutter and reported to him their opinions of my past career. But, for the sake of argument, let's say it's true, it doesn't preclude the fact that Mr. Cutter chose to name the agency I worked for on social media, and chose to make yet another slanderous innuendo. That being said, if his public comments lead to former dissatisfied Adults in Custody tracking me down and putting myself or my family at risk, I need to know if Mr. Cutter was acting on his own or if his actions were approved by the City Council, so that I know who to hold responsible in case of an incident. Thank you for your time.

Todd Swift
Waldport

DANN CUTTER City Manager, City of Waldport

August 13, 2026

To: The Waldport City Council **From:** Dann Cutter, City Manager **Re:** Todd Swift's Formal Grievance (September 20, 2025) and Amendment (September 24, 2025) —

RE: Request for Dismissal

Members of the Council:

I write regarding the formal grievance Todd Swift submitted on September 20, 2025, and the amendment he submitted on September 24, 2025. Together they raise five matters: my communications with the Confederated Tribes of the Siletz Indians; the planned Township 13 workshop; my communications with the Sheriff's Office and District Attorney; public comments I made about Mr. Swift; and my reference to Mr. Swift's prior public employment. None of the five states a proper basis for discipline. Three of them concern the performance of my official duties and are, at most, questions for the Council's ordinary performance-review process — not grounds for discipline. The remaining two concern speech that is protected under the First Amendment and Article I, section 8 of the Oregon Constitution. I ask the Council to dismiss the grievance.

A Threshold Problem

Before the individual issues, one defect runs through much of the filing.

It is brought on behalf of unnamed persons. Mr. Swift states the grievance is a compilation of complaints from citizens who did not wish to put their names to it. As to those matters, I am left to answer accusations without knowing who makes them or on what basis — which makes it impossible to respond fully and would taint any action taken on them. Issues #1 and #3, in particular, are not Mr. Swift's own complaints; he advances them on behalf of others.

Issue #1 — Communications with the Siletz Tribe

This concerns how I advocated the City's position in correspondence with the Tribe. Communicating with outside governments and organizations on the City's behalf is a core function of the City Manager. I stand by the position I took, I advanced it in the City's interest, and — contrary to the suggestion that I aired the dispute publicly — this was a private email between two managers. Further, I honored the Tribe's request and did not take the matter to the media; their own actions made it a public matter. A disagreement with how I advocated for the City is not misconduct. Whatever one thinks of the tone of that advocacy, it was official conduct within the scope of my duties, and political disagreement with it is not a proper subject of discipline. Nor is it a proper subject for Mr. Swift to complain of — he is not a party to the discussion.

Issue #2 — The Township 13 Workshop

This too concerns the performance of my duties. The October 16 event is a meeting of the City Council on City business, to be attended by a quorum of the Council. A gathering of that kind is a public meeting; it cannot be reconstituted as a private session from which the City Manager is barred, and there is nothing improper in the City's counsel being present to advise the Council. Mr. Swift's request that I be excluded, and that the City's attorney be kept away, asks the Council to hold what would amount to a closed, off-the-record negotiation on a matter — easement issues — with real legal consequences for the City. Managing that meeting and ensuring the City is properly advised is my job, not misconduct. At the root of this discussion is legal dispute on the validity of easement access – a matter not of policy but of operations, and directly in the purview of the City Manager function, not the Council. Mr. Swift also portrays the meeting incorrectly – what he deems a town hall style, is what public meeting law requires for an open meeting.

Issue #3 — Communications with the Sheriff and District Attorney

The premise of this issue is factually wrong. I have no authority over the City's contract with the Lincoln County Sheriff's Office, and I did not purport to exercise any. What I did was raise a legitimate question about the value the City receives under a contract that costs it over \$300,000 — the kind of performance question a City Manager is expected to ask. I did not, and could not, direct the District Attorney's charging decisions, which remain hers alone. Advocating for effective service under a costly public contract is a proper exercise of my responsibilities.

Issue #4 — My Public Comments About Mr. Swift

This is the heart of the grievance, and it fails as a matter of law. My comments were posted in a public online forum, in direct response to Mr. Swift's own public post about a case from his law-enforcement career — the same post in which he called for my termination. Speech of this kind is protected on multiple, independent grounds.

These comments did not, as Mr. Swift suggests, merely test his 'thick skin.' Mr. Swift publicly criticizes the Yamhill County District Attorney's office and a 'liberal' judge, yet asks that his own public record be placed beyond comment. My statements rest on that record. Mr. Swift served as a Yamhill County corrections deputy for over a decade, during which the corrections team was sued multiple times over the neglect of inmates' medical needs, resulting in wrongful-death settlements and judgments. In *Beagle v. Yamhill County*, No. 3:17-cv-00711-AA (D. Or.) — a case in which Mr. Swift was personally named — counsel for the plaintiff stated that jail staff "basically isolated this guy who they know is hurt and watched him die," and resulted in the inmate's family being awarded in excess of \$5 million. That award is accurate and a matter of public record.

It should be noted that these comments, in response to Mr. Swift's claim of authoritative credibility, were made from my own personal Facebook account regarding a matter unrelated to the city of Waldport and in a forum labeled "Waldport Free Speech" and based entirely on matters and information in the public domain.

It is protected opinion and rhetorical hyperbole. A statement on a matter of public concern is actionable only if a reasonable reader would understand it to assert a provably false statement of objective fact. *Milkovich v. Lorain Journal Co.*, 497 U.S. 1, 19–20 (1990). Oregon and the Ninth Circuit apply a three-part inquiry: whether the general tenor of the exchange negates the impression of an objective factual assertion; whether the language is figurative or hyperbolic; and whether the statement can be proved true or false. *Neumann v. Liles*, 358 Or. 706, 718–19, 369 P.3d 1117 (2016); *Partington v. Bugliosi*, 56 F.3d 1147, 1152–53 (9th Cir. 1995). Statements that cannot reasonably be interpreted as stating actual facts are protected, so that public debate does not suffer for lack of imaginative expression or "rhetorical hyperbole." *Milkovich*, 497 U.S. at 20. Read in context — a heated public argument about how Mr. Swift handled a case, in which he cast himself as a wronged whistleblower and I disputed that account — my characterizations were expressions of opinion and exasperation, not verifiable assertions of fact. Where the speaker lays out the factual basis for his view and leaves the reader to draw conclusions, the resulting characterization is protected. *Partington*, 56 F.3d at 1153.

Mr. Swift's own conduct places these comments at the core of protected speech. Speech about the official conduct of a public official is entitled to the highest protection; liability cannot rest on it without proof of a knowing or reckless falsehood. *Milkovich*, 497 U.S. at 14–15; *New York Times Co. v. Sullivan*, 376 U.S. 254, 279–80 (1964). Mr. Swift is a former law-enforcement officer complaining about commentary on how he performed that public role. He is also a voluntary participant in this very public controversy: he created the Waldport Free Speech forum, has been quoted in the press, and publicly called for my firing. One who voluntarily injects himself into a particular public controversy to influence its outcome becomes a limited-purpose public figure as to that controversy and must likewise prove actual malice. *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 351 (1974); *Flowers v. Carville*, 310 F.3d 1118, 1129 (9th Cir. 2002). Truth is, in any event, a complete defense.

And it was my speech as a citizen. The dispositive First Amendment question is whether I spoke as a private citizen or pursuant to my official duties; only speech made pursuant to official duties is unprotected. *Garcetti v. Ceballos*, 547 U.S. 410, 421 (2006). The Ninth Circuit resolves that question through a practical, fact-intensive inquiry into three factors: whether the employee confined the communication to the chain of command, the subject matter of the speech, and whether the employee spoke in contravention of a supervisor's orders. *Dahlia v. Rodriguez*, 735 F.3d 1060, 1074–76 (9th Cir. 2013) (en banc). My comments meet each factor: I posted from a personal account to the community at large — well outside any chain of command — on a subject I had no official duty to address. Speech communicated to the general public, beyond the chain of command, is unlikely to be made pursuant to official duties. *Burch v. City of Chubbuck*, 146 F.4th 822, 834 (9th Cir. 2025). *Burch* confirms the distinction: the court held that a public works director's internal, up-the-chain criticism of the mayor was made pursuant to his duties and therefore unprotected, while his public political expression displayed to

the community was protected citizen speech. My Facebook comments fall on the protected side of that line. *See also Greisen v. Hanken*, 925 F.3d 1097 (9th Cir. 2019). Whether speech touches a matter of public concern is, in any event, a low bar that commentary on a former public official's conduct easily clears. *Johnson v. Multnomah County*, 48 F.3d 420, 422 (9th Cir. 1995).

The Amendment — Reference to Mr. Swift's Prior Employment

The amendment objects that I referred to Mr. Swift's prior service in Yamhill County. This adds nothing. Mr. Swift's history as a public employee is a matter of public record, drawn from litigation that has been public since 2017; I referred only to Yamhill County and published no agency name or further detail. The government may not punish the disclosure of truthful information lawfully obtained from official court records open to public inspection, absent a state interest of the highest order, and privacy interests fade once information is in the public domain. *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469, 491–96 (1975); *The Florida Star v. B.J.F.*, 491 U.S. 524, 533 (1989). Those decisions arose from sanctions on the press, but the constitutional vice is the government's punishment of truthful, public-record speech — and disciplining me for such speech is the City exercising that same sovereign power, whatever label is placed on the proceeding. Oregon law is to the same effect: the government may not selectively restrict the use of public information. *Zackheim v. Forbes*, 134 Or. App. 548, 895 P.2d 793 (1995).

Mr. Swift characterizes the reference as retaliation. That theory is backwards. My comment was responsive speech in a public forum, and the Ninth Circuit has cautioned against treating mere speech, made in response to speech, as itself a First Amendment violation, while recognizing that public officials retain their own speech rights. *Greisen v. Hanken*, 925 F.3d 1097 (9th Cir. 2019). If anything, it is the grievance — filed to punish me for protected speech — that raises retaliation concerns, not the speech itself.

The Council Cannot Discipline Me for Protected Speech

Two of these issues ask the Council, as my employer, to punish me for speech. It may not. A public employer may not retaliate against an employee for protected speech; courts in this Circuit apply the balancing framework drawn from *Pickering v. Board of Education*, 391 U.S. 563, 568 (1968), and distilled into a five-step inquiry in *Eng v. Cooley*, 552 F.3d 1062, 1070 (9th Cir. 2009). Article I, section 8 of the Oregon Constitution independently forbids content-based restrictions on speech unless the restriction is wholly confined within a historical exception well established when the guarantee was adopted. *State v. Robertson*, 293 Or. 402, 412, 649 P.2d 569 (1982); *State v. Henry*, 302 Or. 510, 732 P.2d 9 (1987). Disciplining me on this record would not withstand review under either constitution.

Requested Action

For these reasons, I respectfully request that the Council:

(1) dismiss the speech-based matters — my public comments about Mr. Swift and the reference to his prior public employment — as directed at speech protected under the First Amendment and Article I, section 8; and

(2) dismiss the third party matters, the Siletz Tribe correspondence and the Sheriff's Office contract, and

3) address any bona fide concern about my performance of official duties — during the Township 13 workshop, if at all, through the Council's ordinary performance-review process rather than this grievance.

I remain willing to answer any legitimate question about the performance of my duties through the Council's ordinary process, and I will make the underlying correspondence and public records available to the Council and to the City Attorney on request.

Respectfully,

Dann Cutter City Manager, City of Waldport

- l. In failing to re-examine him and get a blood pressure reading before the end of his shift;
- m. In abandoning him with no other medical personnel in the jail, knowing he was diaphoretic, had an elevated heart rate, could not get a blood pressure reading, and knowing he had suffered injuries to his head and shoulder, when he went off duty at 10:00 pm;
- n. In failing to contact the Jail Nurse to inform him/her of his condition; and
- o. In failing to contact the Jail Physician to inform him/her of his condition.

27.

Defendants Little, McCommons, Clowser, Swift, Hart, Downs and McNamara were deliberately indifferent to Mr. Myers' serious medical needs and to his rights under the Eighth and Fourteenth Amendments to the United States Constitution in one or more of the following particulars:

- a. In failing to provide prompt medical attention to his serious medical needs;
- b. In ignoring his numerous and constant calls for help on both the intercom and on video;
- c. In silencing the intercom button in the medical cell;
- d. In ignoring a toilet bowl filled with blood plainly visible for over two and a half hours;
- e. In failing to review the video of Med B to determine the cause of the bloody toilet water;
- f. In ignoring all the obvious and horrific symptoms that were plainly visible on the monitor for over five hours;

PAGE 11 – COMPLAINT

- g. In aggravating his condition by ignoring his medical plight for over five hours;
- h. In failing to promptly transport him from the jail to a hospital for diagnosis and treatment;
- i. In failing to call for an ambulance/paramedics to evaluate and transport him to an emergency room located only minutes away from the jail;
- j. In failing to contact the Jail Nurse to examine and assess his injuries;
- k. In failing to contact the Jail Physician to examine and assess his injuries;
- l. In waiting until he stopped breathing to physically examine him;
- m. In failing to follow Yamhill County Corrections rules and policies regarding medical responsibilities and;
- n. In failing to follow Yamhill County Corrections rules and policies regarding medical emergencies and injured or ill inmates.

28.

Defendant Mark Rose was deliberately indifferent to Mr. Myers' serious medical needs and his rights under the Eighth and Fourteenth Amendment of the United States Constitution in one or more of the following particulars:

- a. In failing to properly train non-medical staff on medical emergencies;
- b. In failing to have competent medical staff available for medical emergencies;
- c. In allowing emergency medical decisions to be made by unqualified staff;
- d. In allowing staff to ignore Yamhill County Corrections rules and policies regarding medical responsibilities;
- e. In allowing staff to ignore Yamhill County Corrections rules and policies regarding medical emergencies and injured or ill inmates;

PAGE 12 – COMPLAINT

✿ (/subscribe/digital/) \$5 Million Settles Jail Detainee's Death

Loaded on MARCH 6, 2018 published in Prison Legal News March, 2018 (/news/issue/29/3/), page 30

Filed under: Failure to Treat (/search/?selected_facets=tags:Failure%20to%20Treat), Jail Specific (/search/?selected_facets=tags:Jail%20Specific), Wrongful Death (/search/?selected_facets=tags:Wrongful%20Death). Location: Oregon (/search/?selected_facets=locations:1511).

Oregon officials have paid \$5 million to settle claims related to a jail prisoner who died hours after being attacked and denied emergency medical treatment.

Jed Hawk Myers, 34, was being held at the Yamhill County jail in McMinnville, Oregon on a probation violation. On May 27, 2015, guards found Myers after two other prisoners had severely beaten him. He appeared disoriented, had what looked like a dislocated shoulder and complained of pain in his side.

Guards moved Myers from the jail's general population to a medical cell, where a medical technician conducted a cursory examination at about 7:30 p.m. according to security video and investigative reports. A guard pointed out a contusion on the right side of Myers' head, and the technician noted that he was sweating profusely and had an elevated heart rate. The technician admitted to investigators, however, that he left after several unsuccessful attempts to obtain a blood pressure reading.

Rather than having a doctor evaluate Myers, the technician recommended placing him on 30-minute medical watch. That entailed monitoring security video footage of Myers in his cell and hourly cell-front monitoring by guards, according to an investigation.

An external review by two jail commanders from other counties found that Yamhill County jailers over-relied on video surveillance, which "diminishes personal checks of inmates and can create a false sense of security." The review also recommended that guards notify an on-call doctor about medical emergencies at the jail.

Myers writhed in pain and clutched his side for more than five hours. After he stood to urinate just before 9 p.m., guards monitoring the surveillance video observed red liquid in the cell toilet. A sergeant speculated, however, that it was simply fruit juice or something else available from the jail commissary, investigators found.

Myers walked to his cell door and pressed the intercom button for help nineteen times but nobody responded, according to jail records. One guard told investigators that staff often silenced cell intercoms when a prisoner was considered too "needy." It is unclear whether Myers' intercom had been silenced.

"I didn't understand why they didn't take him to the hospital," prisoner Thomas O'Donnell told investigators. O'Donnell said he pushed his own intercom when he heard Myers screaming "Help me, help me!"

At 12:52 a.m., guards finally went to the cell when they noticed Myers slumped against the wall, then called emergency medics when they could not find a pulse. He was pronounced dead at 1:15 a.m. on May 28, 2015 – the day he was supposed to be released.

An autopsy revealed that Myers sustained lacerations to his left kidney with severe internal bleeding, a skull contusion and brain injury, and rib and clavicle fractures. The medical examiner found the cause of death to be blunt force abdominal trauma. The prisoners who attacked Myers – Joshua Mulbreght, 27, and Zachary Chronister, 22 – were convicted and sentenced to prison for causing his death.

On May 8, 2017, attorney Matthew D. Kaplan filed a federal civil rights suit on behalf of Myers' estate and family, seeking at least \$12 million and unspecified punitive damages. The suit alleged that Yamhill County and guards and medical staff at the jail denied Myers basic medical care that negligently caused his death. Jail staff ignored "all the obvious and horrific symptoms that were plainly visible on the monitor over five hours," Kaplan wrote.

The county paid Myers' family \$5 million to settle the case two months later. "I think the money says they know this was wrong," said Kaplan. "The family is satisfied."

The county now contracts with Correct Care Solutions, a private company with its own dubious track record, to provide 24-hour medical treatment at the jail. New policies mandate that all medical decisions will be made by Correct Care rather than guards. Additionally, whenever a prisoner is moved from a high-security risk classification to a lower one, jail staff must document the reason in writing.

The Yamhill County Sheriff's Office is also considering whether to include additional staff training by a physician on concussions and detox-recognition.

"Obviously it's two years too late for Mr. Myers, but to their credit, at least they've recognized the problem and hopefully have come up with a better solution," Kaplan stated. "I'm pleased with the changes."

County officials referred all questions about the settlement to their outside counsel, Mark Williamson and Robert Wagner. Both declined to comment.

See: *Beagle v. Yamhill County*, U.S.D.C. (D. Or.), Case No. 3:17-cv-00711-AA.

As a digital subscriber to Prison Legal News, you can access full text and downloads for this and other premium content.

[Subscribe today \(/subscribe/digital/\)](/subscribe/digital/)

Already a subscriber? [Login \(/users/login/\)](/users/login/)

Related legal case

Beagle v. Yamhill County

Page 56

From: Judith Hees <judithlhees333@gmail.com>
Sent: Friday, September 26, 2025 1:11 PM
To: Heide Lambert <heide.lambert@waldport.org>
Cc: gregg.dunn@waldport.org <gregg.dunn@waldport.org>
Subject: Letter of Complaint

Dear Mayor Lambert,

Please consider this a formal complaint. I have reason to suspect Waldport's City Manager, Dann Cutter, has investigated my background. On September 24th he made a comment under a social media post on Waldport Free Speech (screenshot is attached) in which someone anonymously shared pictures of court documents pertaining to Council President Greg Dunn. In that comment, he referred to a Waldport Recall Petitioner (which I am) who is 'just getting off probation' (which I did – April 2024) and 'owes the court 'over \$2800' (which I do-on a payment plan). It is very unlikely that there is another volunteer petitioner for whom that applies.

I do not know Dann Cutter, personally. My interactions with him as a City Manager in professional settings have been few and always pleasant. Though I do not believe it is a crime, I am concerned that he has investigated me and my background so closely. That he chose to use the information in a social media comment seems like an effort to intimidate and perhaps retaliate against me, a Waldport Citizen who is exercising my civil rights by volunteering to petition for the Recalls.

I now have a feeling of unease in my own city; the one Dann Cutter manages. I respectfully request that you confer with the other members of the city council in an Executive Session regarding this matter. I think some disciplinary action is called for at the very least. That is of course if the city council did not direct him to investigate me, as they have for another citizen. I doubt they did that but if that is what happened, then this formal complaint also involves the entire city council who voted on the city manager to conduct an investigation into my criminal history or otherwise.

Respectfully,

Judith Hees
Waldport

cc: Greg Dunn, City Council President

TO: Mayor Heide Lambert and Members of the Waldport City Council

FROM: Dann Cutter, City Manager

DATE: August 13, 2026

RE: Response to the Formal Complaint of Judith Hees — For the Council Hearing of August 13, 2026

I submit this response for the Council's consideration at the hearing set for August 13, 2026. For the reasons below, the complaint should be dismissed. The conduct it describes — my repetition of truthful information already contained in open court records, concerning a person who has voluntarily entered a public political controversy — is protected expression under both Article I, section 8 of the Oregon Constitution and the First Amendment to the United States Constitution. Disciplining me for that speech would not cure any legal wrong; it would create one.

I. The Complaint

Ms. Hees's complaint of September 26, 2025 alleges that I investigated her background and that, on September 24, I referenced in a comment on a social-media post ("Waldport Free Speech") a recall petitioner who was "just getting off probation" and who "owes the court over \$2800." She contends this was an effort to intimidate or retaliate against her for volunteering as a recall petitioner, and she asks the Council to consider disciplinary action. Notably, Ms. Hees concedes she does not believe my conduct was a crime.

II. The Relevant Facts

The underlying social-media post concerned court documents pertaining to a member of the Waldport City Council. In responding in that public forum, a citizen raised two facts, which I then confirmed through a search of publicly available records:

1. Ms. Hees is the registered treasurer of the Waldport Recall petitions and signed the recall committee's registration under ORESTAR.
2. Ms. Hees has two convictions for Driving Under the Influence of Intoxicants — one on August 1, 2018 (resolved through a diversion and treatment program, which she completed) and one on April 4, 2022 (also charging Reckless Driving), for which her license was suspended for one year and she was placed on probation. These are matters of public court record.

This information is public record, readily available at no cost. It required no formal "investigation," and I did not identify Ms. Hees by name in the comment. I made the comment on my personal social-media profile, in my capacity as a private citizen and not on behalf of the City. It was speech in furtherance of a public political discussion.

III. Legal Grounds for Dismissal

A. Truthful information drawn from open court records is constitutionally protected.

The information at issue — convictions, probation, and court-ordered obligations — appears in official court records open to public inspection. The United States Supreme Court has held that a State "may not impose sanctions on the publication of truthful information contained in official court records open to public inspection." ([Smith v. Daily Mail Pub. Co., 443 U.S. 97, 99 S. Ct. 2667, 61 L. Ed. 2d 399 \(1979\)](#)) The privacy interest in such information "fade[s] when the information involved already appears on public record."([Cox Broad. Corp. v. Cohn, 420 U.S. 469, 95 S. Ct. 1029, 43 L. Ed. 2d 328 \(1975\)](#)) More broadly, where a person "lawfully obtains truthful information about a matter of public significance," government "may not constitutionally punish publication of the information, absent a need to further a state interest of the highest order."([Smith v. Daily Mail Pub. Co., 443 U.S. 97, 99 S. Ct. 2667, 61 L. Ed. 2d 399 \(1979\)](#)) Any sanction must be "narrowly tailored to a state interest of the highest order."([The Fla. Star v. B.J.F., 491 U.S. 524, 109 S. Ct. 2603, 105 L. Ed. 2d 443 \(1989\)](#)) No such interest is served by disciplining a public official for repeating facts the courts have already placed in the public domain.

B. Article I, section 8 of the Oregon Constitution provides independent — and broader — protection.

Oregon's free-expression guarantee is more protective than its federal counterpart. Under the framework the Oregon Supreme Court reaffirmed in ([State ex rel Rosenblum v. Living Essentials, LLC, 371 Or. 23, 529 P.3d 939 \(2023\)](#)) , a restriction "written in terms directed to the substance of any 'opinion' or any 'subject' of communication" is unconstitutional unless it falls wholly within a historical exception, such as perjury or fraud.([State ex rel Rosenblum v. Living Essentials, LLC, 371 Or. 23, 529 P.3d 939 \(2023\)](#)) The historical fraud exception reaches only false communication; it has no application to truthful statements about matters of public record and legitimate governmental concern.([State ex rel Rosenblum v. Living Essentials, LLC, 371 Or. 23, 529 P.3d 939 \(2023\)](#)) Because the comment was truthful and concerned a public political matter, it is fully protected, and no recognized exception permits the Council to sanction it.

C. Ms. Hees is a limited-purpose public figure, and the subject matter is one of public concern.

A person "who voluntarily injects himself or is drawn into a particular public controversy" becomes a public figure "for a limited range of issues." ([Addison v. City of Baker City, 258 F. Supp. 3d 1207 \(D. Or. 2017\)](#)) By serving as the registered treasurer of the recall committee and signing its ORESTAR registration, Ms. Hees voluntarily entered a public electoral controversy to influence its outcome. Speech connected to the political process and to potential "breach of public trust" lies at the core of protected expression.([Greisen v. Hanken, 925 F.3d 1097 \(9th Cir. 2019\)](#)) The Supreme Court has recognized that speech touching on political campaigns and the political process is "a matter of interest to the community upon which it is essential that [speakers] be able to speak out freely without

fear of retaliatory" sanction. ([Connick v. Myers, 461 U.S. 138, 103 S. Ct. 1684, 75 L. Ed. 2d 708 \(1983\)](#)) A recall petition is precisely such a matter.

D. The complaint states no actionable invasion of privacy under Oregon law.

To the extent the complaint sounds in invasion of privacy, Oregon law forecloses it. The Oregon Supreme Court has held that "the truthful presentation of facts concerning a person, even facts that a reasonable person would wish to keep private and that are not 'newsworthy,' does not give rise to common-law tort liability" unless the manner or purpose of the disclosure is independently wrongful. ([Anderson v. Fisher Broad. Companies, Inc., 300 Or. 452, 712 P.2d 803 \(1986\)](#)) "In a claim for invasion of privacy by publication of facts, the facts disclosed must be private, not public." ([Logan v. W. Coast Benson Hotel, 981 F. Supp. 1301 \(D. Or. 1997\)](#)) Consistent with this rule, Oregon courts have declined to impose liability for revealing information — there, a victim's name and address — contained in a public record. ([Anderson v. Fisher Broad. Companies, Inc., 300 Or. 452, 712 P.2d 803 \(1986\)](#)) The convictions, probation, and court debt at issue are public court records, not private facts, and the disclosure was neither wrongfully obtained nor otherwise tortious.

E. Disciplining the City Manager for this speech would violate the First Amendment.

I spoke as a private citizen, not as City Manager. I posted the comment on my personal social-media profile, not through any City channel, and commenting on a recall petition and a citizen's public record is no part of my official duties. Speech is made in a citizen's capacity where the speaker "had no official duty to make the questioned statements, or if the speech was not the product of performing the tasks the employee was paid to perform." ([Greisen v. Hanken, 925 F.3d 1097 \(9th Cir. 2019\)](#)) Speech "warrants protection when it 'seek[s] to bring to light actual or potential wrongdoing or breach of public trust.'" ([Greisen v. Hanken, 925 F.3d 1097 \(9th Cir. 2019\)](#)) A government employer that takes adverse action against an employee for such protected speech faces a First Amendment retaliation claim and bears the burden of justifying the action and showing it would have taken the same action regardless of the speech. ([Greisen v. Hanken, 925 F.3d 1097 \(9th Cir. 2019\)](#)) Because my comment was private-citizen speech on a public recall controversy, resting on truthful public-record facts, disciplinary action would expose the City to precisely that liability — the mirror image of the harm the complaint alleges.

F. Disciplining me would also contravene Oregon's whistleblower protections.

The comment was connected to my disclosure of suspected financial misconduct by the Beachcombers organization — an organization that had received City funding before I raised those concerns. Oregon law protects that disclosure. ORS 659A.199 makes it an unlawful employment practice to retaliate against an employee who "in good faith reported information that the employee believes is evidence of a violation of a state or federal law, rule or regulation." ([Or. Rev. Stat. Ann. § 659A.199 \(West\)](#)) That protection extends to public employees and is not limited to misconduct by the employee's own employer. ([Burley v. Clackamas Cnty., 298 Or. App. 462, 446 P.3d 564 \(2019\)](#)) Because the funds at issue were public, ORS 659A.203 applies with particular force: it bars a public employer from

disciplining an employee for disclosing information the employee "reasonably believes is evidence of" a violation of law, mismanagement, gross waste of funds, or abuse of authority. ([Or. Rev. Stat. Ann. § 659A.203 \(West\)](#)) The threshold for the required belief is low. ([Karthaus v. Columbia 9-1-1 Commc'ns Dist., 647 F. Supp. 3d 992 \(D. Or. 2022\)](#)) And the misuse of public funds is "a matter[] of inherent public concern." ([Greisen v. Hanken, 925 F.3d 1097 \(9th Cir. 2019\)](#))

As shown in the public record enclosed as Exhibit 3, Tammy Abele — president of the former Beachcombers organization — signed off on Ms. Hees's probation community service, reflecting Ms. Hees's close involvement with Beachcombers personnel. The recall effort for which Ms. Hees serves as registered treasurer, and this complaint, followed my disclosure of concerns about the organization's handling of City funds. Whatever Ms. Hees's motive, the law does not permit the Council to discipline me for making a protected disclosure about the use of public money. Doing so would run directly contrary to the whistleblower protections these statutes embody.

IV. Conclusion

The complaint describes protected speech about a public participant in a public political controversy, drawn entirely from open court records. It identifies no false statement, no private fact, and no wrongful conduct. I respectfully request that the Council dismiss the complaint.

Respectfully submitted,

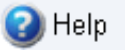
Dann Cutter, City Manager

Statement of Organization for Petition Committee

Committee Information

Name: Committee to Recall Susan Woodruff

ID: 24409



Filing Effective From: 07/25/2025 to present

Filing Type: Amendment

Address: 1420 SW Crest Circle
Waldport, OR 97394

Campaign Phone: (801)808-1065

Treasurer Information

Name: Judith L Hees

Mailing Address: PO Box 51
Waldport, OR 97394

Work Phone: (541)264-0648

Home Phone: (541)264-0648

Fax:

Email Address: judithlhees333@gmail.com

Recall Information

Susan Woodruff - City Councilor, City of Waldport

Persons Associated with Committee

Chief Petitioners	Effective From	Effective To	Address	Phone
Tony J Thimakis	07/14/2025	Present	1420 Sw Crest Circle Waldport , OR 97394	
Tony J Thimakis	07/14/2025	Present	1420 Sw Crest Circle Waldport , OR 97394	

04/06/2022 **Sentence** (Judicial Officer: Buckley, Marcia)

1. Driving Under the Influence of Intoxicants

Sentencing Details

Decision Date: 04/06/2022

Suspend Imposition

License Suspension, Drivers License

Effective Date: 04/06/2022

Estimated End Date: 04/06/2023

Duration: 1 Year

Number: 7593909 OR

Suspend: Yes

Probation Bench (Active)

Start Date: 04/06/2022

Duration: 36 Months

Estimated End Date: 04/06/2025

Condition Behavior: The following conditions apply

General Conditions: No - Violate No Laws, 04/06/2022, VIOLATE NO LAW. The defendant is to report to the court IN WRITING every citation or arrest on any new crime or major traffic offense within 10 days after citation or arrest.

Inform Court of Change of Address, 04/06/2022, Keep the Trial Court Administrator for this County advised of his/her current mailing and residential addresses, and throughout the probationary period.

No Drive Without License, 04/06/2022, NOT OPERATE A MOTOR VEHICLE without first being properly licensed and insured.

No - Possess Weapons, Ammunition, or Dangerous Animals, 04/06/2022, NOT OWN, POSSESS OR CONTROL any firearm, weapon or dangerous animals and shall not reside in a dwelling or ride in a vehicle in which the defendant knows a weapon, firearm, or dangerous animals are present.

No Contact - No Association With Criminals, 04/06/2022, Refrain from knowingly associating with persons known by the defendant to be engaged in criminal activities.

Pay Fines and Fees, 04/06/2022, Pay fines, restitution or other fees ordered by the court.

Special Conditions: No - Intoxicants, 04/06/2022, NOT USE OR POSSESS ALCOHOLIC BEVERAGES.

No - Entry Bar/Tavern/OLCC Licensed Premises, 04/06/2022, NOT ENTER establishments serving alcohol by the drink, except for employment or meals, and then remain only for such period of time to complete the employment obligations or to finish the meal.

No - Drugs, 04/06/2022, NOT USE OR POSSESS CONTROLLED SUBSTANCES unless prescribed by a state licensed medical practitioner, in which case said controlled substances must be consumed strictly according to the prescription.

No Contact - Users Controlled Substance, 04/06/2022, Refrain from knowingly associating with persons who use or possess controlled substances illegally, and shall refrain from frequenting places where such substances are kept or sold.

Program - Alcohol & Drug Counseling, 04/06/2022, Defendant shall obtain an Alcohol/Drug Evaluation and submit proof of the evaluation to this Court within 30 days of today's date. Defendant shall enter into, diligently pursue and successfully complete an Alcohol/Drug Treatment Program. Proof of enrollment shall be submitted to this Court within 30 days of today's date and submit proof of completion to this Court within 1 year of today's date. The defendant is ordered to pay the reasonable cost of treatment provided. An online treatment program will NOT be accepted by the Court.

Program - Victim Impact Panel, 04/06/2022, Complete and online DUI Victim's Impact Panel course within 30 days of today's date, and pay an attendance fee of \$50.00 at that time. Compliance with the DUI Victim's Impact Panel may be made by providing proof to this Court within 30 days of today's date. Visit MADD online Victim Impact Panel at <https://maddvip.org/> to register for class.

Essay, 04/06/2022, Within two weeks, the defendant shall submit a letter to this court in response to a copy of the newspaper article given to the defendant this date.

Community Service Work, 04/06/2022, Perform 80 hours of community service. Community service shall be completed within 1 year of today's date. It is the responsibility of Defendant to provide proof of completion to the court by the scheduled date. Failure to complete community service or provide such proof by the scheduled date is a violation of probation. Community service work MUST be performed at a not for profit organization that serves the community.

Special Condition 1, 04/06/2022, CONDITIONAL PLEA With the consent of this Court and the State, the Defendant may enter a Conditional Plea of Guilty reserving, in writing, the right to challenge on appeal any adverse rulings on pretrial motions; if the Defendant prevails on appeal, the Plea may be withdrawn. ORS 135.335[3].

Fee Totals:

	Amount	Reduction	Owed
Fine - DUII	\$2,000.00		\$2,000.00
Intoxicant Conviction			
Fee	\$255.00		\$255.00
Fee Totals \$	\$2,255.00		\$2,255.00
Fee Modifier			

Created: 04/06/2022 3:21 PM

04/06/2022 **Sentence** (Judicial Officer: Buckley, Marcia)

LINCOLN COUNTY COMMUNITY SERVICE REPORTING FORM

(TO BE COMPLETED BY THE AGENCY ACCEPTING PLACEMENT)
(SEE INSTRUCTIONS ON REVERSE SIDE)

Beachcomber Days P.O. Box 2254 Waldport, OR, 97394
NAME OF AGENCY ADDRESS CITY/STATE/ZIP
non-profit, community, educational scholarships: 501C(3) # 46-2953257
TYPE OF AGENCY

Judith L. Hees

NAME OF CLIENT

CIRCUIT COURT CASE NUMBER:

19CR71240

NUMBER OF HOURS THE WORKER HAS BEEN MANDATED BY THE COURT TO COMPLETE:

80

COMMUNITY SERVICE COMPLETION DATE:

4-2-23

4-2-23

Total Hours: 86

DATE	# OF HOURS	DATE	# OF HOURS
1-10	4	2-19	6
1-17	6	2-26	6
1-19	4	3-5	6
1-22	4	3-7	5
1-28	5	3-12	6
2-5	6	3-14	4
2-12	6	3-19	6

COMMENTS:

DATE:

04-05-23

SIGNATURE OF WORK SUPERVISOR

Tamara Abele

PLEASE PRINT NAME

801-658-0205

AGENCY PHONE NUMBER

REVISED 2/22/19

STATE OF OREGON
LINCOLN COUNTY COURT
FILED

74

LINCOLN COUNTY COMMUNITY SERVICE REPORTING FORM

(TO BE COMPLETED BY THE AGENCY ACCEPTING PLACEMENT)
(SEE INSTRUCTIONS ON REVERSE SIDE)

Beachcomber Days PO Box 2254 Waldport, OR 97394
NAME OF AGENCY ADDRESS CITY/STATE/ZIP
non-profit - community, educational scholarships 5010 (3) #
TYPE OF AGENCY PHONE # 46-2953257

Judith L. Haas
NAME OF CLIENT

CIRCUIT COURT CASE NUMBER: 19 CE 71240

NUMBER OF HOURS THE WORKER HAS BEEN MANDATED BY THE COURT TO COMPLETE: 80

COMMUNITY SERVICE COMPLETION DATE: 4-2-23

DATE	# OF HOURS	DATE	# OF HOURS
3-26	6		
4-2	6		

COMMENTS: [12]

DATE: 04-05-23

T. Abele
SIGNATURE OF WORK SUPERVISOR

Tamara Abele
PLEASE PRINT NAME

801-658-0205
AGENCY PHONE NUMBER

From: Kurtis Barker <KurtisB@ctsi.nsn.us>
Sent: Tuesday, August 12, 2025 12:24 PM
To: Heide Lambert <heide.lambert@waldport.org>
Cc: Lisa Norton <lisan@ctsi.nsn.us>
Subject: FW: attempted theft 4H information

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings Mayor Lambert,

Hope you're doing well. I don't believe we have met, but I'm the CEO for the Confederated Tribes of Siletz Indians.

We have recently been in communication with the Waldport City Manager, Dann Cutter. You can review that communication thread below.

I'm not sure if your role has any oversight over the city manager position, but we wanted to forward this communication to leadership within the City of Waldport. We find the accusations below to be highly offensive and out of line. We work hard to foster positive working relationships with all local city governments, the county government, local organizations, and non-profits. We don't want to see that change with the City of Waldport, but we will no longer communicate with Mr. Cutter on this issue.

The Tribe and our Charitable Contributions Team has been made whole, and we do not consider ourselves victims. For someone else to assert we are a victim and our action or inaction created other victims is absurd. We see no reason to drag this issue out further and would like to be excluded from any attempt to include the media.

Thank you for your time and please let me know if you have any questions.

Respectfully,
Kurtis Barker (pronouns: he, him, his)
Chief Executive Officer
Confederated Tribes of Siletz Indians
PO Box 549 Siletz, OR 97380
(541) 444-8204
Kurtisb@ctsi.nsn.us

DANN CUTTER City Manager, City of Waldport

August 13, 2026

To: The Waldport City Council **From:** Dann Cutter, City Manager

Re: Response to the Grievance of Kurtis Barker

I. Introduction

I appreciate the opportunity to respond to the grievance submitted by Mr. Kurtis Barker, Chief Executive Officer of the Confederated Tribes of Siletz Indians, and I welcome the Council's review of this matter at the August 13, 2026 hearing.

This response sets out (1) the documentary record that supports the statements I made about the handling of the 4-H grant funds; (2) the constitutional and statutory protections that apply to those statements. My position is straightforward: I spoke about the stewardship of public and charitable funds on the basis of records I obtained and law-enforcement communications I received, my statements are protected expression and protected whistleblower activity under Oregon law, and the grievance should be dismissed.

II. I acknowledge the tone of my communications

I begin by acknowledging Mr. Barker's central point about tone. I own the manner of my communications. I was direct, forceful, and, at times, frustrated. That frustration arose from a genuine concern for the stewardship of public and charitable funds and for the children served by the programs involved. In hindsight, some of my words were sharper than the situation required, and I understand why the Tribe found certain statements objectionable. To the extent the Council wishes to address tone, that is a matter properly considered under a standard personnel-review framework — not a basis to find that I engaged in wrongdoing.

Acknowledging tone is not a retreat from substance. What I said was grounded in the record.

III. The documentary record supports what I said

My statements concerning the 4-H grant funds were not speculation. They rested on records I obtained through a public records request to Oregon State University and on my communications with the Lincoln County Sheriff's Office and the Lincoln County District Attorney's Office. The record establishes the following:

- **The grant.** In February 2024, an application was submitted in the name of the Ocean Beaches 4-H Community Club to the Siletz Tribal Charitable Contribution Fund, requesting \$3,181.45 for youth registration fees and archery equipment. The Fund issued a check to the Club in that amount.
- **The governing rule.** As a condition of her 4-H role, the club leader signed the OSU 4-H Adult Agreement, which states in plain terms that 4-H funds "must be

used for educational purposes and never deposited into an individual's bank account.”

- **What the bank records show.** The \$3,181.45 grant was deposited into the club account, and within days \$3,000 was withdrawn in cash. The account was closed out shortly thereafter.
- **The OSU investigation.** Oregon State University opened an inquiry into the club's fundraising and accounting, questioned why funds appeared to have been routed to a separate entity, and removed the club leader from her volunteer role in May 2024 for financial mismanagement.
- **The return of the funds — only after pressure.** When OSU asked whether the grant had been returned to the Tribe, the club leader first stated the funds were “returned” but could produce no receipt. Only after OSU pressed for proof did she deliver a cashier's check for \$3,181.45, dated October 15, 2024, which the Tribe confirmed receiving the following day.
- **Law enforcement's assessment.** The District Attorney's office made clear that any criminal charge would require the victim entity to come forward, and county officials confirmed that the dollar figure implicated a felony-level offense with a three-year limitations period.

These are the facts I described. I described them because they are documented, and I relied on that documentation.

IV. My statements are protected expression under the Oregon Constitution and the First Amendment

Article I, section 8 of the Oregon Constitution provides that “No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right.” Under Oregon law, this provision protects the expression of opinion and criticism on any subject; the only recognized limits are historically established “abuses” of the right, such as defamation, and truth is a complete defense to any such claim. ([Bank of Oregon v. Indep. News, Inc., 298 Or. 434, 693 P.2d 35 \(1985\)](#)) Notably, the Oregon Constitution treats speech on matters of public concern as constitutionally equal to any other non-abusive speech, without the content-based hierarchy found in federal doctrine. ([Bank of Oregon v. Indep. News, Inc., 298 Or. 434, 693 P.2d 35 \(1985\)](#)) Because my statements were grounded in documentary records and were substantially accurate, they are protected expression, not an abuse of the right.

The First Amendment protects the same speech. Criticism of how a public or charitable body spends and safeguards its funds is a paradigm matter of public concern, on which those with informed opinions must be free to speak “without fear of retaliatory dismissal,” and even pointed, “sufficiently critical” commentary that is substantially correct cannot furnish grounds for discipline. ([Pickering v. Bd. of Ed. of Twp. High Sch. Dist. 205, Will Cnty., Illinois, 391 U.S. 563, 88 S. Ct. 1731, 20 L. Ed. 2d 811 \(1968\)](#)) The controlling question is whether I spoke as a citizen on a matter of public concern. ([Garcetti v. Ceballos, 547 U.S. 410, 126 S. Ct. 1951, 164 L. Ed. 2d 689](#)

(2006)) Speech does not lose protection merely because it concerns information learned through public employment; the question is whether the speech itself falls within the ordinary scope of my duties, and “corruption in a public program and misuse of state funds obviously involves a matter of significant public concern.” ([Lane v. Franks, 573 U.S. 228, 134 S. Ct. 2369, 189 L. Ed. 2d 312 \(2014\)](#)) The record reflects that I pursued much of this information as a private citizen — including submitting the public records request to OSU in that capacity — which reinforces that my expression is protected citizen speech. Exposing the potential misuse of funds is, as the Supreme Court has recognized, “a matter of considerable significance.” ([Garcetti v. Ceballos, 547 U.S. 410, 126 S. Ct. 1951, 164 L. Ed. 2d 689 \(2006\)](#))

I raise these authorities not to avoid accountability, but to frame how my statements should be understood. I remain mindful that Article I, section 8 holds every speaker responsible for any abuse of the right, and I have taken care to speak within those bounds and from the documentary record.

V. My disclosures are protected whistleblower activity, and disciplining me for them would be unlawful retaliation

Oregon law protects a public employee who, in good faith, reports information the employee believes is evidence of a violation of law. Under ORS 659A.199, it is an unlawful employment practice for an employer to discharge, demote, suspend, or otherwise discriminate or retaliate against an employee “for the reason that the employee has in good faith reported information that the employee believes is evidence of a violation of a state or federal law, rule or regulation.” ([Or. Rev. Stat. Ann. § 659A.199 \(West\)](#)) That protection turns on the employee’s subjective, good-faith belief at the time of the report, measured by what the employee then knew; the report need only articulate facts that could constitute a violation, not cite chapter and verse. ([McClusky v. City of N. Bend, 332 Or. App. 1, 549 P.3d 557 \(2024\)](#); [Hall v. State, 274 Or. App. 445, 366 P.3d 345 \(2015\)](#)) Importantly, this protection extends to good-faith reports of illegal activity by any person — it is not limited to wrongdoing by my own employer. ([McClusky v. City of N. Bend, 332 Or. App. 1, 549 P.3d 557 \(2024\)](#)) My reports to law enforcement, to OSU, and to tribal officials plainly qualify, because protected disclosures include reports made both internally and to outside bodies. ([McClusky v. City of N. Bend, 332 Or. App. 1, 549 P.3d 557 \(2024\)](#))

My disclosures rested on documented facts, not falsehood or reckless assertion. That distinction matters, because the whistleblower protections do not shield disclosures the employee knows to be false or makes with reckless disregard for the truth. ([Or. Rev. Stat. Ann. § 659A.206 \(West\)](#)) Nothing in the record suggests either. I reported what the OSU records, the bank records, and the law-enforcement communications showed.

A grievance that seeks my discipline because of those disclosures is, in substance, a demand for retaliation. Oregon courts recognize that a retaliatory motive can be shown by the close timing between a protected disclosure and the adverse action taken in response. ([McClusky v. City of N. Bend, 332 Or. App. 1, 549 P.3d 557 \(2024\)](#)) The Council

should be cautious not to convert a good-faith disclosure of suspected financial misconduct into grounds for discipline.

VI. The grievance is inconsistent with the Tribe's own whistleblower policy

The Tribe's own Whistleblower Policy, adopted and last revised in March 2023, reflects the same values. It defines a protected "Disclosure" to include information reasonably believed to be illegal — expressly naming theft, embezzlement, and fraud — and defines a "Whistleblower" to include not only employees but "a member of the public." Its stated purposes are to encourage the disclosure and investigation of improprieties, to promote accountability for the organization's resources, and to ensure that no one is retaliated against for a good-faith disclosure. The policy binds the Tribe, not the City, and I raise it not as a legal constraint on this Council but to make a simple point: the effort to sanction me for raising documented concerns about the handling of charitable funds runs directly against the protective principles the Tribe has committed to in writing.

VII. The publicity was not of my making

Mr. Barker specifically requested that this not become a public matter, and I respected that request. The full correspondence was subsequently provided to the press — not by me, but by a member of the Tribe. I note this only to correct the record: the public dimension of this dispute did not originate with me, and it should not be attributed to me as an aggravating factor.

VIII. Requested relief

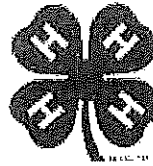
For the reasons above, I respectfully request that the Council:

1. **Dismiss** Mr. Barker's grievance, which seeks to sanction protected expression and a good-faith disclosure of suspected financial misconduct;
2. Treat any concern about the **tone** of my communications, if the Council has one, under the City's ordinary personnel-review process rather than as a finding of misconduct.

I am prepared to address the Council's questions at the August 13, 2026 hearing, and I thank the Council for its consideration.

Respectfully,

Dann Cutter City Manager, City of Waldport



4-H Adult Agreement

Working in Programs and Activities with Minors

OSU Extension 4-H Youth Development Programs are committed to serving all youth (within age requirements) who are interested in learning and growing in 4-H. Adults are role models and guides. Adults support positive youth development when they provide safe environments as an important part of 4-H programming.

As a condition of involvement in the OSU 4-H Youth Development Program, as defined in University Policy 07-040 (Safety of Minors), all employees and volunteers must review the *Standards of Behavior* prior to working in a youth program, and annually. The statements below reflect that policy, as of the date of this document. To view the most current policies any time, go to: <http://blogs.oregonstate.edu/youthsafety/appendix/c/>

As a volunteer, parent or support adult in OSU Extension 4-H programs/activities:

☒ I will abide by the OSU, Extension and 4-H Code of Ethics, including:

- ☐ I will use resources wisely, ethically, and prudently to achieve the 4-H educational mission.
- ☐ I will accept responsibility for personal choices and actions; not assign or shift blame or credit.
- ☐ I will treat others courteously. Be a positive role model. Exhibit good sportsmanship.
- ☐ I will demonstrate honesty and make decisions based upon the greater good.

☒ I understand that I am responsible for reading and following rules and guidelines set by the program, as well as applicable university policies, local, state, federal laws.

☒ I will accept support and/or guidance from Extension program staff, supervisors or designees.

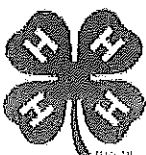
☒ I will focus on the educational mission of the land grant university, making 4-H programming available to all youth under the equal opportunity policies. (4-H programs are accessible without regard to race, color, religion, gender, gender identity, national origin, age, marital status, disability, and veteran status.) I will demonstrate respect toward the rights and dignity of others; show concern for the welfare of others; expect equality and impartiality; refrain from discriminating against, harassing, or threatening others.

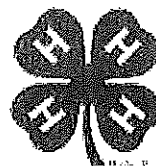
☒ I will ensure that there are adequate levels of supervision for youth during programming.

☒ I will establish and maintain safe environments for all participants. I understand that I will not be alone with a single, unrelated youth in the context of a university program or activity. If one-on-one time is necessary, we will meet in an open area within sight or sound of another adult in the program.

☒ I will limit communication with minors to topics related to educational and program purposes. I will include a second adult when conducting virtual interactions and online communications (i.e., text messaging, email, phone, social media, etc.) with minors in a manner that is consistent with the general youth safety and supervision guidelines.

☒ I will act responsibly to protect participants and keep information confidential (e.g., health forms) and limited to those who need-to-know.





- ☒ I will provide for physical and emotional needs of participants during programs. Communicate and model that verbal, emotional, or physical mistreatment is unacceptable. I will not administer corporal punishment.
- ☒ I will act quickly to report known or suspected child abuse or neglect in accordance with Oregon State Statute and OSU reporting requirements.
- ☒ I will only release minors to authorized parents, guardians or others as requested in writing by the parent/guardian.
- ☒ I will not use alcohol, marijuana, or other mind-altering drugs, or be under those influences, while responsible for youth or OSU Extension 4-H programs.
- ☒ While planning fundraising, I will help ensure that the promotion and activities are approved through Extension staff to ensure appropriate use of the 4-H Name & Emblem. Handle fundraising and funds in accordance with OSU university and national 4-H regulations. *(As public assets, 4-H funds must be used for educational purposes and never deposited into an individual's bank account.)*
- ☒ I will handle equipment and machinery in a safe and responsible manner, including having a valid operator's license and required insurance coverage.
- ☒ In my role, I will provide appropriate care and treat animals humanely. I will help others do the same.
- ☒ I will promptly report to my supervisor, any violation of law or university policy about which I become aware, including harassment, sexual misconduct, illegal or fraudulent activity, conflicts of interest or other unethical conduct in the 4-H Youth Development Program.
- ☒ As a volunteer, I will notify the Office of Human Resources or Dept of Public Safety within 3 days if I plead guilty or am being convicted of a felony, sex offense or crime (e.g., involving youth, funds, weapons, drugs).

The purpose of this '4-H Adult Agreement' is to clarify responsibilities of adults regarding safety and well-being of youth. It is a privilege, not a right, to work in 4-H Youth Development Programs. Individual actions contrary to the statements above may be grounds for non-acceptance, suspension or dismissal from an OSU 4-H volunteer role, and/or participation in OSU 4-H activity(s).

Sign

[Signature]

Date

9/19/23

Print Name

THANNE KIOS

CHECK ALL THAT APPLY

I am a:

☒ 4-H Volunteer

☒ 4-H Parent/Guardian

☒ Person Responsible for a 4-H Youth

Oct. 2020

Sources: OSU Code of Ethics (July 2014 00475607;1) and OSU Extension 4-H Code of Ethics (July 2017)

OSU Extension 4-H Volunteer Development, 4-H Program Leader, OSU Extension Regional Directors, County 4-H Professionals





24-6723

Siletz Tribal Charitable Contribution Fund

Please read the [STCCF Eligibility Requirements](#) before filling out this application.

If you would like to save this application and continue it at a later date, please click the "Save Application and Continue Later" button at the bottom of the page at any time. You will be sent a link to the email address provided and have up to 30 days to complete your application.

Date

02/21/2024

Applicant Organization:

Ocean Beaches 4-H Community Club

Contact Name:

TiAnne Rios

Title:

Leader

Daytime Phone:

[REDACTED]

Email Address:

[REDACTED]

Mailing Address

[REDACTED]

City

[REDACTED]

State

[REDACTED]

Zip

[REDACTED]

County

Lincoln

Check eligibility criteria below:

Evaluation(s) for past STCCF awards are up-to-date?

Yes

Organization is located within 11-county service area?

Yes

Organization is a Native American entity located in US?

No

If selected for an STCCF award, check should be made payable to:
Ocean Beaches 4-H Community Club

Organization has an open, unexpended STCCF award?
No

Will funds be expended for awarded purpose by deadline?
Yes

Will evaluation report be submitted by the deadline?
Yes

Project Information

How many will benefit from the proposed project?
25 youth

Proposed start date of project:
05/03/24

Grant Category
Education

Project Summary

Ocean Beaches 4-H Club is located in South Lincoln County. In an effort to provide 4-H program to youth in need, we are requesting the grant to pay for 4-H registration fees for youth living in a low-income underserved community and for funds to purchase program equipment/materials for our new Archery Project providing 4-H educational programming for 25 youth.

Capacity & Program Sustainability

Giving youth a chance to participate in 4-H programs, plus the funds will be use to purchase archery equipment. As part of member responsibilities, youth, under the direction of a trained adult leader, will care for the equipment, inventory it upon use, maintain the equipment in such a manner that the club will utilize the equipment purchased. Partnering with Crestview Heights School, archery will meet in the covered playground area. States 4-H provides training. County 4-H provides insurance.

Goals & Outcomes

- Describe 1-3 goals of organization or project demonstrating how the requested STCCF funding will help achieve those goals.
- Goals are specific, measurable, achievable and realistic with defined time frame.

Goal Provide disadvantaged youth access to the 4-h Program	Strategy Pay annual registration fees	Outcome 4-H Programs will be accessible to all youth, regardless of socio-economic or cultural status.
--	---	--

Goal Expose youth to a wide range of skill based programs	Strategy Allow youth to develop their interests	Outcome Youth will learn life long skills of cooking, sewing, fiber arts, animal husbandry, shooting sports, & leadership.
---	---	--

Goal Expose youth to shooting sports-archery- through a local club which is easy to access for children in South County.	Strategy By providing archery locally, all South County members will have access in-spite of available transportation challenges	Outcome Youth will gain confidence and poise through shooting. They will gain a respect for the sport.
--	--	--

Organization Description

The mission of 4-H is to provide youth with intentional, high quality learning experiences that promote interactions with others sustained and active participation across time, and opportunities to make meaningful contributions to the world around them thru a community club and specific projects . South Lincoln County offers a wide variety of 4-H projects to pique the interest of youth. Volunteer leaders are experts in the fields they lead and as such are able to guide youth when acquiring new skills. Current projects offerings are sewing, fiber arts, photography, small animal, leadership and arts & crafts.

Project Description

STCCF funds will pay registration fees for youth in South Lincoln County. Youth involved in the community club practice leadership skills. Ocean Beaches Community Club is run by 4-H youth board of officers. Additionally, youth select projects to learn skills such as animal husbandry, sewing, public speaking, photography & arts. Leaders in the projects are experts in that field and therefore pass along skills which youth can use over a lifetime, leading to a vocation or a hobby. The goal of 4-H is to keep trades alive and participating in club/project activities & showcasing their work at fair, youth build their self esteem through increased responsibilities, which encourages them to be productive citizens.

Additionally, and most importantly, STCCF funds would be utilized in creating an Ocean Beaches 4-H Community Club Archery Project. Fortunately, we have a community volunteer with years of experience teaching Archery for Boy Scouts. She is acquiring all the necessary course work to be

approved through 4-H this Spring 2024 and is ready to begin the project but because this is a brand new project, we have no equipment for the youth and actually no way of raising the funds either. Because of the income level of our community, raising money is difficult and could take years. This is why we are asking for help to purchase bows, arrows and targets. Youth leaders will use the opportunity to inventory and care for the equipment and provide reports to the greater community about the project.

Proposed Project Budget

A. Total Applicant Share Matching Funds SECURED	B. Total Applicant Share Matching Funds PROPOSED and pending	C. Total Amount REQUESTED from STCCF*
\$200.00	\$300.00	\$3,181.45

Total cost of the Project (A+B+C = Total Project Budget)
\$3,681.45

Funding Source One

Funding Source

Ocean Beaches 4-H Club fund raising

Secured Funds	Proposed Funds	If proposed, indicate date.
\$200.00	\$300.00	05/01/24

Add Another Funding Source?

No

Totals

Total Secured	Total Proposed	Total Combined
\$200.00	\$300.00	\$500.00

In no other sources or cash, in-kind, or fundraising is being solicited for this project, please explain why.

This line includes- Ocean Beaches 4-H Club savings of \$200.00

It includes change jars placed at 4 locations- anticipated income of \$100.00

Easter brunch expected to raise \$100.00

Spaghetti dinner expected to raise \$100.00

Budget Item One

Budget Items

4-H Membership for 25 youth

Requested from	Secured	Proposed	TOTALS
STCCF	\$25.00	\$50.00	\$725.00
\$650.00			

Add Another Budget Item

Yes

Budget Item Two

Budget Items

NASP Original Genesis Bow RT (6)

Requested from	Secured	Proposed	TOTALS
STCCF	\$25.00	\$50.00	\$732.00
\$657.00			

Add Another Budget Item

Yes

Budget Item Three

Budget Items

NASP Original Genesis Bow LT (4)

Requested from	Secured	Proposed	TOTALS
STCCF	\$25.00	\$50.00	\$488.00
\$413.00			

Add Another Budget Item

Yes

Budget Item Four

Budget Items

Easton 1820 Arrows (2 sets)

Requested from	Secured	Proposed	TOTALS
STCCF	\$25.00	\$50.00	\$474.00
\$399.00			

Add Another Budget Item

Yes

Budget Item Five

Budget Items

Arrow Curtain

Requested from	Secured	Proposed	TOTALS
STCCF	\$25.00	\$25.00	\$389.00
\$339.00			

Add Another Budget Item

Yes

Budget Item Six

Budget Items

Morrell NASP Youth Archery Target

Requested from	Secured	Proposed	TOTALS
STCCF	\$25.00	\$25.00	\$223.45
\$173.45			

Add Another Budget Item

Yes

Budget Item Seven

Budget Items

Morrell 33" Eternity Target (3)

Requested from	Secured	Proposed	TOTALS
STCCF	\$25.00	\$25.00	\$450.00
\$400.00			

Add Another Budget Item

Yes

Budget Item Eight

Budget Items

Construction materials for rack

Requested from STCCF	Secured	Proposed	TOTALS
\$150.00	\$25.00	\$25.00	\$200.00

Add Another Budget Item
No

Totals

Total Requested from STCCF	Total Secured (Applicant Share)	Total Proposed (Applicant Share)	Total Cost
\$3,181.45	\$200.00	\$300.00	\$3,681.45

Total Requested from STCCF	Total Secured (Applicant Share)	Total Proposed (Applicant Share)	Total Cost
\$3,181.45	\$200.00	\$300.00	\$3,681.45

IF THE 2 ROWS OF TOTALS ABOVE DO NOT MATCH - CHECK ALL ENTRIES ON THIS PAGE.

THE 2 ROWS OF TOTALS MUST MATCH FOR APPLICATION TO BE ACCEPTABLE.

Certification:

By signing the application form, the signer certifies:

- The information provided is accurate and that any grant funds received will be used according to the stated purpose and any approved awarded purposes only.
- The organization will comply with all STCCF regulations and guidelines.
- STCCF funds will expend funding only for the purposes as stated in award notice.
- The organization will make reasonable efforts to publicly announce receipt of an STCCF award.
- The organization will provide the required evaluation report by the deadline.
- The organization will return all unexpended funds by the deadline, unless a written request is submitted and approved in advance of the deadline by the STCCF Advisory Board.
- The signatory has the authority to commit the organization to these conditions.

Applicant's Signature

Date

02/21/2024

Di Anne Rios

A copy of this application will be sent to you via the email provided. Please keep this for your

records.

Upload Document(s)

- Archery-budget.pdf

This site is protected by reCAPTCHA and the Google [Privacy Policy](#) and [Terms of Service](#) apply.

From: [tianne rios](#)
To: [Tower, Heather](#)
Subject: Re: Bank Concern
Date: Monday, April 22, 2024 3:54:51 PM

[This email originated from outside of OSU. Use caution with links and attachments.]

I have no concerns with the bank.

On Apr 22, 2024, at 2:29 PM, Tower, Heather
<Heather.Tower@oregonstate.edu> wrote:

Hi TiAnne,

I was alerted of your bank concern over the weekend, and Tiffany had the opportunity to follow up with the bank today. If you choose to close your account, you will still need to have Tiffany be a signer on the new account and have a bank letter from the office for the new institution of your choosing.

I would like to remind you to please contact the office, as well as the Association when things like this occur with your account. A simple email is fine.

On another note, it appears that the funds deposited were from your fundraiser from April 6th. Please fill out the attached report and return it to the office as soon as you can, this is a requirement of all fundraisers.

Thank you for sending your AIL check and getting that taken care of.

Please let me know if you have any questions.

Heather Tower

OSU Extension Service, Lincoln County

4-H Program Coordinator/Lincoln County Fair

Direct Line: 541-648-6818

heather.tower@oregonstate.edu

www.thelincolncountyfair.com

<https://extension.oregonstate.edu/4h/lincoln>

<Final Report for Fundraisers.pdf>

Confederated Tribes of Siletz Indians
201 SE Swan Ave
PO BOX 549
Siletz, OR 97380

Umpqua Bank
1250 N Coast Hwy
Newport,
97365

551299
Date: 04/29/2024

Pay Three Thousand One Hundred Eighty One Dollars and 45 Cents

~~\$3,181.45~~

Pay
to the
Order of

OCEAN BEACHES 4-H COMM CLUB

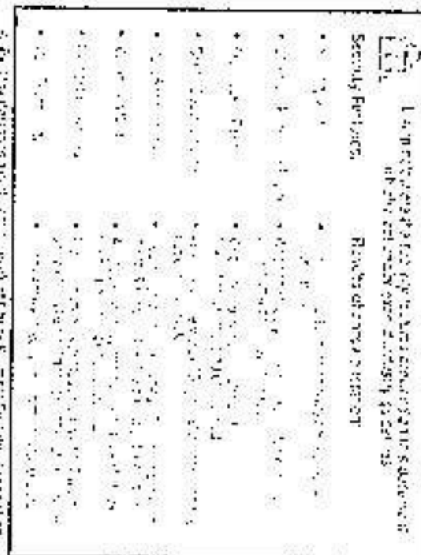
United States



[Signature]
[Signature]

Security Features Included Details on back

551299



1st Security Bank of Washington
5/6/2024
10:28:37
TIMES

*Ocean Beaches
4-H Community
Club*

From: [tianne rios](#)
To: [Candi Claussen](#); [Sue Bennett](#); [Monica Van Bibber](#); [Randi Stevens](#); [Velvet Gibson](#)
Cc: [Tower, Heather](#); [Traci O'Hearn](#)
Subject: Ocean Beaches 4-H NEWS!
Date: Monday, April 29, 2024 8:33:48 PM

[This email originated from outside of OSU. Use caution with links and attachments.]

Ocean Beaches 4-H Leaders,

We had a wonderful planning meeting this evening. Thank you to the library for hosting us.

But first, it is my pleasure to inform you that Ocean Beaches has received TWO grants!.

- Candi/Cara, Monica/Thomas and Ti will be attending the award ceremony on Friday, May 3rd @ 6 pm at Chinook Winds Casino to accept the award on behalf of the club.
- On Friday, May 10, 2024, Leanna, Mako and Ti will go to Three Rivers luncheon to accept the award on behalf of the Club.

And for next year, we will be electing club officers for the 2024/25 year at our next meeting on May 5th. This is so we can have a training this spring preparing the officers to take an active role in the meetings.

We will have a monthly Club meeting followed by a "4-H Extravaganza" - my made up name for this message- could be called something different- but. basically where we will dabble into several interest areas chosen by club members at our welcome back meeting in September.

We will continue to offer these projects connected with Ocean Beaches:

Sewing Project- Leader TiAnne (meeting at Tidewater Creations- Sunday afternoon)

Cooking Project- Leader Monica (meeting on a Wednesday or Thursday evening at Siren's Lure)

Archery Club- Leader Candi (meeting on Saturdays at Crestview Heights covered playground area)

Small Animal project- Leader Velvet

As interest arises and leaders step forward, we will offer more projects for kids. We just thought if we had a monthly meeting where kids get to "try" different things like woodworking, stained glass, knitting, sewing, photography, art etc., we would be helping them develop an interest they would like to take up- and thus form projects off their interests.

Glad most of you joined today. Missed those of you who could not make the meeting.

Please let us know what you think about these plans.

Ti

From: [tianne rios](#)
To: [Tower, Heather](#)
Subject: Regrets
Date: Thursday, May 16, 2024 10:40:18 AM

[This email originated from outside of OSU. Use caution with links and attachments.]

Regretfully, I am unable to meet with you today. I have [REDACTED] that are moving up in my priority list. With that as a major focus in my life right now, while the request from my club was that I be available as a support to new leaders, I am unsure at this point if I am actually able to do even just that much now and in the foreseeable future.

Please inform the gentleman from the state that I will be happy to provide any information about my club to him or to the office in lieu of the meeting.

Thank you for understanding my situation and supporting my decisions to focus on what is most important at this time, [REDACTED]

[REDACTED] After all I am only a volunteer doing the best I can to provide program to kids.

I appreciate your support [REDACTED].

Sincerely,

TiAnne Rios

From: [tianne rios](#)
To: [Tower, Heather](#)
Cc: [Tiffany Kosydar](#); [Traci O'Hearn](#)
Subject: Re: 4-H Club Financials Reminder
Date: Monday, May 20, 2024 11:06:22 AM
Attachments: [Final Report for Fundraisers.pdf](#)
[Intent to Conduct Fundraiser.pdf](#)

[This email originated from outside of OSU. Use caution with links and attachments.]

Thank you for this information, Heather.

I am hoping this was sent out to every club and project leader as a universal message because I have heard from others that they did not receive this information on May 10th.

Since these forms are new to us in the county this year, to confirm my understanding is that leaders fill out these forms when raising money through a fundraising event like a bake sale, car wash, selling meals, etc.

Per our conversation, grants or selling hand towels at a shop not involving kids, or on-line fundraising, or business sponsorship is not included in the requirement for filling out these forms. If this information has been updated, let us know so we can comply.

It would be helpful to receive a written summary of the when the office is expecting these forms to be given to you and for what events.

We are volunteers and need that direction before activities are done. Perhaps this could be a refresher message for everyone.

Ti

On May 10, 2024, at 11:04 AM, Tower, Heather
<Heather.Tower@oregonstate.edu> wrote:

Hello all,

The 4-H Association has made the decision to change their insurance policy, which will greatly affect the way fundraising is done in Lincoln County.

HERE ARE THE NEW RULES:

- At least TWO WEEKS BEFORE any club plans on fundraising, they must submit the "Lincoln County Intent to Secure Club Funds" form (attached and online here: <https://extension.oregonstate.edu/4h/lincoln/forms>).
- Forms must be completed and approved by the office in order for clubs to hold ANY type of fundraiser. By submitting this form, it allows the office to purchase supplementary insurance for your fundraising event, which is otherwise NOT covered by OSU's general policy. Information regarding calculating the cost of insurance is on the form. Clubs should account the cost of the insurance as part of their overall budget when fundraising. The cost of the insurance will need to be paid back to the 4-H Association at the conclusion of their event.
- Once your fundraiser has been completed, you must also submit your Final

Report for 4-H Fundraiser, which is also online at the same link and is also attached.

I have also included the Financial Policy directly from [Oregon 4-H Procedures Section 9](#), which is also available online. I have highlighted information directly related to fundraising. Failure to comply with ANY part of the financial policy outlined may result in the closure of your club account.

9.1 Cooperative Extension, including 4-H, is a tax-assisted entity that relies on federal, state and local appropriations for the conduct of its day-to-day work. These appropriations, however, are not enough to fully support the broad mission of 4-H. Consequently, efforts to generate additional private support of 4-H are valued and expected.

9.2 All fundraising activities must be done in accordance with Title 7 of the Code of Federal Regulations section 8 and USDA Guidelines pertaining to the 4-H program. Consequently, all fundraising activities conducted under the name of 4-H must have the approval of the appropriate Extension 4-H Youth Development faculty member.

9.2.1 As Oregon State University does not recognize fundraising activities as a part of the educational mission of the 4-H program, the tort liability normally extended to volunteers is not provided during these fundraising efforts. This means that 4-H volunteers, clubs and 4-H associations conducting fundraising activities should take out their own liability insurance to cover such events.

9.2.2 The annual accident insurance, purchased by most counties for their 4-H members and volunteers does not cover fundraising. 4-H clubs and County 4-H associations who are conducting fundraising activities should take out event accident insurance, if they so choose to be covered.

9.3 All moneys received from 4-H fundraising programs, except those necessary to pay reasonable expenses, must be expended to further 4-H educational programs.

9.4 Fundraising activities should only be undertaken for a specific purpose and a budget for expenditure of the funds raised should be developed prior to the commencement of fundraising.

9.5 All such monies must reside in bank accounts of organizations recognized as being tax-exempt under section 501(c)(3) of the IRS code.

9.5.1 Raffles are not recognized as being tax exempt. While not prohibited, raffles, lotteries and games of chance are discouraged as 4-H fundraisers. Navigating the state laws and reporting requirements can be complex and difficult. It is the 4-H group's responsibility to research and understand that process. If then, a 4-H group is still considering a raffle, lottery, or game of chance, as a fundraising option, the State 4-H Program Leader, or designee, should be consulted.

9.5.2 Fundraising via social media is not tax-exempt. While not prohibited, choosing social media to conduct some aspect of fundraising, should be done with the full understanding that (a) a donor is making a contribution to the social media entity, not to the 4-H program, (b) the social media entity will be keeping a portion of each donation, and (c) the social media entity will then

issue a payment to the 4-H program. A donor may not be able to consider this a charitable contribution.

9.6 Money raised on behalf of the 4-H program may not be used to influence legislation (including that to create Extension service districts) or to support candidates for elected office.

9.7 Fundraising at state 4-H events is generally discouraged, but may be permissible in some situations. In any case, approval to conduct a fundraising activity at a state event must be obtained from the event coordinator prior to the start of the event.

9.8 Money raised on behalf of the 4-H program **may not be used to purchase personal property** or for the **exclusive benefit of an individual member or volunteer**. Funds raised are to be expended in a manner to be of equal benefit to all members, such as 4-H shirts for all members. Exceptions include raising funds to support youth, volunteer or chaperone participation in a conference, camp, contest, trip or other event for which the individual has qualified through a selection process managed by faculty or staff of the Oregon 4-H Program. Funds received must be deposited into a 4-H account. It is not permissible for 4-H funds to be raised for a relative who is not a chaperone and wishes to accompany their child to the event.

9.9 All funds totaling \$25,000 or more received for the purpose of creating permanent income for the 4-H program **must be invested in endowments created** by the Oregon 4-H Foundation utilizing the management services of the OSU Foundation.

9.10 Current use gifts and grants in excess of \$10,000 must be received by the Oregon 4-H Foundation unless prior approval has been received from the Extension 4-H Program Leader for those funds to be received locally. These funds will be placed in a Foundation account and held exclusively for the county or program for which they were received.

9.11 The 4-H name and emblem shall not be used in a way that it implies a recommendation or endorsement of a commercial service or product. 4-H does not facilitate the sale of livestock, tack, products or services through its publications, e-mail, or websites. 4-H also does not endorse an event that is not of direct benefit to the 4-H members.

9.12 4-H clubs and associations may not give funds to other charities unless the funds to be given were received expressly for that purpose. The best practice for 4-H clubs and the County 4-H Associations to raise funds for another charity is to have the funds given in the name of the charity, ie. checks received are made out in the charity name. Funds given to 4-H to advance the 4-H mission may not be redirected toward another cause. Funds raised to repair, maintain, and/or improve facilities that the 4-H program uses, but does not own, should be raised through the charity organized for the purpose and not through the County 4-H Association.

9.13 4-H clubs and county committees are expected to a) employ an accounting system that has effective internal controls as recommended by Extension 4-H Guidelines and Forms and (b) report to the County 4-H Association annually by the deadline established in that county.

9.13.1 Debit cards do not have effective internal controls and therefore are not allowable for 4-H clubs or committees to use for financial transactions.

9.14 The financial policies stated in this section do not apply to 4-H members who gain

income through sales that occur during their project work. Such as Entrepreneurship project. This is personal income and may be subject to Federal tax laws. Consult a tax advisor.

9.14.1 *If an Auction is conducted as part of the annual 4-H Fair exhibition, it is conducted by a separate organization or committee, not the OSU Extension 4-H program. Participating 4-H youth may receive income at this event. According to Federal tax laws and the IRS, all 4-H members, organizations and contributors involved in the sale of animals at a 4-H auction are strongly encouraged to seek guidance from their tax advisors regarding specific accountability.*

9.15 *If a 4-H Club dissolves (e.g. lack of members) then club assets shall be distributed in the following way: (a) funds will be donated to the local County 4-H Association for continued use toward the 4-H educational mission; and (b) all club property (e.g. equipment, flags, materials) will be delivered to local County Extension 4-H office to be used or redistributed for educational purposes, in accordance with the 4-H mission and understanding when purchases or donations were made.*

I appreciate all of the great work you do as club leaders and just want to remind everyone the importance of the Association's nonprofit status and your responsibility to protect the EIN number linked to the Association. Without that Lincoln County 4-H could not fundraise, allowing clubs to do all of the great work for our youth.

If you have ANY questions, please feel free to reach out to myself or Tiffany Kosydar (cc'd in the email), the current Association Treasurer.

Thank you,

Heather Tower

OSU Extension Service, Lincoln County

4-H Program Coordinator/Lincoln County Fair

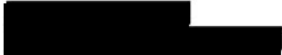
Direct Line: 541-648-6818

heather.tower@oregonstate.edu

www.thelincolncountyfair.com

<https://extension.oregonstate.edu/4h/lincoln>

LINCOLN COUNTY 4-H LEADERS ASSOC
OCEAN BEACHES COMMUNITY CLUB
C/O TIANNE C WADDELL-RIOS



BUSINESS OPTIMUM SAVINGS

5.00% APY¹ for the first \$15,000
then .25% for \$15,000.01 and higher

- Account Requirements:
- Premier Business, 1st Business, Small Business or Nonprofit Checking account²
 - Minimum Business Optimum Savings opening balance: \$100

Summary of Deposit Account Activity

	Account #	Beginning Balance	Withdrawals/ Service Charges*	Deposits	Dividends/ Interest	Ending Balance
Small Business Checking		188.33	6,557.45	6,369.12	0.00	0.00

Deposit Account Activity

Small Business Checking - 7001030812

0.00% Annual Percentage Yield Earned for this account

Deposits

Date	Amount	Transaction Description
05/06	3,181.45	Deposit
05/07	97.57	Deposit Transfer from
05/07	90.10	Deposit Transfer from
05/10	3,000.00	Deposit

Withdrawals

Date	Amount	Transaction Description
05/08	81.20	Withdrawal
05/08	91.13	Withdrawal
05/08	37.73	Withdrawal
05/10	3,000.00	Withdrawal
05/16	655.00	Withdrawal
05/16	2,650.00	Withdrawal
05/24	42.39	Closeout Withdrawal

	Statement Period Total	Year-to-Date Total
Total Overdraft Fees (Paid)	0.00	0.00
Total Returned Item Fees (Returned)	0.00	0.00

¹ APY (Annual Percentage Yield) is current as of 02/01/24. Rates are subject to change daily. Fees may reduce earnings on your account. Consumer accounts are not eligible for this offer.
² To open the Business Optimum Savings account and avoid a monthly service charge, the business must maintain an active business checking account. Limit one Business Optimum Savings account per legal entity ownership of each business checking account.

5/17/2024

Dear TiAnne,

My name is Jon Gandy, I am the Statewide 4-H Volunteer Manager. Concerns have been raised regarding fundraising and accounting practices for the 4-H Club you lead. I need more information about the following:

1. Please share details related to the 2 grants you applied for to support the 4-H club. I cannot locate a request to raise funds and apply for these grants.
 - a. What are the grants you applied for?
 - b. How will the grant funds be used?
 - c. How much money did you receive?
 - d. What are the requirements of the grant?
 - e. Please provide the budget for each of the two grants expenditures.
 - f. What steps did you take to inform the Lincoln County 4-H faculty member about the grant applications?
2. Regarding the bank accounts and bank statements for your club I have the following questions:
 - a. 4-H accounting practices state that Bank statements must be sent to the Extension Office- where are the bank statements being sent and why?
 - b. We need to know about the funds that were raised in the name of the 4-H club and deposited in the 4-H club bank account and given to a different non-profit, Beach Combers Daze.
 - i. What steps did you take to inform the Lincoln County 4-H faculty member about the fund raiser?
 - ii. How were the funds raised for Beachcomber Days?
 - iii. Why were the funds raised for Beachcomber Days deposited into the 4-H club account?
 - iv. Did the 4-H club fundraise for the Beachcomber Days event?
 1. Please provide details related to this fundraising- including documentation approve the fundraising? What was the purpose of the fundraiser- who did people believe would benefit from the fundraising?
 - c. What is your role with Beachcombers Days?
 - d. Please explain the attached ledger for deposits and debits specifically related to "BCD" and account for each deposit and debit.

Again, I am available to have this conversation with you via zoom or over the phone, per your request I am providing you the opportunity to do this in writing. Please respond by end of business day Friday, May 24th, 2024. I may have further questions depending on the detail of your answers.

Sincerely,


Jon Gandy

Statewide 4-H Volunteer Manager



OSU Extension 4-H Youth Development

Oregon State University
106 Ballard Extension Hall
Corvallis, Oregon, 97331

P 541-737-4444 | **F** 541-737-0999

extension.oregonstate.edu/4h

5/23/2024

TiAnne Rios

[REDACTED]
[REDACTED]
[REDACTED]

Via: USPS, Certified Mail/email

Dear TiAnne,

As a club leader of Ocean Beaches Community Club, it is your responsibility to follow both the 4-H Procedures manual and the 4-H Youth Development Financial Management Guidelines. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Additionally, you initialed and signed the 4-H Adult agreement (attached) indicating the following:

- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

As club leader, you are an authorized user and a signatory on the club's checking account. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[Redacted]

[Redacted]

As a 4-H club leader, one of the responsibilities is to ensure compliance with and adherence to Oregon State University 4-H Youth Development (YDP) policies and procedures. [Redacted]

[Redacted]

[Redacted] Your violations of OSU 4-H Procedures are grounds for immediate removal as a volunteer. [Redacted]

[Redacted]

[Redacted] Please return any 4-H assets or property you may have in your possession (including but not limited to funds, club debit card, club or committee records, flags, banners, traveling awards), to Lincoln County 4-H Faculty Heather Tower, at the Lincoln County Extension Office immediately but in no event later than 5 PM on Friday, June 7th, 2024.

Sincerely,

Oregon State University Extension

DocuSigned by:

27AAA50FB9E2464...
Cathy Haas
Director 4-H Youth Development

DocuSigned by:

4B27C2AB42F7437...
Jon Gandy
State 4-H Volunteer Manager

DocuSigned by:

BFADEC54FE5F476...
Wiley Thompson
Regional Director

DocuSigned by:

B2288BC96331413...
Heather Tower
Lincoln County 4-H Faculty

Subject: RE: 4-H Grant Spring 2024

Here is a copy of the check that was cashed.

From: Tower, Heather <Heather.Tower@oregonstate.edu>

Sent: Tuesday, September 17, 2024 11:24 AM

To: Nolan Lane <nolanl@ctsi.nsn.us>

Subject: RE: 4-H Grant Spring 2024

Hi Nolan,

Thank you for the information, just circling back after returning from vacation. Have you heard anything further from the accounting department?

Thank you!

Heather Tower

OSU Extension Service, Lincoln County

4-H Program Coordinator/Lincoln County Fair

Direct Line: 541-648-6818

heather.tower@oregonstate.edu

www.thelincolncountyfair.com

<https://extension.oregonstate.edu/4h/lincoln>

From: Nolan Lane <nolanl@ctsi.nsn.us>

Sent: Wednesday, August 28, 2024 9:18 AM

To: Tower, Heather <Heather.Tower@oregonstate.edu>

Subject: RE: 4-H Grant Spring 2024

You don't often get email from nolanl@ctsi.nsn.us. [Learn why this is important](#)

[This email originated from outside of OSU. Use caution with links and attachments.]

I just found the application for the grant in question(attached), I'm sending accounting the info to find out if this check was deposited or returned.

From: Tower, Heather <Heather.Tower@oregonstate.edu>

Sent: Wednesday, August 21, 2024 11:50 AM

To: STCCF <STCCF@ctsi.nsn.us>

Subject: 4-H Grant Spring 2024

Hello,

One of our 4-H clubs applied and was awarded a grant in April 2024. Unfortunately, due to some mismanagement of funds, the club leader TiAnne Rios was asked to resign from the program. The funds were supposed to be deposited in the club account for use by the club for enrollment in the fall, but the funds were never deposited. Is there anyway to see if the check was returned to the Siletz Tribal Charitable Contribution Fund?

I don't have much information regarding the grant, but here is what I do know:

Ocean Beaches 4-H Club was the applicant.

Funds were awarded for youth enrollment fees for the 2024-2025 4-H program year and possible archery equipment.

The total grant was around \$3,000.

I apologize for the vagueness of my request, but the grant application was completed without my knowledge and I have very little information. Please feel free to reach out if you have any questions, email is best as I am in and out of the office over the next week at State Fair.

Thank you,

Heather Tower

OSU Extension Service, Lincoln County

4-H Program Coordinator/Lincoln County Fair

Direct Line: 541-648-6818

heather.tower@oregonstate.edu

www.thelincolncountyfair.com

<https://extension.oregonstate.edu/4h/lincoln>

<Heather.Tower@oregonstate.edu> wrote:

TiAnne,

Thanks for the speedy reply. Do you have documentation? The funds were withdrawn in cash so there is no paper trail. Did you receive a receipt from the Tribe?

Heather Tower

OSU Extension Service, Lincoln County

4-H Program Coordinator/Lincoln County Fair

Direct Line: 541-648-6818

heather.tower@oregonstate.edu

www.thelincolncountyfair.com

<https://extension.oregonstate.edu/4h/lincoln>

From: tianne rios [REDACTED]

Sent: Thursday, October 10, 2024 1:08 PM

To: Tower, Heather <Heather.Tower@oregonstate.edu>

Cc: Thompson, Wiley <wiley.thompson@oregonstate.edu>; Gandy, Jonathan Lee <Jon.Gandy@oregonstate.edu>

Subject: Re: Grant Follow Up

[This email originated from outside of OSU. Use caution with links and attachments.]

funds returned- thank you for asking.

On Oct 10, 2024, at 12:28 PM, Tower, Heather

<Heather.Tower@oregonstate.edu> wrote:

TiAnne,

It has come to the attention of Oregon State University that the grant funds awarded to Ocean Beaches 4-H Club from the Siletz Tribal Contribution Fund were deposited on 05/06/24 and then withdrawn from your club account on 5/16/24. Can you please verify if the \$3,185.45 from the Siletz Tribal Contribution Fund was in fact returned to the Siletz Tribe?

Please respond to this email by noon on 23 October, 2024.

Thank you,

Heather Tower

From: [Thompson, Wiley](#)
To: [tianne rios](#)
Cc: [Gandy, Jonathan Lee](#); [Tower, Heather](#)
Subject: RE: Grant Follow Up
Date: Thursday, October 10, 2024 4:44:12 PM

Tianne,

I am going to make one last attempt to clearly communicate our requirements.

Please share some evidence – receipt, a name, a location, date, and to who, a method. Some proof that we can present that proves you turned the money back over to a responsible party.

We will take any other answer outside of what is asked for above as testament that you lack such evidence.

Thank you.

Wiley

W. Thompson, PhD Regional Director
Coast Team, OSU [Extension Service](#)
C: 845-608-2227

From: tianne rios [REDACTED]
Sent: Thursday, October 10, 2024 3:09 PM
To: Tower, Heather <Heather.Tower@oregonstate.edu>
Cc: Thompson, Wiley <wiley.thompson@oregonstate.edu>; Gandy, Jonathan Lee <Jon.Gandy@oregonstate.edu>
Subject: Re: Grant Follow Up

You don't often get email from [REDACTED] [Learn why this is important](#)

[This email originated from outside of OSU. Use caution with links and attachments.]

Specifically, I was asked not to volunteer for 4-H and that is what I am doing

On Oct 10, 2024, at 2:52 PM, tianne rios [REDACTED] > wrote:

no receipt-
did it because my name was on it and I am no longer a representative for 4-H
So do not wish to be in that position.
Returned the funds immediately.

On Oct 10, 2024, at 1:16 PM, Tower, Heather

heather.tower@oregonstate.edu
www.thelincolncountyfair.com
<https://extension.oregonstate.edu/4h/lincoln>

From: Jasmine Whitehead <jasminew@ctsi.nsn.us>
Sent: Friday, October 11, 2024 3:53 PM
To: Tower, Heather <Heather.Tower@oregonstate.edu>
Subject: FW: 4-H Grant Spring 2024

You don't often get email from jasminew@ctsi.nsn.us. [Learn why this is important](#)
[This email originated from outside of OSU. Use caution with links and attachments.]

Good afternoon Heather,
we are receiving inquiries from a TiAnna Rios regarding a refund made by the Ocean Beaches 4-H. Unfortunately, I do not have any receipts of this. Anyway you could check your bank regarding the refund?

Thank you,

Jasmine Whitehead
Central Administrative Assistant/Charitable Contributions Coordinator
Confederated Tribes of Siletz Indians
P: (541) 444.2532 ext. 1200
F: (541) 444.8249
Hours: M-F 8:00am-4:30pm

From: Nolan Lane <nolanl@ctsi.nsn.us>
Sent: Friday, October 11, 2024 3:48 PM
To: Jasmine Whitehead <jasminew@ctsi.nsn.us>
Subject: FW: 4-H Grant Spring 2024

Nolan Lane
Outpatient Counselor
Confederated Tribes of Siletz Indians
541-444-9667
nolanl@ctsi.nsn.us

From: Nolan Lane
Sent: Thursday, September 19, 2024 3:06 PM
To: Tower, Heather <Heather.Tower@oregonstate.edu>

From: [Jasmine Whitehead](#)
To: [Tower, Heather](#)
Cc: [Gandy, Jonathan Lee](#); [Thompson, Wiley](#)
Subject: RE: 4-H Grant Spring 2024
Date: Wednesday, October 16, 2024 7:57:18 AM
Attachments: [24-6723 REFUND.pdf](#)

[This email originated from outside of OSU. Use caution with links and attachments.]

Hi Heather,

I meant to give you a ring yesterday but unfortunately became very busy as we were closed for a Holiday on Monday. TiAnne did come in and dropped off this check (see attached). That is the full amount for the grant awarded to Ocean Beaches 4-H for 2nd quarter.

Let me know if you have any additional questions surrounding this situation.

Thank you,

Jasmine Whitehead

Central Administrative Assistant/Charitable Contributions Coordinator

Confederated Tribes of Siletz Indians

P: (541) 444.2532 ext. 1200

F: (541) 444.8249

Hours: M-F 8:00am-4:30pm

From: Tower, Heather <Heather.Tower@oregonstate.edu>
Sent: Tuesday, October 15, 2024 5:10 PM
To: Jasmine Whitehead <jasminew@ctsi.nsn.us>
Cc: Nolan Lane <nolanl@ctsi.nsn.us>; Gandy, Jonathan Lee <Jon.Gandy@oregonstate.edu>; Thompson, Wiley <wiley.thompson@oregonstate.edu>
Subject: RE: 4-H Grant Spring 2024

Hi Jasmine,

TiAnne Rios sent a message that she returned the grant money today, can you please verify that?

Again, if you need to call myself or Wiley, please feel free.

Thanks,

Heather Tower

OSU Extension Service, Lincoln County

4-H Program Coordinator/Lincoln County Fair

Direct Line: 541-648-6818

Notice to customer As a condition to this institution's issuance of this check, purchaser agrees to provide an indemnity bond prior to the refund or placement of this check in the event it is lost, misplaced, or stolen.	Cashier's Check	1390005173 96-505/1232
Tianne Waddell-Rios Remitter	October 15 2024 Date	\$3,181.45
Pay to the order of <u>Confederated Tribes of Siletz Indians*****</u>		
Three Thousand One Hundred Eighty-One and 45/100ths Dollars		
Memo _____ UMPQUA BANK (866) 486-7782		
		<i>[Signature]</i>

⑈ 1390005173 ⑈

RECEIPT		DATE <u>10/05/2024</u>	No. <u>104786</u>
RECEIVED FROM <u>Tianne Rios</u>		\$3,181.45	
<u>Three Thousand one eighty one 45/100</u>		DOLLARS	
☐ FOR RENT ☒ FOR <u>Refund STCC F24.6723</u>		<u>1390005173</u>	
ACCOUNT	<u>3,181.45</u>	☐ CASH ☐ CHECK ☒ MONEY ORDER ☐ CREDIT CARD	FROM _____ TO _____ BY <u>[Signature]</u>
PAYMENT	<u>3,181.45</u>		
BAL. DUE	<u>0</u>		

Confederated Tribes of Siletz Indians Whistleblower Policy

TABLE OF CONTENTS

Definitions	2
Purpose	3
Overview	3
Eligible Disclosure	3
Confidentiality of Disclosure	4
Procedure for Making a Disclosure	4
Procedure for Processing a Disclosure	5
Investigating Disclosure	6
Investigation Reporting	6
Substantiated Classification Process	6
Protection of the Whistleblower	7
Annual Review and Reporting	7

I. DEFINITIONS

- A. **Disclosure** – providing information to the Responsible Official believed to be illegal, seriously unethical, or an egregious policy violation.
- B. **Egregious Policy Violation** – violation of the Organization’s policy or guidance (e.g., not afforded the opportunity to appeal a termination in accordance with the established policies and procedures). As used in this policy, the egregious nature of the disclosure will be determined by the Responsible Official.
- C. **Good Faith** – Whistleblower has a reasonably held belief that the Disclosure is true and accurate and is not being made for personal gain, out of personal dislike or for any other improper ulterior purpose.
- D. **Investigation Team** – individual(s) selected by the Responsible Official to assist in performing the investigation. The Investigation Team may or may not include individual(s) from the Review Team.
- E. **Organization** – all entities within the Confederated Tribes of Siletz Indians.
- F. **Partially Substantiated** – the investigation determined that not all allegations in the Disclosure were substantiated; however, either part of the Disclosure or information related to the Disclosure warranted a recommendation.
- G. **Responsible Official** – the Internal Audit Director or Tribal Council member to whom the Disclosure is made and is required to evaluate and investigate the Disclosure.
- H. **Retaliation** – actions such as discharge, demotion, suspension, threatening, harassment, or unfavorable treatment against the Whistleblower, where the cause is determined to be a direct result of their Disclosure.
- I. **Review Team** – individual(s) selected by the Responsible Official to consult with to determine if the Disclosure warrants an investigation.
- J. **Seriously Unethical** – behavior that may not be a violation of written policies or law but is morally wrong (e.g., engaging in transactions with the Organization that are not arm’s length and/or not disclosed to Tribal Council that result in substantial personal gain). As used in this policy, the serious nature of the Disclosure will be determined by the Responsible Official.
- K. **Substantiated** – the investigation determined the Disclosure was accurate and recommendations were made to address the issue(s).
- L. **Illegal** – violations of federal, state, or tribal laws. Including but not limited to theft, embezzlement, fraud, or health and safety violations.
- M. **Unsubstantiated** – the investigation was unable to corroborate the Disclosure.
- N. **Whistleblower** – an employee, vendor, member of the public, or a Tribal member of the Confederated Tribes of Siletz Indians who makes a Disclosure.

II. PURPOSE

CTSI has adopted this Policy to:

- A. Encourage **Disclosure**¹ and investigation of improprieties before they can disrupt the business or operations of the **Organization** or lead to serious harm or loss;
- B. Promote a climate of accountability with respect to the Organization's resources, including its human capital; and
- C. Ensure that no individual shall be retaliated against as the result of making a **Good Faith** Disclosure.

III. OVERVIEW

Upon adoption of this Policy by a resolution of Tribal Council, this Policy becomes effective for all entities that are owned, operated, or governed by CTSI.

This Policy establishes the process under Siletz Tribal Law for a **Whistleblower**, that prohibits discrimination against an employee, vendor, Tribal member, or other related person, as **Retaliation** for that person's Disclosure.

The Whistleblower shall not be responsible for investigating the Disclosure, determining fault, or appropriate corrective measures. The **Responsible Official** will conduct the investigation and determine if the Disclosure is **Substantiated**, **Partially Substantiated**, or **Unsubstantiated**. Although the Responsible Official does not have authority to implement corrective action, recommendations will be provided to management to resolve the matter. Managerial staff or supervisors within the Organization, and ultimately the Siletz Tribal Council and the Siletz Tribal Court shall be responsible for ensuring appropriate corrective action is taken.

IV. ELIGIBLE DISCLOSURE

This policy applies to Disclosures that are believed to be **Illegal**, **Seriously Unethical**, or an **Egregious Policy Violation** and does not apply to all complaints. For example, Organizations have policies and procedures to address matters such as a hostile work environment (e.g., sexual harassment or discrimination). Prior to submitting a Whistleblower Disclosure for an Egregious Policy Violation, please allow the Organization's established policies and procedures the opportunity to resolve the matter.

EXCEPTION: In compliance with the Siletz Tribal Gaming Compact, Indian Gaming Regulatory Act and National Indian Gaming Commission any disclosures or reporting regarding the operations of the gaming facility authorized by the Compact, the Siletz Tribal Gaming Commission (STGC) has primary responsibility for on-site regulation, control and oversight. Accordingly, any disclosures of the type stated in this Policy on gaming operations must initially be reported to the STGC to follow its complaint procedure. STGC's responsibility and authority is to determine if the complaint is regulatory. If it is regulatory, it will be processed through STGC's Direct Reporting Regulation. However, in doing so, the Whistleblower is still under the protection of no retribution from disclosure under this Policy. If it is determined to be non-

¹ **Bold blue font** indicates the word is hyperlinked.

regulatory, STGC will immediately inform the Responsible Official and it will be turned back over to be processed through the Whistleblower Policy.

V. CONFIDENTIALITY OF DISCLOSURE

- A.** The Organization will treat all Disclosures as confidential unless such confidentiality is incompatible with a fair investigation or required by law.
- B.** Where disciplinary proceedings are invoked against any subject of a Disclosure as a result of this Policy, CTSI may require that the name of the person making the Disclosure be privately revealed to the person subject to such proceedings. This shall be a determination left to the discretion of the Siletz Tribal Court.
- C.** CTSI encourages Whistleblowers to put their name to any Disclosure they make, but any Whistleblower may also make anonymous Disclosure pursuant to the procedures set forth below. In responding to an anonymous Disclosure, the Organization will pay due regard to fairness to any individual named in the Disclosure, the seriousness of the issue raised, the credibility of the information or allegations in the Disclosure, and the prospect of an effective investigation.

VI. PROCEDURE FOR MAKING A DISCLOSURE

- A.** Any Disclosure made by a Whistleblower under this Policy may be submitted to a Responsible Official listed below, as appropriate under the circumstances:
 - 1. to the Tribe's Internal Audit Director; or
 - 2. a Tribal Council Member if the Disclosure is being made against an employee of the Tribe's Internal Audit Department; or
 - 3. to the STGC under the complaint procedures as noted in the STGC Regulations if the disclosure is to be made regarding the gaming operation (except if such disclosure involves STGC personnel, in which case the disclosure would be directed to the Tribe's Internal Audit Director). Subsequently, for a gaming disclosure, depending on the circumstance, the STGC may or may not involve the Responsible Official for further investigation.
- B.** Information that will need to be provided for the Responsible Official to determine appropriate processing includes:
 - 1. Completion of the Whistleblower Reporting form that provides details of the Disclosure.
 - I.** An alternative is to contact the Responsible Official and they can complete the Whistleblower Reporting form based on correspondence with the Whistleblower.
- C.** For reporting to the Internal Audit Director, use the following mechanisms:
 - 1. A direct confidential phone number voice mail at **541-444-8355**;
 - 2. The Whistleblower Reporting form at www.ctsi.nsn.us;

3. An email to Whistleblower@ctsi.nsn.us; or
4. A written letter clearly marked “Confidential” to:

Internal Audit Director
2120 NW 44th St. Suite E
Lincoln City, OR 97367

- D. The information provided through all four of the reporting mechanisms in (C) above is designed to only be accessible by the Internal Audit Director.
- E. If the Disclosure is being made against an employee of the Tribe’s Internal Audit Department, the options in (C) above would not be appropriate; only informing a Tribal Council Member personally would be appropriate. In such an event, if the Disclosure is made to a Council member other than the Tribal Chairman, the Council member who received the Disclosure will immediately notify the Tribal Council Chairman of the Disclosure. The Tribal Chairman will notify the rest of the Council of the Disclosure and designate a Responsible Official to conduct the investigation of the Disclosure. The Responsible Official appointed pursuant to this provision shall follow the process set forth in this Policy to investigate the Disclosure.

VII. PROCEDURE FOR PROCESSING A DISCLOSURE

- A. Upon receiving a Disclosure, the Responsible Official shall determine a course of action in a timely manner. The Responsible Official may use a [Review Team](#) to help determine if the Disclosure warrants an investigation. One of the following courses of action will be taken:
 1. Dismissal of Disclosure: If a Disclosure is reviewed and determined that an investigation is not warranted, it will be dismissed (e.g., Disclosure is determined to be ineligible under this policy, lacks specific details or previously investigated). If contact information was provided, the Whistleblower will be notified in writing as to the reason why the Disclosure was dismissed.
 2. Investigation of Disclosure: Disclosures determined eligible under the [ELIGIBLE DISCLOSURE](#) section of this policy will be investigated to determine if they are Substantiated, Unsubstantiated or Partially Substantiated. Investigations will be conducted as quickly as possible, taking into account the nature and complexity of the Disclosure and the issues raised.

If necessary and possible, the Responsible Official may obtain additional clarification from the Whistleblower regarding the Disclosure, prior to determining the appropriate course of action.

VIII. INVESTIGATING DISCLOSURE

- A. Depending on the level, manner or circumstances of the alleged impropriety, the Responsible Official may inform Organization management of the matter to

discuss further steps in an investigation. In doing so, the Whistleblower may still remain unknown to any subsequently informed parties.

- B.** The Responsible Official may utilize an **Investigation Team** to assist with the investigation.
- C.** The Responsible Official must document in writing the results of the investigation including a decision that the allegation was: 1) Substantiated; 2) Partially Substantiated; or 3) Unsubstantiated.

IX. INVESTIGATION REPORTING

- A.** The outcome of the investigation will be reported in writing to Tribal Council and to appropriate personnel determined by the Responsible Official to ensure issues, if any, are addressed.
- B.** If contact information was provided, the Whistleblower will be notified in writing whether the investigation determined their Disclosure to be Substantiated, Partially Substantiated or Unsubstantiated. As a matter of confidentiality for all parties involved, the Whistleblower will not be given information as to the recommendation and or final results (e.g., consequence, if any) of that recommendation.

X. SUBSTANTIATED CLASSIFICATION PROCESS

The below communication process has been established for a Substantiated Disclosure investigation classification, when the Whistleblower is the subject of the Disclosure (e.g., the Whistleblower claims they were wrongfully terminated):

- A.** The Organization will contact the Whistleblower within 7 days of the investigation report date.
- B.** The Organization will determine appropriate corrective action.
- C.** The Organization will provide the Whistleblower with written corrective action within 21 days of the investigation report date.
- D.** If the Whistleblower is not satisfied with the proposed corrective action, the next step is to take the matter to the Siletz Tribal Court.

When the Whistleblower is not the subject of the disclosure (e.g., the Whistleblower claims that a CTSI employee is embezzling from the Organization), the memo detailed in the **INVESTIGATION REPORTING** section will be the final correspondence the Whistleblower receives.

XI. PROTECTION OF WHISTLEBLOWER

In making a Disclosure, a Whistleblower should exercise due care to ensure the truth and accuracy of the information disclosed. This Policy provides protection from retaliation for employees, vendors, Tribal members, and others related to the Whistleblower, who makes any Disclosure under this Policy, which is determined to be in Good Faith. Any acts of retaliation against a Whistleblower making such a Disclosure shall be treated by the Organization as a

serious violation of Tribal Policy and could result in action, including discharge of the violating or retaliating employee(s); termination of services of contractors, subcontractors or agents. Because their identity is unknown, an anonymous Whistleblower may forfeit the protection of this policy. If the Whistleblower feels they have been retaliated against for submitting a Disclosure, the following process shall be followed:

- A.** The Retaliation will be treated as a new Disclosure and will follow the processes outlined above in:
 - 1. PROCEDURE FOR MAKING A DISCLOSURE**
 - I.** The Retaliation form can be found on the CTSI website.
 - 2. PROCEDURE FOR PROCESSING A DISCLOSURE**
 - 3. INVESTIGATING DISCLOSURE**
 - 4. INVESTIGATION REPORTING**
 - 5. SUBSTANTIATED CLASSIFICATION PROCESSING**

XII. ANNUAL REVIEW AND REPORTING

The Internal Audit Director shall report a summary of Disclosures to the Tribal Council at established intervals, no less than annually:

- A.** the number, nature, and brief description of Disclosures made through the reporting mechanisms and under this Policy;
- B.** the status of the investigations conducted in response to those Disclosures; and
- C.** the outcome(s) of those investigations, including any personnel action(s) or other sanction(s) implemented.

From: Heide Lambert <Heide.Lambert@waldport.org>

Date: September 18, 2025 at 4:08:07 PM PDT

To: Corey Blake <blake@mggdlaw.com>

Subject: Formal Complaint

Dear Council,

I am writing this formal complaint against Council President Greg Dunn, Councilor Susan Woodruff, and the city manager, Dann Cutter who have participated in spreading and/or condoning false narratives publicly about my involvement and actions in situations that have not been formally investigated.

This morning it was brought to my attention that another false statement was made about me by the city manager, Dann Cutter. He made a public post from his personal social media page. This time he states "...Yet, Tianne and the mayor literally assist someone within the last two weeks who trespassed on my property." This allegation is very perplexing, and I do not know what the city manager is referring to.

This is another situation in which the city manager makes unsubstantiated accusations about the city's mayor. Regardless, if Dann Cutter believes this to be true or not, it is an issue that should be raised in an Executive Session or with Law Enforcement, not on a public, social media platform.

Enough is enough.

After months of relentless accusations made about me by the city manager, Dann Cutter, Council President, Greg Dunn and Councilor Susan Woodruff (see list below) I am asking for one of the councilors to affirm the need in arranging an Executive Session to be held as soon as public meetings allow, to address unprofessional and inappropriate behavior that perpetuates this harmful divide in our community.

Due to the complexity of this situation, I am also asking one or more of you to reach out to the city attorney and request his counsel in managing my formal complaint.

In response to the statements made by the Waldport City Manager, Dann Cutter, Council President Greg Dunn and Councilor Susan Woodruff:

1. I have never arranged for anyone to trespass on anyone's property, nor have I assisted in such an endeavor. I am also unaware of anyone ever trespassing on the city manager's property at any time, other than from the comment made by Dann Cutter on the morning of September 18, 2025 in which he accuses me and "Tianne" of having assisted in this. I have no factual evidence that anything occurred on Dann Cutter's property.
2. I did not request a hearing but an Executive Session to discuss the formal complaint sent to the city council on August 12, 2025 by the CEO of the Confederated Tribe of the Siletz Indians.
3. I did not run for mayor to take out the city council or the city manager.
4. I am not colluding with the District Attorney's Office, the Lincoln County's Sheriff's Office or any of the elected officials on the Lincoln County Board of Commissioners.
5. I am not affiliated with Justice for Waldport, a coalition created by concerned citizens.

6. I am not working with any of the Recall Committees, who are working to recall six Waldport City Councilors.
7. I am not affiliated with or working with Lincoln County Beachcomber Days (LCBD), although as mayor I was asked to give a proclamation as done the last 78 years before but was denied by the city councilors and city manager the opportunity to follow through on that request.
8. I did not know any of the members of Township 13 Board of Directors until several of them attended my campaign Meet & Greet in 2024.
9. I did not join forces with LCBD, Township 13 HOA, or any other organization in an effort to cause havoc within the city council or government.
10. I do not want to move into the position of Waldport's city manager.
11. I am not a defendant in the Yachats' Litigation.
12. I did not forward any emails to KYAQ or discuss the city's situation with the Confederated Tribe of the Siletz Indians with anyone working for or representing KYAQ.
14. I never "demanded" a 3rd part investigation into any city business at any time. I did suggest, in an effort to avoid mitigation from an organization, that the city hire a formal investigator rather than rely on the city manager's presented information.
15. I did not suggest taking away the city manager's essential duties. I suggested the city create a committee to work with LCBD so as to remove the tension that made the city vulnerable to a lawsuit.
16. I was not part of cancelling any city council meetings.
17. I have not spent time on social media attacking any member of the city council or management, or staff (not even anonymously).

Thank you in advance for considering my complaint. I hope we can move forward on my request for an Executive Session as soon as legally possible.

Sincerely,
Heide Lambert
City of Waldport Mayor

RESPONSE OF CITY MANAGER DANN CUTTER TO THE FORMAL COMPLAINT OF MAYOR HEIDE LAMBERT

To: Waldport City Council

From: Dann Cutter, City Manager

Date: August 13th, 2026

Re: Response to Mayor Heide Lambert's Formal Complaint dated September 18, 2025

Dear Councilors,

I write in response to the formal complaint submitted by Mayor Heide Lambert on September 18, 2025. I take the Council's process seriously and respond to each of the Mayor's numbered statements below. Before doing so, I set out the legal framework that governs this complaint, because the conduct the Mayor complains of is legally protected, and because the manner in which she has pursued this complaint raises serious legal concerns of its own. Nothing in this response is offered to inflame the dispute. It is offered so that the Council can act with a full understanding of the legal exposure that attends any official action taken on this complaint.

I. THE STATEMENTS AT ISSUE ARE PROTECTED POLITICAL SPEECH MADE AS A PRIVATE CITIZEN ON A MATTER OF PUBLIC CONCERN.

The statements the Mayor complains of are posted from my personal social media account, on my own time, and addressed the conduct of an elected official in a matter of intense local public debate. That speech is protected by the First Amendment to the United States Constitution and by Article I, section 8 of the Oregon Constitution, and official discipline imposed because of it would be unlawful.

The controlling framework is well settled. A public employee does not surrender First Amendment rights by accepting public employment; the government may not leverage the employment relationship to punish an employee for speech he makes as a citizen on a matter of public concern. (Garcetti v. Ceballos, 547 U.S. 410, 126 S. Ct. 1951, 164 L. Ed. 2d 689 (2006)) The Ninth Circuit applies a five-step inquiry: (1) whether the employee spoke on a matter of public concern; (2) whether he spoke as a private citizen rather than a public employee; (3) whether the protected speech was a substantial or motivating factor in an adverse action; (4) whether the government had an adequate justification for treating him differently from any other member of the public; and (5) whether it would have taken the same action absent the speech. (Burch v. City of Chubbuck, 146 F.4th 822 (9th Cir. 2025)) The employer bears the burden on the last two steps, and only if it fails both is there no violation. (Burch v. City of Chubbuck, 146 F.4th 822 (9th Cir. 2025))

The speech is on a matter of public concern. Speech about the conduct and performance of an elected official — and about the functioning, integrity, and finances of

local government — is a matter of public concern as a matter of law. The Ninth Circuit has squarely held that a public employee's criticism of a mayor's policies and performance, and speech concerning "misuse of public funds, wastefulness, and inefficiency in managing and operating government entities," address matters of inherent public concern regardless of the purpose for which they are made. (Burch v. City of Chubbuck, 146 F.4th 822 (9th Cir. 2025)) That a statement is pointed, controversial, or unwelcome to its subject does not strip it of protection. (Hernandez v. City of Phoenix, 43 F.4th 966 (9th Cir. 2022))

On the content, form, and context inquiry the courts apply, every factor favors protection here: the content concerns an elected official's conduct and the finances of a city-funded organization, the form is a public post, and the context is an ongoing matter of intense local debate. (Adams v. County of Sacramento, 143 F.4th 1027 (9th Cir. 2025))

The speech was made as a private citizen, not pursuant to my official duties. The dispositive question is whether the speech was made pursuant to official duties; if it was not, it is citizen speech. (Garcetti v. Ceballos, 547 U.S. 410, 126 S. Ct. 1951, 164 L. Ed. 2d 689 (2006)) This is a practical inquiry, and a formal job description neither establishes nor defeats it. (Garcetti v. Ceballos, 547 U.S. 410, 126 S. Ct. 1951, 164 L. Ed. 2d 689 (2006)) Courts look to whether the employee confined the communication to his chain of command, the subject matter of the communication, and whether it contravened a supervisor's order. (Burch v. City of Chubbuck, 146 F.4th 822 (9th Cir. 2025)) Speech directed to the general public, well outside the chain of command, is citizen speech. The Ninth Circuit has held that a public official's political expression against a sitting mayor — a yard sign supporting the mayor's opponent — is protected citizen speech precisely because it is expressed publicly and outside the employee's official duties. (Burch v. City of Chubbuck, 146 F.4th 822 (9th Cir. 2025)) My statements fall squarely within that protection: they were not internal, duty-bound communications routed through official channels, but public statements posted to the community on my personal account, wholly apart from my duties as City Manager. Speech posted on a personal social media account, viewable by the public and not tied to any internal workplace grievance, is quintessential citizen speech: "publicly posting on social media suggests an intent to communicate to the public or to advance a political or social point of view beyond the employment context." (Hernandez v. City of Phoenix, 43 F.4th 966 (9th Cir. 2022))

My post was made from my personal account, addressed to the community, and concerned the conduct of an elected official. It was not a work product prepared for the Council — a fact the Mayor concedes in her own complaint. That concession is significant and should not be overlooked. It is a judicial admission that forecloses any argument that I was speaking pursuant to my official duties, and it removes the only theory on which my speech could be characterized as anything other than the speech of a private citizen. Public commentary I make on my own account, to the public at large, does not become official-duty speech merely because its subject overlaps with matters I

also address in my official capacity; the Ninth Circuit's inquiry is a practical one that looks to the audience and channel of the speech, not merely its subject. (Burch v. City of Chubbuck, 146 F.4th 822 (9th Cir. 2025))

Article I, section 8 of the Oregon Constitution independently protects "the free expression of opinion" and the "right to speak, write, or print freely on any subject whatever." (State v. Babson, 355 Or. 383, 326 P.3d 559 (2014)) Oregon courts analyze a public employee's free-speech retaliation claim under the federal First Amendment framework. (Shockey v. City of Portland, 313 Or. 414, 837 P.2d 505 (1992)) The operative constitutional protection runs through the First Amendment and the federal civil rights statute, under which discipline imposed because of protected speech is actionable.

The City cannot carry its burden under the Pickering balance. Once speech is shown to be citizen speech on a matter of public concern, the burden shifts to the government to justify discipline, and that burden is a demanding one. To prevail, the employer "must demonstrate actual, material and substantial disruption, or reasonable predictions of disruption in the workplace"; the inquiry focuses on the "effective functioning of the public employer's enterprise," not on whether an employee has been told to stop speaking. (Jensen v. Brown, 131 F.4th 677 (9th Cir. 2025)) Only a "real, not imagined, disruption" will outweigh the employee's expressive interest, and the employer must substantiate its concerns even where it labels the speech insubordination. (Jensen v. Brown, 131 F.4th 677 (9th Cir. 2025)) A predicted disruption must be supported by "some evidence," not speculation, and the more the speech touches matters of public concern — as speech about an elected official's conduct and the misuse of public funds plainly does — the weightier the government's countervailing interest must be. (Damiano v. Grants Pass School District No. 7, 140 F.4th 1117 (9th Cir. 2025); Hernandez v. City of Phoenix, 43 F.4th 966 (9th Cir. 2022)) The City cannot make that showing here. My statements have not impaired the City's operations; to the extent there has been any friction in City Hall, it is the product of the Mayor's own retaliatory campaign — the public accusations, the coordinated complaint letters, and the recall activity described in Part V — not of my protected speech. The First Amendment does not permit the City to manufacture "disruption" out of the reaction its own official has orchestrated and then invoke that disruption to silence me; that is a heckler's veto the courts have rejected. (Damiano v. Grants Pass School District No. 7, 140 F.4th 1117 (9th Cir. 2025))

Bottom line. Because my post was citizen speech on a matter of public concern, the Council may not lawfully discipline me for it unless it can carry its burden of showing both that its interest in efficient operations outweighs my right to speak and that it would have acted identically absent the speech. On this record it cannot. Any official action taken on the Mayor's complaint on account of that speech would expose the City to a First Amendment retaliation claim.

II. A FORMAL COMPLAINT BY THE MAYOR IS AN IMPROPER MECHANISM FOR DISCIPLINING THE CITY MANAGER.

Under Waldport's council-manager form of government, the City Manager is appointed by, accountable to, and subject to discipline by the City Council acting as a body — not by any single elected official. The City Charter places this authority in the Council collectively. Under Charter Section 21(a), the City Manager is "the administrative head of the government of the City" and is "chosen by the Council"; under Section 21(c), the Manager "may be removed at the pleasure of the Council"; and under Section 19, any question before the Council is decided only by "the concurrence of a majority of the members of the Council present and voting at a Council meeting." Nothing in the Charter or the Council Rules empowers the Mayor, acting alone, to investigate, charge, or discipline the City Manager. Under the Council Rules, the Mayor's role at Council is to preside and to appoint committees "provided for under the rules of the Council" (Charter Section 20); it is not to prosecute personnel actions.

Charter Section 21(g) goes further and is directly on point. It provides that "[n]o member of the Council shall directly or indirectly, by suggestion or otherwise, attempt to coerce the Manager in the making of any appointment or removal of any employee," or "except through the Manager, attempt to direct any City officer or employee under the Manager's supervision in the performance of his or her duties," and that "[a] violation of this subsection may occasion the censure or removal from office of the offending member of the Council." The Mayor's private directives to me — to create a "grey area" for Beachcombers and to disregard city ordinances in its favor — and her use of a personal complaint to elicit my discipline are precisely the kind of individual interference Section 21(g) forbids. She is one member of the body. She has no individual authority to discipline the City Manager, and the Council's personnel authority may be exercised only through the process the Charter prescribes. This is not a technicality. As explained in Part IV below, the line between an individual member's act and the Council's collective act is precisely what determines whether the City incurs liability, and it is why the manner in which this complaint has been brought matters.

The Mayor's September 18 submission is styled as a "formal complaint," but as her own filing makes clear, its object is to "elicit discipline" against me based on statements I made. Using an individual member's public complaint as a disciplinary vehicle circumvents the charter process, denies me the procedural protections that process affords, and improperly converts a political grievance into a personnel action. The Council should decline to treat the Mayor's complaint as a disciplinary proceeding. Doing so would be procedurally improper and, for the reasons in Parts I, III, and IV, would create direct legal exposure for the City.

III. THE COMPLAINT IS UNLAWFUL RETALIATION FOR PROTECTED WHISTLEBLOWER DISCLOSURES.

My public statements were not idle commentary. They were disclosures of what I reasonably and in good faith believe to be financial fraud committed by a third party associated with the Mayor. In 2024, I reported to the Council (Exhibit 1) the false budgetary submissions in the request for funds and the potential violations of federal and state law regarding scholarship disbursements from the Beachcombers group, and Ms. Tianne Rios in particular. Oregon law protects those initial disclosures, and the Mayor's complaint and following actions are a textbook retaliatory response to them.

Oregon's whistleblower statutes protect the disclosures. It is an unlawful employment practice for an employer to discharge, demote, suspend, or "in any manner discriminate or retaliate against an employee" because the employee "has in good faith reported information that the employee believes is evidence of a violation of a state or federal law, rule or regulation." (Or. Rev. Stat. Ann. § 659A.199 (West))

Separately, it is unlawful to retaliate against an employee who "has in good faith reported criminal activity by any person" — a provision that, by its terms, reaches reports of wrongdoing by third parties, not only by the employer. (Or. Rev. Stat. Ann. § 659A.230 (West)) And as to public employers specifically, it is unlawful to "take or threaten to take disciplinary action" against an employee for disclosing information the employee reasonably believes is evidence of a violation of law or of mismanagement, gross waste of funds, or abuse of authority, and equally unlawful to "[d]iscourage, restrain, dissuade, coerce, prevent or otherwise interfere with" such disclosures. (Or. Rev. Stat. Ann. § 659A.203 (West))

The good-faith standard under the reporting statutes is subjective — it turns on what I believed and my good faith in reporting it, not on whether the allegation is ultimately proven. (Hall v. State, 274 Or. App. 445, 366 P.3d 345 (2015)) A disclosure remains protected even when made directly to or about the person involved in the wrongdoing. (Seater v. Klamath Irrigation Dist., 336 Or. App. 195, 560 P.3d 731 (2024)) As a sitting City Manager, I am a current public employee and squarely within the statutes' protection. (Rollins v. McMinnville Sch. Dist. 040, No. 3:20-CV-00900-HZ, 2021 WL 5611318 (D. Or. Nov. 27, 2021))

My public statements are a continuation of the protected disclosure, and are themselves protected. The Mayor's complaint targets my public commentary, not the 2024 report itself. That distinction does not help her. Oregon's whistleblower statutes protect "disclosure" and "reporting" without limitation as to audience, and the Court of Appeals has held that "reports" and "disclosures" are synonymous and that a disclosure need not convey previously unknown information to remain protected. (Seater v. Klamath Irrigation Dist., 336 Or. App. 195, 560 P.3d 731 (2024)) Continuing to speak publicly about the same financial misconduct I formally reported to the Council is not unprotected commentary that severs the causal chain; it is the same protected activity, carried into a public forum. Punishing me for it is as unlawful as punishing me for the original report.

The complaint is a prohibited retaliatory act. To make out whistleblower retaliation, an employee must show (1) protected activity, (2) an adverse action, and (3) a causal link. (Reyna v. City of Portland, 769 F. Supp. 3d 1161 (D. Or. 2025)) An adverse action is any action "reasonably likely to deter an employee from engaging in protected activity" — a deliberately broad standard that reaches far beyond termination. (Reyna v. City of Portland, 769 F. Supp. 3d 1161 (D. Or. 2025)) A federal court in Oregon has held, on closely analogous facts, that an employer's decision to open a formal complaint proceeding directed at the very allegations a whistleblower had raised, to identify the employee as the target, and to compel the employee to answer for the disclosures, supports a reasonable inference that those actions were taken because of the protected activity — and states a whistleblower-retaliation claim. (Reyna v. City of Portland, 769 F. Supp. 3d 1161 (D. Or. 2025))

That is precisely what the Mayor's complaint does here. Causation is established not by timing alone but by direct evidence of retaliatory animus, which the record supplies in abundance: Ms. Rios — the subject of my disclosure — publicly endorsed the Mayor within days of the report; the Mayor then directed me to create a "grey area" for Ms. Rios's organization and to disregard city ordinances in its favor; she intervened with the District Attorney, after which the investigation of Ms. Rios stopped; and she has coordinated with Ms. Rios and the recall organizers throughout. Where direct evidence of animus exists, causation does not depend on temporal proximity. (Huitt v. Optum Health Services, 216 F. Supp. 3d 1179 (D. Or. 2016))

Remedies. These statutes carry a private right of action in circuit court. A prevailing employee may recover injunctive and equitable relief, compensatory damages, punitive damages, and reasonable attorney fees, and is entitled to a jury on request. (Or. Rev. Stat. Ann. § 659A.885 (West))

IV. WHETHER THE CITY INCURS LIABILITY DEPENDS ON WHAT THE COUNCIL DOES NEXT.

I raise the following not to threaten the Council, but because the Council is entitled to understand exactly where the legal exposure lies before it acts. Under the federal civil rights statute, a city is not automatically liable for the acts of its officials. A municipality cannot be held liable under 42 U.S.C. § 1983 on a theory of *respondeat superior*; it is liable only where the constitutional violation is caused by the municipality's own "official policy" — a formal policy or longstanding custom, an act of an official with final policymaking authority, or a final policymaker's ratification of a subordinate's unconstitutional act and the basis for it. (Monell v. Department of Social Services, 436 U.S. 658 (1978); Gillette v. Delmore, 979 F.2d 1342 (9th Cir. 1992)) Whether an official has final policymaking authority is a question of state and local law, and liability attaches only where "a deliberate choice to follow a course of action is made from among various alternatives by the official or officials responsible for establishing final policy." (Pembaur v. City of Cincinnati, 475 U.S. 469 (1986))

The consequence for this matter is important, and it cuts in the Council's favor if the Council declines to act. The Mayor, acting alone, is not the City's final policymaker over personnel decisions concerning the City Manager; under Waldport's council-manager structure that authority rests with the Council as a body. The Ninth Circuit has applied exactly this analysis to a council-manager city, holding that where the charter and ordinances place final employment-policy authority in the council and manager, the discretionary act of another official is not the city's policy — and that a policymaker's mere failure to overrule such an act is not ratification, because holding otherwise "would simply smuggle *respondeat superior* liability into section 1983." (Gillette v. Delmore, 979 F.2d 1342 (9th Cir. 1992)) So long as the Mayor's complaint remains her individual act and the Council does not act on it, it is not the policy of the City. (Pembaur v. City of Cincinnati, 475 U.S. 469 (1986))

The corollary is the point the Council must weigh. If the Council takes up the Mayor's complaint and disciplines me on account of my protected speech and disclosures, that collective decision *is* an act of the City's final policymaker, and it is the step that converts the Mayor's individual retaliation into municipal liability. The Supreme Court has held that where a city, acting through its governing body, adopts and enforces an official policy motivated by retaliation against protected speech, the municipality is directly answerable — a retaliatory official policy is "a particularly troubling and potent form of retaliation." (Lozman v. City of Riviera Beach, 585 U.S. 87 (2018)) Declining to treat the Mayor's complaint as a disciplinary proceeding is therefore not only the procedurally correct course; it is the course that keeps the City out of the litigation the Mayor's conduct invites.

V. THE MAYOR'S SUSTAINED COURSE OF CONDUCT HAS CREATED A HOSTILE WORK ENVIRONMENT AND EXPOSES THE CITY TO LITIGATION.

This complaint does not stand alone. It is the latest act in a months-long, orchestrated course of conduct — repeated public accusations, coordinated letters of complaint drafted for others to sign, and the weaponizing of the Council's own processes — that has made it materially harder for me to perform my job and has created a hostile work environment.

As mentioned previously, in 2024 I reported to the Council evidence of a false submission by Beachcombers, namely Tianne Rios (Exhibit 2), and concern over the provision of scholarships to the grantee's relative (Exhibit 3). Within days of the notification, Ms. Rios endorsed Ms. Lambert for the mayoral position (Exhibit 4). Subsequently, the City received information from multiple entities, including OSU's 4-H program, regarding financial malfeasance by Ms. Rios (Exhibit 5). As instructed at the December 2024 Council meeting (Exhibit 6), I took this information to the District Attorney's office, which requested an investigation (Exhibit 7). Within weeks of taking office, the Mayor held a meeting with the District Attorney (Exhibit 8) with no knowledge of the Council, and was subsequently overheard to state at a meeting with Township 13

leaders that "No charges would be filed." The DA then stopped any follow-up on Ms. Rios. It is well known that Ms. Rios and Ms. Lambert worked in child advocacy for Lincoln County, an area of importance to the current District Attorney.

Subsequently, the Mayor held private meetings with me and Council President Greg Dunn (Exhibit 9). In the February and early-March meetings (Exhibit 10), she demanded that I perform work required of the outside organization and directed me to disobey the city ordinance in the organization's favor, stating specifically that I should give a "grey area" to that organization.

In March, I came down with COVID and the March Council meeting was cancelled. Shortly thereafter, a series of letters was received by the City, all using language asking for an investigation (similar language to the Mayor's in the meetings). On March 21, 2025, the Mayor wrote to the League of Oregon Cities — which does not handle employee discipline — concerning a discipline matter as to me, without Council instruction to do so (Exhibit 11).

The Mayor subsequently stated in her response to the letters of complaint at Council (Exhibit 12) that on the 21st she had been informed of a single letter of complaint by a citizen at a local shop. This directly contradicts her email to the League of Oregon Cities stating that she had seven letters of complaint. In review of the public record, Ms. Lambert had received and responded to multiple emails from Beachcombers concerning letters of complaint by the 21st (Exhibit 13). She was well aware of the number of complaints. On the 25th, according to her statement, she was "surprised to find so many envelopes," further stating "I did, however, fear the letters include more complaints against the city." In fact, as demonstrated, she was well aware of those letters and misled the Council in her complaint response that March. She also stated that she had been instructed to act by CIS attorney Ross Davies, who categorically denies providing that instruction (Exhibit 14). This is another attempt to mislead the Council and excuse her actions.

Her removal and subsequent reinstatement also began a program of retaliation by the affiliated "Justice for Waldport" group. As documented below, though the Mayor claims no affiliation, she has provided the group significant information and private documents (Exhibit 15) and met with them extensively to build support for their attacks on me. She has also appeared with members of Justice for Waldport on radio and online blogs to attack my actions.

This coincided with a coordinated effort to deprive the City of its intellectual property (Exhibit 16), to move a 75-year-old city celebration elsewhere in the county (Exhibit 17), and to retaliate through various means for the protected whistleblower activity. As examples:

- In August 2025, Ms. Rios filed a complaint when demonstrative evidence of financial wrongdoing as to the Tribe and 4-H was published. (exhibit 18) It was

dismissed. (exhibit 19)

- That October, she called the Lincoln County Sheriff's office to report that I was breaking the law, and specifically identified herself as the Mayor. (exhibit 20)
- She then overrode the City Manager's authority to trespass and to allow the trespass of citizens on protected utility land. (exhibit 21)
- Along with that trespass, she called the Department of Environmental Quality on the City for perfectly lawful actions. She stated that DEQ told her to contact a third-party entity owned by Ms. Rios to further the investigation, and when asked by the LCSO deputy, she falsely stated that DEQ had told her to do so.

10/21/2025 14:09:30	Body cam used.	dorsey
10/21/2025 13:57:07	I contacted Mayor Lambert and she advised she contacted the Protect Oregon Watershed's org. at the direction of DEQ to inspect or evaluate the dumping that is going on on the city property below township 13. Lambert told me she has been in contact with DEQ, OSP, and Dep. Brawdy regarding the possible enviromental issues. Lambert told me from she understands the municipal property has a public easement and the no trespassing sign on the gate at the end of Ball Blvd is not lawful. I spoke with Dep. Brawdy and he advised he spoke with Lambert about this last week when she called about the DEQ complaint and Lambert told him that she told the Protect Oregon Watershed Org that there was an easement. At this time there is no PC for trespass based on a city official (Lambert) advising the org. there was an easement. NFA at this time.	dorsey
10/21/2025 13:35:33	L232: OUT AT 165 NE HIGH ST - C4	McCartt
10/21/2025 13:28:13	I contacted Theresa Carter at 640 SE Ball Blvd, who advised she was one of the subjects who went through the gate along with individuals from "Protect Oregon Watershed's" to inspect the dumping area where the city is having fill dirt dumped by dump trucks. Carter advised that Mayor Lambert contacted the organization and asked them to to check the dumpsite to see if was an enviromental hazard to Lint Slough as there is a small stream behind Ball Blvd that runs downhill through the dump site and ultimately drains into Lint Slough. Carter told me she believed Mayor Lambert gave permission for the organization to inspect it.	dorsey
10/21/2025 13:11:55	Narrative added from associated Call #: 7279 - C4	McCartt
10/21/2025 12:45:05	Occurred approx 30 minutes ago. Comp lives at 580 SE Ball Blvd, Waldport. He heard voices in the street, 4-5 subjects with 2 dogs walking towards the city gate, and then walked past the gate down onto the city property, about 30-40 minutes later they returned and walked up to a neighbors house (Theresa Carter at 640 SE Ball Blvd) and then a dump truck came from S Crestline on the gravel road down to dump the gravel where its supposed to be dumped. A female in her 30's with a cowboy hat ran down past the gate again, comp assumed she was going down to take pictures of the dump truck. Comp advised her that she was trespassing and he was asked by the public works director to notify if unauthorized people were going to past the gate. Comp believes the group that went down past the gate is part of the group that is trying to find enviromental issues with the dump trucks dumping the fill dirt, and they were down there trying to find enviromental issued to complain about. Comp advised the subjects had left the area.	dorsey

(exhibit 22)

- The Mayor filed a complaint against the Council in October 2025 alleging an unlawful executive session; (exhibit 25) it was dismissed. (exhibit 26)
- In November 2025, the Mayor filed an ethics complaint against contractually obligated expenses. (Exhibit 23). (It was dismissed. Exhibit 24)
-

- Ms. Rios associate Tony Thimakis (pictured here) also submitted a complaint in November 2025 (exhibit 28); it was dismissed.
- This followed a complaint made by Lincoln County BCD board president Tammy Abele in a continued campaign to hinder the council (exhibit 29)
- Mr. Thimakis then blamed the City Manager publicly (exhibit 30) for dismissing the unlawfully altered signature pages of the first recall, even though that was the County Clerk's action (exhibit 31) and the City Manager has no role in that process.
- In January, having missed the Council meeting, the Mayor put out an appeal on Facebook for someone to file a complaint about the meeting (exhibit 32), and when no one did so, she filed one herself. (Exhibit 33) It was dismissed.
- That winter, Ms. Lambert appeared on a video blog alleging that the ICE resolution was written under protest and that she had presented a better one the Council had dismissed; neither statement is true.
- More recently, in June 2026, the Mayor left a meeting after moving an agenda item against the rules and then claimed the City Manager was running an illegal meeting – however, as required by the OGE, she did not file a complaint to actually justify her allegation, and thus abandoned her post.



In the interim, Justice for Waldport has published numerous attacking articles about me, referencing information received from the Mayor, as well as constant memes attacking every aspect of my character and anyone I associate with.

The conduct is not only hostile; much of it is independently unlawful. I set this out because it bears directly on the Council's exposure and on the weight the Council should give the Mayor's complaint. The record does not show a policy disagreement; it shows a sustained effort by the Mayor, aligned with Ms. Rios, that repeatedly crossed into unlawful conduct.

Interference with the criminal referral — official misconduct. After the City referred Ms. Rios's suspected financial misconduct to the District Attorney (Exhibits 6–7), the Mayor met privately with the District Attorney without the Council's knowledge (Exhibit 8) and was overheard stating that "No charges would be filed," (witness DUNN) after which the

office ceased its follow-up on Ms. Rios. A public servant who, with intent to obtain a benefit for another, knowingly performs an unauthorized exercise of official duties commits official misconduct in the first degree. (Or. Rev. Stat. Ann. § 162.415 (West)) Using the prestige of the mayoralty to derail a criminal investigation of the political ally who had just endorsed her fits that description.

The false report to the Sheriff. The Mayor told a Lincoln County Sheriff's deputy that the Department of Environmental Quality had directed her to contact a third-party entity owned by Ms. Rios — a statement she knew to be false. Knowingly initiating a false report to a law enforcement agency is a crime. (Or. Rev. Stat. Ann. § 162.375 (West))

Attempts to obtain Council action outside an open meeting. The Mayor's effort to secure a Council decision on the Beachcomber Days proclamation outside a noticed public meeting (Part VI.7) runs against Oregon's Public Meetings Law, which requires that a governing body's decisions be reached openly and prohibits a quorum from deliberating privately toward a decision. (Or. Rev. Stat. Ann. § 192.630 (West))

Ms. Rios's underlying misconduct — prohibited private inurement. The self-dealing that began this matter is not a technical accounting dispute; it is the kind of insider diversion that federal tax law squarely forbids, and the records show it was not confined to Ms. Rios. A section 501(c)(3) organization is not operated exclusively for exempt purposes "if its net earnings inure in whole or in part to the benefit of private shareholders or individuals," and it must serve "a public rather than a private interest" — not "the benefit of private interests such as designated individuals, the creator or his family." (26 C.F.R. § 1.501(c)(3)-1) Where an organization's benefits "primarily serve the private interests of members of a single family," it is operated for private benefit and forfeits its exemption. (26 C.F.R. § 1.501(c)(3)-1) Congress reinforced that prohibition with an excise-tax regime: an "excess benefit transaction" with a "disqualified person" carries a tax of 25% on the recipient and 10% on any organization manager who knowingly approved it, rising to 200% if the benefit is not timely corrected. (26 U.S.C.A. § 4958 (West)) A "disqualified person" includes an organization's officers and directors and the members of their families — expressly including their children and grandchildren. (26 U.S.C.A. § 4946 (West))

Measured against that framework, BCD's own scholarship records (Exhibit 3) show a pattern of awards flowing to the families of the organization's officers, rather than to the public the charity purports to serve:

>*The Secretary's family.* Leanna Rios — the granddaughter of Secretary TiAnne Rios (whose relative Florencio Rios Jr. also served on the committee) — received the organization's single largest award in consecutive years, \$3,000 in 2024 and \$1,500 in 2023, and also appeared on the Junior Court in 2021 and 2022 (Exhibit 3).

>*The President's family.* Austin Abele and Payton Abele, who bear the surname of President Tamara Abele, appear on the Junior Court in 2022, 2023, and 2024 — each a

year in which Ms. Abele served as President (Exhibit 3).

>*A committee family.* Breanna Elgin and Sophia Elgin, who bear the surname of committee members Velvet Elgin and Rina Jo Elgin, appear on the Junior Court in 2021 and 2023 (Exhibit 3).

To the extent these family relationships are confirmed — and Exhibit 1 already identifies the primary documentation needed to do so — each award to an officer's child or grandchild is a benefit to a family-member "disqualified person," which is why BCD's review statement that "[n]o child of a Board Officer received scholarship funds" is materially misleading: a grandchild and the children of other officers are still disqualified family members even if they are not the "child" of the particular officer the statement had in mind (Exhibit 1). Nor were these awards insulated by any independent review. The same officers who controlled BCD also populated the "Scholarship Committee" that "review[ed] and approve[d]" the awards (Exhibit 3) — Amy Skirvin as Vice President and a committee member.

Federal law will not presume such awards reasonable: the rebuttable presumption of reasonableness is available only where the transaction is approved by "an authorized body ... composed entirely of individuals who do not have a conflict of interest." (26 C.F.R. § 53.4958-6) A committee member who helps approve a benefit to his or her own family is not disinterested and, by regulation, is personally exposed as an "organization manager" to the 10% excise tax. (26 C.F.R. § 53.4958-1)

The upshot is that the records evidence repeated inurement to the families of BCD's own officers — precisely the abuse Exhibit 1 reported, and precisely the conduct that both triggers the excise taxes and threatens the organization's exemption. Ms. Rios then compounded it, using her association with the Mayor to turn the City's processes against the official who reported her — filing her own complaints and law-enforcement calls (including identifying herself as "the Mayor") as part of the retaliatory campaign.

These are not merely uncivil acts; they are the raw material of the hostile environment addressed here, and several of them carry independent legal consequences for those who committed them.

The governing standard. Harassment is actionable when it is "sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment," judged both objectively and subjectively under the totality of the circumstances. (*Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 114 S. Ct. 367, 126 L. Ed. 2d 295 (1993)) Relevant circumstances include the frequency and severity of the conduct, whether it is humiliating rather than a mere offensive utterance, and whether it unreasonably interferes with work performance; no single factor is required and psychological injury need not be shown. (*Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 114 S. Ct. 367, 126 L. Ed. 2d 295 (1993)) Because Oregon's employment-discrimination

statute is modeled on Title VII, Oregon courts apply the same framework and the same severe-or-pervasive, objective-and-subjective test. (Tomlinson v. Jackson Cnty., 345 Or. App. 637, 583 P.3d 576 (2025); Bearden v. N. W. E., Inc., 298 Or. App. 698, 448 P.3d 646 (2019))

A hostile environment built on retaliation is independently actionable. The claim I describe is a *retaliatory* hostile work environment, tethered to my protected activity (my whistleblower disclosures and my protected speech), not a status-based discrimination claim. That framing is deliberate and legally necessary, and the claim is actionable under both bodies of law. Under federal law, the Ninth Circuit holds that a hostile work environment can itself be the basis of a retaliation claim, and that a course of "retaliatory verbal abuse," "numerous pranks," and "false accusations of misconduct" sustained over roughly eighteen months is sufficiently severe or pervasive to be actionable. (Ray v. Henderson, 217 F.3d 1234 (9th Cir. 2000)) That authority maps directly onto the Mayor's months-long course of repeated, unfounded public accusations against me. Under Oregon law, because ORS chapter 659A is construed in parallel with Title VII, the same "severe or pervasive," objective-and-subjective standard governs, and the anti-retaliation standard is "functionally the same" as the federal standard. (Tomlinson v. Jackson Cnty., 345 Or. App. 637, 583 P.3d 576 (2025); Harris v. Forklift Sys., Inc., 510 U.S. 17, 114 S. Ct. 367, 126 L. Ed. 2d 295 (1993))

Where the liability runs. The relevant employer is the City, and the City's exposure rests on well-established ground: an employer is liable for a hostile environment it knew or should have known about and failed to take prompt remedial action to stop. (Bearden v. N. W. E., Inc., 298 Or. App. 698, 448 P.3d 646 (2019)) The Council has been on notice of this course of conduct for many months. If, instead of remediating it, the Council lends the City's processes to it by acting on the Mayor's complaint, the City's own conduct — not merely the Mayor's — becomes the source of liability, for the reasons set out in Part IV.

The threshold for adverse action is low, and it is met. Conduct is materially adverse if it "well might have dissuaded a reasonable worker from" engaging in protected activity; Oregon and federal law apply the same standard, and causation may be shown by close temporal proximity or by direct evidence of retaliatory animus. (Tomlinson v. Jackson Cnty., 345 Or. App. 637, 583 P.3d 576 (2025)) The Mayor's complaint, layered atop her sustained campaign against me and following my disclosures, satisfies both the adverse-action and causation elements.

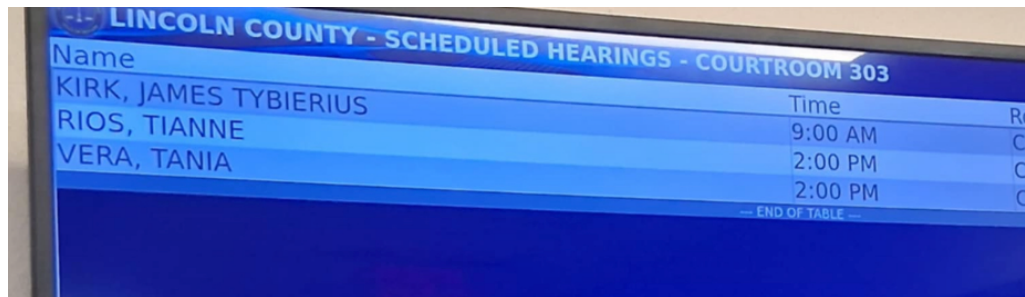
Remedies. The whistleblower and discrimination provisions of ORS chapter 659A — including ORS 659A.199, 659A.203, and 659A.230 — carry a private right of action in circuit court. A prevailing employee may obtain injunctive and equitable relief, back pay, compensatory and punitive damages, and reasonable attorney fees, and is entitled to a jury trial on request. (Or. Rev. Stat. Ann. § 659A.885 (West)) These remedies are in

addition to those available under the federal civil rights statute for the First Amendment violation described in Parts I and IV.

VI. RESPONSES TO THE MAYOR'S SEVENTEEN NUMBERED STATEMENTS

For completeness, I respond to several of the numbered statements in the Mayor's complaint. Each response is grounded in fact, and I have identified where supporting documentation will be provided. Nothing below waives the legal positions stated above.

1. Alleged trespass on the City Manager's property. I never stated that the Mayor and Tianne Rios assisted anyone in trespassing; I stated that they were assisting an individual. The record supports my statement. On August 20, 2025, city staff received a note that Tianne Rios and Karun Olson were at the Lincoln County Courthouse escorting Ms. Jana Boatright as she obtained a restraining order against Nicky Colonna, days after a similar petition was filed against me; Ms. Rios appeared on the docket.



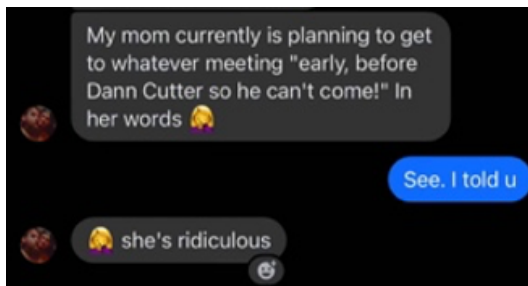
Name	Time	Role
KIRK, JAMES TYBIERIUS	9:00 AM	Co
RIOS, TIANNE	2:00 PM	Co
VERA, TANIA	2:00 PM	Co

— END OF TABLE —

On September 2, 2025, a woman later identified by staff as Ms. Boatright was recorded on camera at my home peering into windows; the Lincoln County Sheriff's Office was called and advised her not to return (CAD #2025-00014940).



The presumption was she was trying to determine my location in an effort to have me violate the unlawful restraining order. It



became apparent this was Ms. Rios intent as is evidenced by the text message from Leanne Rios.

Approximately two weeks later, Ms. Boatright appeared at City Hall and stated to staff, "The mayor is the reason I got home from jail."

5. Affiliation with Justice for Waldport. Justice for Waldport publishes no membership list; however, the Mayor's affiliation can readily be shown. The group has posted, at <https://www.justiceforwaldport.com/may13-2025>, a letter that is an attorney-

client privileged communication exchanged between counsel. (exhibit 15) It was not released by the City. Under Oregon law the client holds the privilege and may prevent any other person from disclosing such a communication (Or. Rev. Stat. Ann. § 40.225 (West)), and a voluntary disclosure of a significant part of it waives the privilege (Or. Rev. Stat. Ann. § 40.280 (West)). The only person who supplied this letter to the Justice for Waldport group is the Mayor, Heide Lambert — a disclosure that both demonstrates her affiliation with the group and prejudiced the City by compromising privileged material in pending litigation. To be "affiliated" is to be officially connected, joined, or closely associated with a larger group, organization, or person. It does not strain credibility to conclude that the Mayor, by providing detailed protected communications to the group, is at a minimum closely associated with it, even if she is not a member herself. Her contrary statement in the complaint is not accurate.

6. Recall committees. The Mayor stated on an online radio blog in August 2025, "We are working to recall the council of Waldport," using the first person rather than referring to a separate group.

7. Lincoln County Beachcomber Days proclamation. As stated in the contemporaneous email to Council, the Mayor sought a Council decision on the proclamation outside a published meeting. Oregon's Public Meetings Law requires that a governing body's decisions be reached in open session and prohibits a quorum from deliberating privately toward a decision. (Or. Rev. Stat. Ann. § 192.630 (West)) Had the Council acted on the Mayor's out-of-meeting request, it would itself have violated that law — so the Council correctly declined, and the Mayor proceeded by issuing what she termed a "mockumation." The episode is one more instance of the Mayor attempting to obtain official action through improper channels attempting to break Oregon law..

9. Alleged coordination to disrupt City government. The Mayor states that she "did not join forces with LCBD, Township 13 HOA, or any other organization in an effort to cause havoc within the city council or government."

The record indicates otherwise. On May 3, 2025, TiAnne Rios sent a calendar invitation to a "Secret Mermaid Gathering" on May 7, 2025 at Outta Gas Pizza in Yachats; the listed required attendees were Ms. Rios, Mayor Heide Lambert, and several individuals instrumental to the recall effort.

TiAnne Rios invited you to "Secret Mermaid Gathering".

Organizer	TiAnne Rios <tiannerios@yahoo.com>
Meeting time	This event occurred 1 day ago (Wed 5/7/2025 12:00 PM - 1:00 PM)
Location	Outta Gas Pizza 1685 US-101, Yachats, OR 97498, United States
My response	Not yet responded
Required attendees	TiAnne Rios, Heide Lambert, Judith Hees, Llisa Pollreis, Rebecca Phillips-Sutton, Sheila Ping, Signe Miller, Velvet Elgin, jane cutshall
Message sent	Sat 5/3/2025 8:06 PM

That the Mayor was involved with the subject of my whistleblower disclosure, alongside

recall organizers, is direct evidence of the coordination she denies — and it is of a piece with her documented interventions on Beachcombers' behalf and her disclosure of privileged material to the group's supporters.

11. The Yachats litigation. The City of Yachats is the named defendant in litigation in federal court. Based on information from those involved, the Mayor is identified in the pleadings and was expected to be a material witness regarding allegations of discrimination, hostility, and retaliation. This case was settled with a cash award to the plaintiff, suggesting the complaint had merit.

Upon her return, she was subject to retaliation by City Manager Lambert, including stripping her of job duties and responsibilities, denying previously approved and provided accommodations for her disability, and attempted discipline.

PAGE 14 – COMPLAINT

CAMBRELENG & MARTON LLC
3518 S Corbett Ave
Portland, Oregon 97239
Telephone: 503-477-4899

12. Communications with KYAQ and the Siletz Tribe. Only the Council had access to the records at issue, and the reporter has declined to identify a source. Separately, Justice for Waldport has stated that the Mayor spoke with them about this matter. Discussing an employee complaint with a third party before raising it with the Council violates employee policy and has contributed to a hostile work environment for me.

14. Third-party investigator. The Mayor states she did not "demand" a third-party investigator and then states she suggested the City hire one. In fact, before multiple witnesses, the Mayor stated on March 7, 2025 that the City should hire a third-party investigator; within two weeks that same language appeared in a series of complaint letters, which were largely drafted by Tianne Rios for others to sign.

I am one of the ones who signed a letter written by members of the Beachcomber's Committee. I read the letter and I agreed with the statements that were written, and I signed it. I feel it was written with merit and

That coordinated conduct has contributed to a hostile work environment and has been used to damage my reputation.

15. City Manager's essential duties. The Mayor's own statement concedes the substance: she proposed a committee to review and address events and permits, which the Waldport Municipal Code assigns to the City Manager. A committee to assume those functions is a de facto removal of City Manager duties and interferes with duties prescribed by ordinance.

17. Social-media conduct. The Mayor has made multiple statements on a published media broadcast and blog and has provided followers with information that has been used to attack and degrade both councilors and me.

VII. NOTICE OF INTENT TO LITIGATE AND DEMAND FOR DISMISSAL.

I have tried to resolve this matter through the City's proper channels, and I would prefer to continue doing so. But the Mayor's complaint, if it is entertained rather than dismissed, will leave me no choice but to protect my rights in court. I therefore provide the Council with formal notice of the following.

Demand. I respectfully request that the Council dismiss the Mayor's September 18, 2025 complaint in its entirety and decline to treat it as a disciplinary proceeding. I ask that the Council resolve this at the August 13th meeting.

Intent to litigate. If the complaint is not dismissed — or if the Council takes disciplinary or other adverse action against me on account of my protected speech or my whistleblower disclosures — I am prepared to commence litigation without further notice. The claims I would assert include, without limitation:

>*First Amendment retaliation* under 42 U.S.C. § 1983, for adverse action taken against me on account of protected citizen speech on matters of public concern, as set out in Parts I and IV. (Monell v. Department of Social Services, 436 U.S. 658 (1978); Lozman v. City of Riviera Beach, 585 U.S. 87 (2018))

>*Whistleblower retaliation* under ORS 659A.199, 659A.203, and 659A.230, for retaliation and threatened discipline because of my good-faith disclosures of financial misconduct, as set out in Part III. (Or. Rev. Stat. Ann. § 659A.199 (West); Or. Rev. Stat. Ann. § 659A.203 (West))

>*A retaliatory hostile work environment* under ORS chapter 659A, arising from the sustained course of conduct described in Part V. (Ray v. Henderson, 217 F.3d 1234 (9th Cir. 2000); Tomlinson v. Jackson Cnty., 345 Or. App. 637, 583 P.3d 576 (2025))

The relief available on these claims includes injunctive and equitable relief, back pay, compensatory and punitive damages, a jury trial, and reasonable attorney fees. (Or. Rev. Stat. Ann. § 659A.885 (West)) As explained in Part IV, that exposure runs to the City if the Council acts on the Mayor's complaint.

Litigation hold. Because litigation is now reasonably anticipated, the Mayor is obligated to preserve all documents and communications relating to these matters, including emails, text messages, social-media messages and posts, voicemails, and records concerning the complaint, the whistleblower disclosures, Beachcomber Days, Ms. Rios, the recall effort, and any communications with "Justice for Waldport." I request that the City issue and enforce a litigation hold accordingly and refrain from any destruction or alteration of responsive records.

Reservation of rights. Nothing in this response waives, and I expressly reserve, all rights, claims, and remedies available to me under federal and Oregon law. This response is my formal notice of intent to litigate for all purposes.

For the reasons above, I respectfully request that the Council decline to treat the Mayor's complaint as a disciplinary matter and dismiss it. The statements at issue are protected speech and protected whistleblower disclosures, the complaint itself is an improper disciplinary vehicle and a retaliatory act, and the broader course of conduct has created a hostile work environment. I remain willing to address any legitimate personnel concern through the proper channel established by the City's charter and ordinances, and I reserve all rights and remedies available to me under federal and Oregon law.

Respectfully submitted,

Dann Cutter
City Manager, City of Waldport

CONFIDENTIAL — PROTECTED WHISTLEBLOWER DISCLOSURE *Submitted under ORS 659A.199 and ORS 659A.203. Not a public record to the extent exempt; handle accordingly.*

TO: The Waldport City Council (the elected governing body of the City of Waldport)

FROM: Dann Cutter, City Manager, City of Waldport

DATE: December 2024

RE: Protected whistleblower disclosure — suspected financial fraud and self-dealing by TiAnne Rios in connection with Waldport Oregon Beachcomber Days (501(c)(3), EIN 46-2953257) and its use of City funds and resources

I. Purpose and Protected-Disclosure Status

I submit this report to the City Council, in my capacity as City Manager, to disclose information that I reasonably and in good faith believe is evidence of violations of federal and state law and of a misuse of public funds, in connection with grant funds and City resources provided to Waldport Oregon Beachcomber Days (“BCD”). I make this disclosure to the Council as the City’s elected governing body.

This is a protected disclosure. Oregon law makes it an unlawful employment practice for a public employer to prohibit an employee from disclosing, or to take or threaten disciplinary action for disclosing, information the employee reasonably believes is evidence of a violation of any federal, state, or local law by the employer, or of mismanagement, gross waste of funds, or abuse of authority. ([Or. Rev. Stat. Ann. § 659A.203 \(West\)](#)) The statute specifically protects an employee’s discussion of the activities of a political subdivision “with any member of the elected governing body of a political subdivision” — that is, a report such as this one, made to the City Council. ([Or. Rev. Stat. Ann. § 659A.203 \(West\)](#)) As City Manager I am an “employee” of a “public employer” (the City) for purposes of these provisions. ([Or. Rev. Stat. Ann. § 659A.200 \(West\)](#)) A separate provision independently prohibits any employer from discharging, demoting, suspending, or otherwise retaliating against an employee for having in good faith reported information the employee believes is evidence of a violation of state or federal law. ([Or. Rev. Stat. Ann. § 659A.199 \(West\)](#)) These protections are cumulative. ([Or. Rev. Stat. Ann. § 659A.203 \(West\)](#))

I make this disclosure in good faith and on an objectively reasonable belief, based on the documents identified below, and I do not waive the whistleblower affirmative defense available for a good-faith disclosure of lawfully accessed information evidencing a violation. ([Or. Rev. Stat. Ann. § 659A.210 \(West\)](#))

II. Summary of the Disclosure

Between August and December 2024, in support of a \$3,000 City grant request, BCD submitted to the City three materially conflicting sets of financial figures, an incomplete IRS filing, and scholarship records showing that the organization’s largest scholarship awards were paid to relatives of its board officers — including the granddaughter of

BCD's Secretary, TiAnne Rios. BCD's own independent review later stated that "[n]o child of a Board Officer received scholarship funds during the year ended September 30, 2024," a statement the scholarship records contradict. I reasonably believe these facts are evidence of prohibited private inurement under federal tax-exempt law, of violations of Oregon's charitable-oversight statutes, and of conduct that may constitute theft and the issuance of false financial statements under Oregon criminal law. The City has already terminated its financial relationship with BCD and referred the matter to the Lincoln County Sheriff, the District Attorney, the Oregon Department of Justice, and the IRS.

III. Background and Parties

- **TiAnne Rios** served as BCD's Secretary continuously from 2018 through 2025 (officers at 3), a position the 2022 Form 990-EZ lists at 20 hours per week (Exhibit A at 4). She was the organization's point of contact with the City on the grant paperwork (Exhibit B at 1) and served as the Wednesday Market manager (Exhibit U at 1).
- **Leanna Rios** is Ms. Rios's granddaughter. She received BCD's largest scholarship in both 2024 (\$3,000) (scholarships at 1) and 2023 (\$1,500) (scholarships at 2), and remained active in BCD as a 2025 "Ambassador" (documents at 2).
- **Tammy Abele** is BCD's President (Exhibit A at 4); **Sheila Ping** is Treasurer and signed the Form 990-EZ (Exhibit A at 6); **Florencio Rios Jr.** is a BCD committee member (officers at 3).

IV. The Financial Irregularities

A. Three conflicting sets of figures for the same grant request

1. **Grant request letter (Aug. 21, 2024):** BCD requested \$3,000 and represented that it had "awarded over \$16,000 in scholarships to students" the prior year. (Exhibit A at 1)
2. **Form 990-EZ (FY ending 9/30/2023), attached to the request:** Part III reports scholarships/grants of only **\$3,500** (Exhibit A at 4), against total revenue of \$18,963 (Exhibit A at 3), total expenses of \$39,279 (Exhibit A at 3), and a deficit of (\$20,316) (Exhibit A at 3). Schedule O disclosed only "operating expenses \$39,279," with no breakdown. (Exhibit A at 10)
3. **Two budget documents (Oct. 2, 2024):** scholarships were now listed at **\$16,000** (Exhibit F at 1; Exhibit H at 1), with a total of \$39,279 matching the 990 (Exhibit H at 2); the timber-show line showed a \$13,929 budget against a \$1,329 breakdown (Exhibit O at 3).

The \$3,500 figure on the federal filing cannot be reconciled with the \$16,000 figure in the letter and budgets. (Exhibit O at 3)

B. The Schedule O deficiency

When the City explained that Part III failed to indicate Schedule O was filed and that Schedule O merely listed “operating expenses” without the required detail (Exhibit D at 1), Ms. Rios responded “What is a Schedule O?” (Exhibit D at 1) and deferred to the treasurer, stating “it’s not what I do- I am just the secretary submitting paperwork” (Exhibit D at 1). President Abele asserted the Schedule O “was indeed filed and excepted [accepted] by the IRS” and could not be edited. (Exhibit E at 1)

C. Scholarship funds to board-officer relatives, including Ms. Rios’s granddaughter

The single largest 2024 scholarship — approximately 25% of the total, and more than BCD’s entire scholarship total in prior years — went to a recipient whose initials matched a board member’s child. (Exhibit O at 4) Prior-year scholarship totals were under \$3,500, yet awards were increased in a year the events ran a loss, reportedly “because they had more money.” (250220 Email to BCD attorney regarding scholarships at 1) BCD’s own records show **\$3,000 to Leanna Rios in 2024** (scholarships at 1) and **\$1,500 to Leanna Rios in 2023** (scholarships at 2), with the budget listing “LR- Senior \$3,800” as the largest single 2024 award (Exhibit H at 1). Leanna Rios, the 2023 top winner, “technically did not qualify in 2023... She went to Newport HS,” and “[t]he rules were changed in 2024.” (250220 Email to BCD attorney regarding scholarships at 2)

D. The contradiction in BCD’s own review

BCD’s independent review, at Note 8, states: “No child of a Board Officer received scholarship funds during the year ended September 30, 2024.” (Exhibit Q at 16) That statement is contradicted by BCD’s scholarship records, which show its largest 2024 award going to the Secretary’s granddaughter. (scholarships at 1)

V. The Legal Violations This Disclosure Evidences

A. Federal — prohibited private inurement and excess-benefit transactions

A 501(c)(3) is not operated exclusively for exempt purposes “if its net earnings inure in whole or in part to the benefit of private shareholders or individuals,” ([26 C.F.R. § 1.501\(c\)\(3\)-1](#)) and it must not be operated for the benefit of private interests “such as designated individuals, the creator or his family.” ([26 C.F.R. § 1.501\(c\)\(3\)-1](#)) Federal law separately imposes excise taxes on “excess benefit transactions” — economic benefits provided by a tax-exempt organization to a “disqualified person” ([26 U.S.C.A. § 4958 \(West\)](#)) — at 25% on the disqualified person, 10% on a knowing organization manager, and 200% if uncorrected. ([26 U.S.C.A. § 4958 \(West\)](#)) A “disqualified person” includes anyone in a position to exercise substantial influence over the organization and “a member of the family” of such a person ([26 U.S.C.A. § 4958 \(West\)](#)); officers and voting board members qualify by regulation ([26 C.F.R. § 53.4958-3](#)). Family is determined under IRC § 4946(d) ([26 U.S.C.A. § 4958 \(West\)](#)), which expressly includes

“grandchildren” ([26 U.S.C.A. § 4946 \(West\)](#)), as does the implementing regulation ([26 C.F.R. § 53.4958-3](#)). Because Ms. Rios is a board officer and Leanna Rios is her granddaughter, a scholarship to Leanna Rios is a benefit to a family-member disqualified person — which is why Note 8’s “no child of a Board Officer” statement is materially incomplete: a grandchild is a disqualified family member even though she is not a “child.” Insider diversions of this kind can both trigger the excise taxes and cost the organization its exemption. ([26 C.F.R. § 1.501\(c\)\(3\)-1](#))

B. Oregon — charitable-asset oversight

A charitable organization holding property for charitable purposes must register with the Attorney General. ([Or. Rev. Stat. Ann. § 128.660 \(West\)](#)) The Attorney General may investigate whether a charity’s purposes are being carried out and whether a fiduciary has breached a duty, and may compel records of receipts and disbursements. ([Or. Rev. Stat. Ann. § 128.680 \(West\)](#)) It is a statutory violation to willfully make a false or misleading statement in a required filing, or to withhold records needed to establish that a charity “has properly applied charitable funds,” with civil penalties on the organization or the responsible charitable fiduciary. ([Or. Rev. Stat. Ann. § 128.675 \(West\)](#)) The Attorney General may seek injunctions, accountings, and removal of officers. ([Or. Rev. Stat. Ann. § 128.710 \(West\)](#))

C. Oregon — fiduciary duty and criminal exposure

Oregon nonprofit directors and officers must act in good faith, with ordinary prudence, and in the corporation’s best interests. ([Or. Rev. Stat. Ann. § 65.357 \(West\)](#); [Or. Rev. Stat. Ann. § 65.377 \(West\)](#)) The Oregon Court of Appeals has held that misusing restricted funds or diverting corporate funds can constitute gross negligence or intentional misconduct. ([WSB Invs., LLC v. Pronghorn Dev. Co., LLC, 269 Or. App. 342, 344 P.3d 548 \(2015\)](#)) Oregon defines theft as acting with intent to appropriate property ([Or. Rev. Stat. Ann. § 164.015 \(West\)](#)), and the Oregon Supreme Court has held that a nonprofit officer who applies organization funds to personal or family benefit commits theft by appropriation even if he intends to repay. ([In re Conduct of Phinney, 354 Or. 329, 311 P.3d 517 \(2013\)](#)) Obtaining property through a false impression of “value, intention or other state of mind” is theft by deception ([Or. Rev. Stat. Ann. § 164.085 \(West\)](#)); making a false entry in an enterprise’s records with intent to defraud is falsifying business records ([Or. Rev. Stat. Ann. § 165.080 \(West\)](#)); and knowingly issuing a materially inaccurate financial statement with intent to defraud is a crime ([Or. Rev. Stat. Ann. § 165.100 \(West\)](#)). Theft of \$1,000 or more is a Class C felony ([Or. Rev. Stat. Ann. § 164.055 \(West\)](#)); \$10,000 or more is a Class B felony ([Or. Rev. Stat. Ann. § 164.057 \(West\)](#)). The Rios-family awards alone (\$3,000 plus \$1,500) exceed the felony threshold (scholarships at 1; scholarships at 2).

I do not assert that any violation has been adjudicated. I disclose that I reasonably believe the facts above are evidence of these violations, which is the standard the whistleblower statutes protect. ([Or. Rev. Stat. Ann. § 659A.203 \(West\)](#); [Or. Rev. Stat. Ann. § 659A.199 \(West\)](#))

VI. Actions Already Taken and Requested Council Action

The City has already: issued a Notification of Violation terminating BCD's permits, funding, and agreements for cause (Exhibit I at 1); set conditions for restoring funding, including an independent seven-year accounting review and a self-report to the Oregon DOJ Charitable Activities Section (Exhibit K at 1); denied the grant and declined to renew the market agreement (Exhibit S at 1); and referred all investigative materials to the Lincoln County Sheriff, the District Attorney, the Oregon DOJ, and the IRS (Exhibit S at 1).

I ask the Council to:

1. **Receive and preserve** this disclosure and its exhibits as part of the record, and treat it as a protected whistleblower disclosure under ORS 659A.199 and ORS 659A.203. ([Or. Rev. Stat. Ann. § 659A.199 \(West\)](#); [Or. Rev. Stat. Ann. § 659A.203 \(West\)](#))
2. **Confirm the referrals** to the Sheriff, District Attorney, Oregon DOJ Charitable Activities Section, and IRS remain open, and authorize continued cooperation.
3. **Direct staff** to obtain the outstanding documentation identified in Section VIII.
4. **Refrain from, and prohibit, any retaliation** against me or other staff for this disclosure, consistent with the anti-retaliation prohibitions of ORS 659A.203 ([Or. Rev. Stat. Ann. § 659A.203 \(West\)](#)) and the remedies available under ORS 659A.885 ([Or. Rev. Stat. Ann. § 659A.885 \(West\)](#)).

VII. Outstanding Documentation to Obtain

1. Primary proof of the Rios / Leanna Rios relationship (completed Royal Court application listing parent/guardian (Beachcomber Days Royal Court Application), scholarship file, or declaration).
2. The Royalty Committee's composition and selection rules, and the 2024 rule change referenced at (250220 Email to BCD attorney regarding scholarships at 2), to test the "independent committee" position.
3. BCD's full Form 990/990-EZ series and bank records for the separately held BCD and Market accounts (Exhibit Q at 14).
4. Current status of the criminal and regulatory referrals (Exhibit S at 1).

VII. Exhibits

Exhibit A (grant request and 2022 Form 990-EZ) (Exhibit A); Exhibit D (Rios/City Schedule O exchange) (Exhibit D); Exhibit E (Abele Schedule O email) (Exhibit E); Exhibits F and H (budgets) (Exhibit F; Exhibit H); Exhibit I (Notification of Violation) (Exhibit I); Exhibit K (conditions letter) (Exhibit K); Exhibit O (open letter) (Exhibit O); Exhibit Q (independent review) (Exhibit Q); Exhibit S (referral letter) (Exhibit S); Exhibit T (City statement) (Exhibit T); scholarship and officer records (scholarships; officers); and the February 25, 2025 memorandum to counsel regarding the scholarship awards (250220 Email to BCD attorney regarding scholarships).

Respectfully submitted,

Dann Cutter City Manager, City of Waldport 355 NW Alder Street, P.O. Box 1120,
Waldport, OR 97394

This memorandum is a good-faith disclosure of suspected legal violations and misuse of public funds, submitted to the City Council under ORS 659A.199 and ORS 659A.203. It is not a determination of civil or criminal liability, which rests with the appropriate authorities.

Beachcomber Days Budget

Trophies			\$100.00
Kid Faire			\$500.00
	Bounce houses	\$200.00	
	Bullble Entertainer	\$150.00	
	Balloons Entertainer	\$150.00	
Timber Show			
	Pro Show: TOTAL		\$9450.00
	\$500 per event/ 18 events	\$9000.00	
	3 novice events at \$150 each	\$450.00	
	HS/Local Show TOTAL		\$455.00
	7 events + team relay		
	Double pay for cable and double buck		
	Operating Expenses		
	Climbing Poles		\$1000.00
	Wood		\$1000.00
	Competitor Shirts		\$1000.00
	Money Ax Throw		\$100.00
	Misc Expenses		\$924.00
Entertainment			\$7000.00
	Generator rental	\$300.00	
	bands paid \$200/hour	\$6700.00	
Logistics			\$1750.00
	Restroom Rentals	\$750.00	
	Copy Costs	\$1000.00	
Scholarships			\$16000.00
	LR- Senior	\$3800.00	
	HM- Senior	\$2250.00	
	CG- Senior	\$2300.00	
	GC- Senior	\$2450.00	
	AT-Junior	\$850.00	
	CS Junior	\$750.00	
	HL- Junior	\$750.00	
	MP- Junior	\$850.00	
	JC- Junior	\$950.00	
	PA- Sophomore	\$225.00	
	ME- Sophomore	\$200.00	
	VK- 8th grade	\$150.00	
	AA- 9th grade	\$75.00	
	MB- Sophomore	\$200.00	
	KM- Sophomore	\$200.00	

TOTAL			\$39279.00



69th Beachcomber Days

"United by the Sea"

paying tribute to our Veterans on Flag Day June 14, 2025

[HOME](#)[President's Message](#)[VOLUNTEER](#)[BCD MARKET INFO](#)[2025 FORMS](#)[SPONSORS](#)

2024 Beachcomber Days

Scholarship Winners

Congratulations

\$3000 scholarship awarded to:

Leanna Rios

\$2500 scholarship each awarded to:

Jasmin Carlson

Chase Gustafson

Madison Morschini

\$1000 scholarship each awarded to:

Gabe Catalfamo

Hailey Lock

Melia Palluck

Maxwell Parker

Collin Stewart

Alexis Thomas

Junior Court Members:

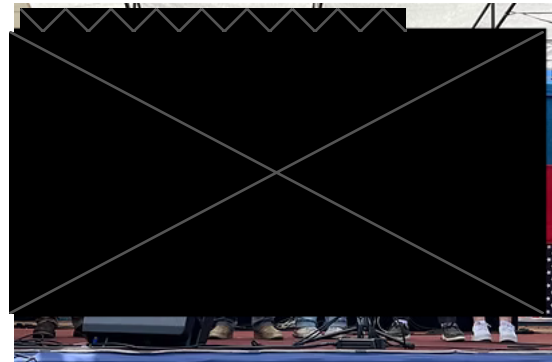
Austin Abele

Payton Abele

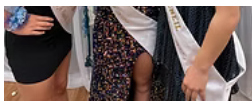
Madison Belmore

Mildred Ervin

Vera Kyei



Thank you to the BCD Scholarship Committee



2023 Beachcomber Days

Scholarship Winners

Congratulations

\$1500 scholarship awarded to Queen:

Leanna Rios

\$1000 scholarship each awarded

to Princes:

Gabe Catalfamo

Eli Spangrud

Junior Court Members:

Austin Abele

Payton Abele

Madison Belmore

Breanna Elgin

Sophia Elgin

Mildred Ervin

Kassidy Huffman

Vera Kyei

Kiana McNeil

Azura Prince

Serena Sides

Thank you to the BCD Scholarship Committee
Responsible to review and approve scholarships
Sue Bennett
Amy Skirvin

2023 Rules & Application

2022 Beachcomber Days

Scholarship Winners

Congratulations

\$750 scholarship awarded Queen to:

Novalee Thomas

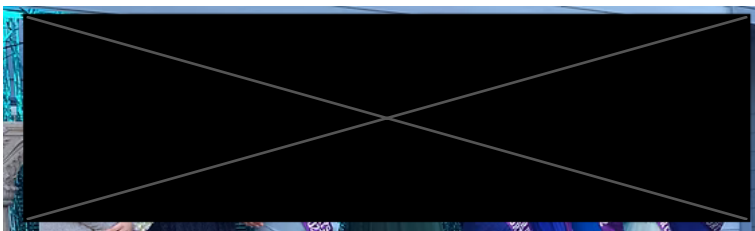
\$500 scholarship each awarded Princesses to:

Hadley McSherry

Amber Browne

Junior Court Members:

Austin Abele



Payton Abele
Sophia Elgin
Mildred Ervin
Payshentz Herron
Leanna Rios
Serena Sides

[2022 Rules & Application](#)

Thank you to the BCD Scholarship Committee Chair
Responsible to select judges, review and approve scholarships
Sue Bennett

2021 Beachcomber Days

Scholarship Winners

Congratulations

\$1000 scholarship awarded to:

Queen Leanna Darner

\$500 scholarship to each princesses:

Novalee Thomas

Kylie Burk

Jessica Dooley

Amber Dubbed

Junior Court Members:

Breanna Elgin

Sophia Elgin

Kassidy Huffman

Leanna Rios

Serena Sides

[2021 Rules & Guidelines](#)

[2021 Jr. Rules & Guidelines](#)

Thank you to the BCD Scholarship Committee Chair
Responsible to select judges, review and approve scholarships
Sue Bennett

2020 Beachcomber Days Scholarship Winners

Congratulations
Kiersten Piontek & Heidy Romero Vera

(Leanna Rios accepting on latter's behalf).

*We all wish you both luck on all your future endeavors and nothing but success
as you navigate college.*

Congratulations Ladies!

(Pictured with BCD President Erich Knudson)

[2020 Rules & Guidelines](#)

Watch the Live Presentation by clicking video link below courtesy of Information Station:

[Presentation of 2020 BCD Scholarships Winners](#)

Thank you to the BCD Scholarship Committee Chair
Responsible to select judges, review and approve scholarships
Sue Bennett

2019 Beachcomber Days Scholarship Winners

Congratulations

\$2000 scholarship awarded to queen:

Brooklyn McElroy

\$1000 scholarship each awarded to:

Matthew Sheppard

Akashia Reich

[2019 Rules & Application](#)



Thank you to the BCD Scholarship Committee Chair
Responsible to select judges, review and approve scholarships
Sue Bennett

2018 Beachcomber Days Scholarship Winners

Congratulations

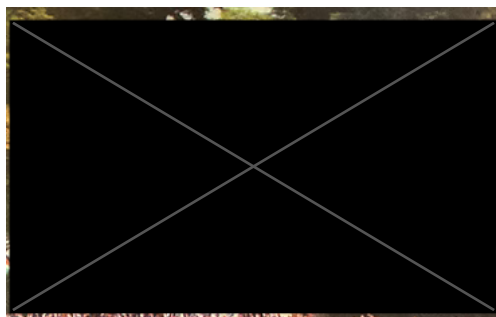
2018 Royal Court

Cat Adamson

Brooklyn McElroy

Alexis Grabe

[2018 Rules & Application](#)



Thank you to the BCD Scholarship Committee Chair
Responsible to select judges, review and approve scholarships
Joel Noble

Beachcomber Days Historical Royalty Slide Show

shared in honor of Colleen Nickerson, holder of our history.

Beachcomber Days history binders on display at the Interpretive Center

Beachcomber Days Royal History



Princess Pat, 18, is sponsored by the Waldport Lions Auxiliary. Brown hair and eyes, 5'3" and 122. Daughter of Mr. and Mrs. Herbert Scanlan of Waldport. Pat is a graduate of the "Irish" and loved swimming, dancing, painting, and intends to enroll in the Dental Nursing School in San Francisco.

Princess Shirley, sponsored by Alsea River Resorts. Daughter of Mr. and Mrs. Carl Barclay of Tidewater. She is a junior, 16, 5' 6 1/2", 125 pounds with brown hair and blue eyes with an "out of doors" complexion.

Princess Susan, sponsored by Beta Sigma Phi, junior, 17, blonde hair and green eyes, 5'5", 119 pounds, fair complexion. She works at Long's Cafe (where the drug store is now) and loves swimming and dancing. She is the daughter of Mr. and Mrs. Ed Murray of Waldport.

Princess Rose, daughter of Mr. and Mrs. Art Wilson, 18, blonde hair, blue eyes, 5'5", 120 pounds, sponsored by Waldport Lions. She has only lived in Waldport 4 years and loves swimming and beachcombing for agates. She is employed at Long's Cafe.

Princess Sharon, sponsored by Waldport Business and Professional Women, 17, senior, blonde hair, blue eyes, fair complexion, 5'2", 115 pounds. She is a 10 year resident of Waldport and enjoys swimming and dancing. She is employed at Deane's Oceanside Lodge.



MISSION

At Beachcomber Days, our mission is to not only bring together the community for a fun-filled celebration but also to empower and support the next generation through our scholarship opportunities. We believe in providing educational opportunities for children, nurturing their talents, and helping them achieve their dreams. Through our scholarship program, we aim to inspire and empower young minds, fostering their growth and development. By combining the joyous spirit of Beachcomber Days with the opportunity to invest in the future of our youth, we strive to create a vibrant and inclusive community that values education and encourages the pursuit of excellence. Together, we can make a difference in the lives of children, opening doors to a brighter future and creating a legacy of success for generations to come.

Beachcomber Days
PO Box 2254
Waldport, OR 97394

waldportbeachcomberdays@gmail.com

ALL RIGHTS RESERVED.

Copyright Beachcomberdays.com

1956-2024

Not affiliated with the City of Waldport



69th Beachcomber Days

"United by the Sea"

paying tribute to our Veterans on Flag Day June 14, 2025

[HOME](#)[President's Message](#)[VOLUNTEER](#)[BCD MARKET INFO](#)[2025 FORMS](#)[SPONSORS](#)

2017-2018 Beachcomber Days Officers

Theme

Where the Forest Meets The Sea

Grand Marshall

Eddy Symington

Chairman

Janette Woosley

Co-Chairmen

Chavvahn Gade

Secretary:

Lisa Jones

Treasurer:

Colleen Nickerson

Committee Members:

Amy Anderson

Dawn Atkinson

Stella Blue

Eric Bigler

Mary Cargill

Dale Clark

Tom Cropper

Carrie Davis

Nicole Fredrickson

Ice Husband

Trevor Jones

Shannon Lee

Shannon Lee

Carolyn Lusk

Amy Parker

Cheri Moody

Avarie Owens

Joie Noble

Dave Orlando

Debbie Phillips

Chip Russell

Kaitlin Skaggs

Ruth Stole

Dave Tofflemire

2018-2019 Beachcomber Days Officers

Theme

Legends of The Sea

Grand Marshall

Reda Echerman

President

Lisa Jones/Chavvahn Gade

Vice President

Chavvahn Gade

Secretary:

Sue Woodruff

Treasurer:

Colleen Nickerson

Committee Members:

Nick Batchelder

John Bennett

Sue Bennett

Eric Bigler

Stella Blue

Dale Clark

Jake Mathis

Greg Holland

Ice Husband

Deb Rheault

TiAnne Rios

Duane Snider

Teresa Sperry

Brian Timme

Vincent Tingler

Mandy Venning

Brandy Dunaway-

Womack

2019-2020 Beachcomber Days Officers

Theme
No parade COVID year
Grand Marshall

President
Erich Knudson
Vice President
Greg Holland
Secretary:
TiAnne Rios
Treasurer:
Wendy Knudson

Committee Members:

Missy Alberti-Aragjo	Colleen Nickerson
Amy Anderson	Deb Rheault
Phillip Arnold	Barb Richmond
Nick Batchelder	Carol Sousa
Eric Bigler	Shannnon Wiles
Diana Buckley	
Sue Bennett	
Dale Clark	
Chavvahn Gade	
Ice Husband	
Dennis Knapwurst	

2020-2021 Beachcomber Days Officers

Theme
Seas The Day
Grand Marshall
Christine Campbell
President
Tammy Abele
Vice President
Greg Holland
Secretary:
TiAnne Rios
Treasurer:
Sue Bennett

Committee Members:

Amy Anderson	Deb Rheault
Eric Bigler	Wendy Rush Knudson
Diana Buckley	Carol Sousa
Dale Clark	Vincent Tingler
Karin Couch	Carol Westhafer
Danielle Emerick	John Westhafer
Ice Husband	
Jimmy Kasner	
Dennis Knapwurst	
Erich Knudson	
Jake Mathis	

2021-2022 Beachcomber Days Officers

Theme
Sea Of Dreams
Grand Marshall
Denny Phelps
President
Tammy Abele
Vice President
Amy Skirvin
Secretary:
TiAnne Rios
Treasurer:
Sue Bennett

Committee Members:

Amy Anderson	Nikki Schostle
Paula Brubaker	Becky Sparks
Karin Couch	Carol Westhafer
Rod Couch	John Westhafer
Darline DeMoss	
Wendy Girard	
Jimmy Kasner	
Dennis Knapwurst	
Deb Rheault	
Florencio Rios Jr.	
Denese Schostle	
Dennis Schostle	

2022-2023 Beachcomber Days Officers

Theme
Driftwood and Dreams
Grand Marshall
Rick Booth
President
Tammy Abele
Vice President
Amy Skirvin
Secretary:
TiAnne Rios
Treasurer:
Sue Bennett

Committee Members:

Amy Anderson	Denese Schostle
Paula Brubaker	Dennis Schostle
Karin Couch	Nikki Schostle
Rod Couch	Becky Sparks
Wendy Girard	Carol Westhafer
Darline DeMoss	John Westhafer
Jimmy Kasner	
Dennis Knapwurst	
Deb Rheault	
Florencio Rios Jr.	
Val Roldan	

2023-2024 Beachcomber Days Officers

Theme
Waves & Wonders
Grand Marshall
Sue Bennett
President
Tammy Abele
Vice President
Amy Skirvin
Secretary:
TiAnne Rios
Treasurer:
Sheila Ping

Committee Members:

Amy Anderson	Val Roldan
Paula Brubaker	Jason V13+
Karin Couch	Carol Westhafer
Rod Couch	John Westhafer
Velvet Elgin	
Mac Esposito	
Jimmy Kasner	
Dennis Knapwurst	
Steve McHatton	
Deb Rheault	
Florencio Rios Jr.	

2024-2025 Beachcomber Days Officers

Theme
United By The Sea
Grand Marshall

President
Tammy Abele
Vice President
Amy Skirvin
Secretary:
TiAnne Rios
Treasurer:
Sheila Ping

Committee Members:

Amy Anderson	Deb Rheault
Karin Couch	Florencio Rios Jr.
Rod Couch	Val Roldan
Tiffany Crain	Jason V13+
Rina Jo Elgin	Carol Westhafer
Velvet Elgin	John Westhafer
Mac Esposito	
Jimmy Kasner	
Dennis Knapwurst	
Steve McHatton	

Beachcomber Days
PO Box 2254
Waldport, OR 97394

waldportbeachcomberdays@gmail.com

ALL RIGHTS RESERVED.

Copyright Beachcomberdays.com

1956-2024

Not affiliated with the City of Waldport

MISSION

At Beachcomber Days, our mission is to not only bring together the community for a fun-filled celebration but also to empower and support the next generation through our scholarship opportunities. We believe in providing educational opportunities for children, nurturing their talents, and helping them achieve their dreams. Through our scholarship program, we aim to inspire and empower young minds, fostering their growth and development. By combining the joyous spirit of Beachcomber Days with the opportunity to invest in the future of our youth, we strive to create a vibrant and inclusive community that values education and encourages the pursuit of excellence. Together, we can make a difference in the lives of children, opening doors to a brighter future and creating a legacy of success for generations to come.



LETTERS

Rios supporting Lambert in race for mayor of Waldport

October 9, 2024

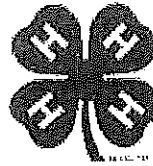


To the editor:

It is such wonderful news that Heide Lambert has stepped forward to run for mayor of Waldport in the Nov. 5 general election.

I know she believes in our community, gives her best to others, and is dedicated to making a positive difference in the lives of everyone she touches. I am 100 percent behind Heide Lambert, and super excited for this chapter in Waldport to begin.

— *Tianne Rios/Seal Rock*



4-H Adult Agreement

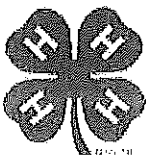
Working in Programs and Activities with Minors

OSU Extension 4-H Youth Development Programs are committed to serving all youth (within age requirements) who are interested in learning and growing in 4-H. Adults are role models and guides. Adults support positive youth development when they provide safe environments as an important part of 4-H programming.

As a condition of involvement in the OSU 4-H Youth Development Program, as defined in University Policy 07-040 (Safety of Minors), all employees and volunteers must review the *Standards of Behavior* prior to working in a youth program, and annually. The statements below reflect that policy, as of the date of this document. To view the most current policies any time, go to: <http://blogs.oregonstate.edu/youthsafety/appendix/c/>

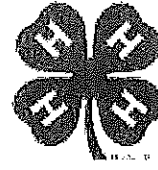
As a volunteer, parent or support adult in OSU Extension 4-H programs/activities:

- ☒ I will abide by the OSU, Extension and 4-H Code of Ethics, including:
 - ☐ I will use resources wisely, ethically, and prudently to achieve the 4-H educational mission.
 - ☐ I will accept responsibility for personal choices and actions; not assign or shift blame or credit.
 - ☐ I will treat others courteously. Be a positive role model. Exhibit good sportsmanship.
 - ☐ I will demonstrate honesty and make decisions based upon the greater good.
- ☒ I understand that I am responsible for reading and following rules and guidelines set by the program, as well as applicable university policies, local, state, federal laws.
- ☒ I will accept support and/or guidance from Extension program staff, supervisors or designees.
- ☒ I will focus on the educational mission of the land grant university, making 4-H programming available to all youth under the equal opportunity policies. (4-H programs are accessible without regard to race, color, religion, gender, gender identity, national origin, age, marital status, disability, and veteran status.) I will demonstrate respect toward the rights and dignity of others; show concern for the welfare of others; expect equality and impartiality; refrain from discriminating against, harassing, or threatening others.
- ☒ I will ensure that there are adequate levels of supervision for youth during programming.
- ☒ I will establish and maintain safe environments for all participants. I understand that I will not be alone with a single, unrelated youth in the context of a university program or activity. If one-on-one time is necessary, we will meet in an open area within sight or sound of another adult in the program.
- ☒ I will limit communication with minors to topics related to educational and program purposes. I will include a second adult when conducting virtual interactions and online communications (i.e., text messaging, email, phone, social media, etc.) with minors in a manner that is consistent with the general youth safety and supervision guidelines.
- ☒ I will act responsibly to protect participants and keep information confidential (e.g., health forms) and limited to those who need-to-know.





Oregon State
University



- ☒ I will provide for physical and emotional needs of participants during programs. Communicate and model that verbal, emotional, or physical mistreatment is unacceptable. I will not administer corporal punishment.
- ☒ I will act quickly to report known or suspected child abuse or neglect in accordance with Oregon State Statute and OSU reporting requirements.
- ☒ I will only release minors to authorized parents, guardians or others as requested in writing by the parent/guardian.
- ☒ I will not use alcohol, marijuana, or other mind-altering drugs, or be under those influences, while responsible for youth or OSU Extension 4-H programs.
- ☒ While planning fundraising, I will help ensure that the promotion and activities are approved through Extension staff to ensure appropriate use of the 4-H Name & Emblem. Handle fundraising and funds in accordance with OSU university and national 4-H regulations. *(As public assets, 4-H funds must be used for educational purposes and never deposited into an individual's bank account.)*
- ☒ I will handle equipment and machinery in a safe and responsible manner, including having a valid operator's license and required insurance coverage.
- ☒ In my role, I will provide appropriate care and treat animals humanely. I will help others do the same.
- ☒ I will promptly report to my supervisor, any violation of law or university policy about which I become aware, including harassment, sexual misconduct, illegal or fraudulent activity, conflicts of interest or other unethical conduct in the 4-H Youth Development Program.
- ☒ As a volunteer, I will notify the Office of Human Resources or Dept of Public Safety within 3 days if I plead guilty or am being convicted of a felony, sex offense or crime (e.g., involving youth, funds, weapons, drugs).

The purpose of this '4-H Adult Agreement' is to clarify responsibilities of adults regarding safety and well-being of youth. It is a privilege, not a right, to work in 4-H Youth Development Programs. Individual actions contrary to the statements above may be grounds for non-acceptance, suspension or dismissal from an OSU 4-H volunteer role, and/or participation in OSU 4-H activity(s).

Signature *Debrae Rios* Date *9/19/23*

Print Name *Debrae Rios*

CHECK ALL THAT APPLY

I am a: ☒ 4-H Volunteer ☒ 4-H Parent/Guardian ☒ Person Responsible for a 4-H Youth

Oct. 2020

Sources: OSU Code of Ethics (July 2014 00475607;1) and OSU Extension 4-H Code of Ethics (July 2017)

OSU Extension 4-H Volunteer Development, 4-H Program Leader, OSU Extension Regional Directors, County 4-H Professionals





24-6723

Siletz Tribal Charitable Contribution Fund

Please read the [STCCF Eligibility Requirements](#) before filling out this application.

If you would like to save this application and continue it at a later date, please click the "Save Application and Continue Later" button at the bottom of the page at any time. You will be sent a link to the email address provided and have up to 30 days to complete your application.

Date

02/21/2024

Applicant Organization:

Ocean Beaches 4-H Community Club

Contact Name:

TiAnne Rios

Title:

Leader

Daytime Phone:

[REDACTED]

Email Address:

[REDACTED]

Mailing Address

[REDACTED]

City

[REDACTED]

State

[REDACTED]

Zip

[REDACTED]

County

Lincoln

Check eligibility criteria below:

Evaluation(s) for past STCCF awards are up-to-date?

Yes

Organization is located within 11-county service area?

Yes

Organization is a Native American entity located in US?

No

If selected for an STCCF award, check should be made payable to:
Ocean Beaches 4-H Community Club

Organization has an open, unexpended STCCF award?
No

Will funds be expended for awarded purpose by deadline?
Yes

Will evaluation report be submitted by the deadline?
Yes

Project Information

How many will benefit from the proposed project?
25 youth

Proposed start date of project:
05/03/24

Grant Category
Education

Project Summary

Ocean Beaches 4-H Club is located in South Lincoln County. In an effort to provide 4-H program to youth in need, we are requesting the grant to pay for 4-H registration fees for youth living in a low-income underserved community and for funds to purchase program equipment/materials for our new Archery Project providing 4-H educational programming for 25 youth.

Capacity & Program Sustainability

Giving youth a chance to participate in 4-H programs, plus the funds will be use to purchase archery equipment. As part of member responsibilities, youth, under the direction of a trained adult leader, will care for the equipment, inventory it upon use, maintain the equipment in such a manner that the club will utilize the equipment purchased. Partnering with Crestview Heights School, archery will meet in the covered playground area. States 4-H provides training. County 4-H provides insurance.

Goals & Outcomes

- Describe 1-3 goals of organization or project demonstrating how the requested STCCF funding will help achieve those goals.
- Goals are specific, measurable, achievable and realistic with defined time frame.

Goal Provide disadvantaged youth access to the 4-h Program	Strategy Pay annual registration fees	Outcome 4-H Programs will be accessible to all youth, regardless of socio-economic or cultural status.
--	---	--

Goal Expose youth to a wide range of skill based programs	Strategy Allow youth to develop their interests	Outcome Youth will learn life long skills of cooking, sewing, fiber arts, animal husbandry, shooting sports, & leadership.
---	---	--

Goal Expose youth to shooting sports-archery- through a local club which is easy to access for children in South County.	Strategy By providing archery locally, all South County members will have access in-spite of available transportation challenges	Outcome Youth will gain confidence and poise through shooting. They will gain a respect for the sport.
--	--	--

Organization Description

The mission of 4-H is to provide youth with intentional, high quality learning experiences that promote interactions with others sustained and active participation across time, and opportunities to make meaningful contributions to the world around them thru a community club and specific projects . South Lincoln County offers a wide variety of 4-H projects to pique the interest of youth. Volunteer leaders are experts in the fields they lead and as such are able to guide youth when acquiring new skills. Current projects offerings are sewing, fiber arts, photography, small animal, leadership and arts & crafts.

Project Description

STCCF funds will pay registration fees for youth in South Lincoln County. Youth involved in the community club practice leadership skills. Ocean Beaches Community Club is run by 4-H youth board of officers. Additionally, youth select projects to learn skills such as animal husbandry, sewing, public speaking, photography & arts. Leaders in the projects are experts in that field and therefore pass along skills which youth can use over a lifetime, leading to a vocation or a hobby. The goal of 4-H is to keep trades alive and participating in club/project activities & showcasing their work at fair, youth build their self esteem through increased responsibilities, which encourages them to be productive citizens.

Additionally, and most importantly, STCCF funds would be utilized in creating an Ocean Beaches 4-H Community Club Archery Project. Fortunately, we have a community volunteer with years of experience teaching Archery for Boy Scouts. She is acquiring all the necessary course work to be

approved through 4-H this Spring 2024 and is ready to begin the project but because this is a brand new project, we have no equipment for the youth and actually no way of raising the funds either. Because of the income level of our community, raising money is difficult and could take years. This is why we are asking for help to purchase bows, arrows and targets. Youth leaders will use the opportunity to inventory and care for the equipment and provide reports to the greater community about the project.

Proposed Project Budget

A. Total Applicant Share Matching Funds SECURED	B. Total Applicant Share Matching Funds PROPOSED and pending	C. Total Amount REQUESTED from STCCF*
\$200.00	\$300.00	\$3,181.45

Total cost of the Project (A+B+C = Total Project Budget)
\$3,681.45

Funding Source One

Funding Source

Ocean Beaches 4-H Club fund raising

Secured Funds	Proposed Funds	If proposed, indicate date.
\$200.00	\$300.00	05/01/24

Add Another Funding Source?

No

Totals

Total Secured	Total Proposed	Total Combined
\$200.00	\$300.00	\$500.00

In no other sources or cash, in-kind, or fundraising is being solicited for this project, please explain why.

This line includes- Ocean Beaches 4-H Club savings of \$200.00

It includes change jars placed at 4 locations- anticipated income of \$100.00

Easter brunch expected to raise \$100.00

Spaghetti dinner expected to raise \$100.00

Budget Item One

Budget Items

4-H Membership for 25 youth

Requested from	Secured	Proposed	TOTALS
STCCF	\$25.00	\$50.00	\$725.00
\$650.00			

Add Another Budget Item

Yes

Budget Item Two

Budget Items

NASP Original Genesis Bow RT (6)

Requested from	Secured	Proposed	TOTALS
STCCF	\$25.00	\$50.00	\$732.00
\$657.00			

Add Another Budget Item

Yes

Budget Item Three

Budget Items

NASP Original Genesis Bow LT (4)

Requested from	Secured	Proposed	TOTALS
STCCF	\$25.00	\$50.00	\$488.00
\$413.00			

Add Another Budget Item

Yes

Budget Item Four

Budget Items

Easton 1820 Arrows (2 sets)

Requested from	Secured	Proposed	TOTALS
STCCF	\$25.00	\$50.00	\$474.00
\$399.00			

Add Another Budget Item

Yes

Budget Item Five

Budget Items

Arrow Curtain

Requested from	Secured	Proposed	TOTALS
STCCF	\$25.00	\$25.00	\$389.00
\$339.00			

Add Another Budget Item

Yes

Budget Item Six

Budget Items

Morrell NASP Youth Archery Target

Requested from	Secured	Proposed	TOTALS
STCCF	\$25.00	\$25.00	\$223.45
\$173.45			

Add Another Budget Item

Yes

Budget Item Seven

Budget Items

Morrell 33" Eternity Target (3)

Requested from	Secured	Proposed	TOTALS
STCCF	\$25.00	\$25.00	\$450.00
\$400.00			

Add Another Budget Item

Yes

Budget Item Eight

Budget Items

Construction materials for rack

Requested from STCCF \$150.00	Secured \$25.00	Proposed \$25.00	TOTALS \$200.00
---	---------------------------	----------------------------	---------------------------

Add Another Budget Item
No

Totals

Total Requested from STCCF \$3,181.45	Total Secured (Applicant Share) \$200.00	Total Proposed (Applicant Share) \$300.00	Total Cost \$3,681.45
Total Requested from STCCF \$3,181.45	Total Secured (Applicant Share) \$200.00	Total Proposed (Applicant Share) \$300.00	Total Cost \$3,681.45

IF THE 2 ROWS OF TOTALS ABOVE DO NOT MATCH - CHECK ALL ENTRIES ON THIS PAGE.

THE 2 ROWS OF TOTALS MUST MATCH FOR APPLICATION TO BE ACCEPTABLE.

Certification:

By signing the application form, the signer certifies:

- The information provided is accurate and that any grant funds received will be used according to the stated purpose and any approved awarded purposes only.
- The organization will comply with all STCCF regulations and guidelines.
- STCCF funds will expend funding only for the purposes as stated in award notice.
- The organization will make reasonable efforts to publicly announce receipt of an STCCF award.
- The organization will provide the required evaluation report by the deadline.
- The organization will return all unexpended funds by the deadline, unless a written request is submitted and approved in advance of the deadline by the STCCF Advisory Board.
- The signatory has the authority to commit the organization to these conditions.

Applicant's Signature

Date

02/21/2024

Di Anne Rios

A copy of this application will be sent to you via the email provided. Please keep this for your

records.

Upload Document(s)

- Archery-budget.pdf

This site is protected by reCAPTCHA and the Google [Privacy Policy](#) and [Terms of Service](#) apply.

From: [tianne rios](#)
To: [Tower, Heather](#)
Subject: Re: Bank Concern
Date: Monday, April 22, 2024 3:54:51 PM

[This email originated from outside of OSU. Use caution with links and attachments.]

I have no concerns with the bank.

On Apr 22, 2024, at 2:29 PM, Tower, Heather
<Heather.Tower@oregonstate.edu> wrote:

Hi TiAnne,

I was alerted of your bank concern over the weekend, and Tiffany had the opportunity to follow up with the bank today. If you choose to close your account, you will still need to have Tiffany be a signer on the new account and have a bank letter from the office for the new institution of your choosing.

I would like to remind you to please contact the office, as well as the Association when things like this occur with your account. A simple email is fine.

On another note, it appears that the funds deposited were from your fundraiser from April 6th. Please fill out the attached report and return it to the office as soon as you can, this is a requirement of all fundraisers.

Thank you for sending your AIL check and getting that taken care of.

Please let me know if you have any questions.

Heather Tower

OSU Extension Service, Lincoln County

4-H Program Coordinator/Lincoln County Fair

Direct Line: 541-648-6818

heather.tower@oregonstate.edu

www.thelincolncountyfair.com

<https://extension.oregonstate.edu/4h/lincoln>

<Final Report for Fundraisers.pdf>

Confederated Tribes of Siletz Indians
201 SE Swan Ave
PO BOX 549
Siletz, OR 97380

Umpqua Bank
1250 N Coast Hwy
Newport,
97365

551299
Date: 04/29/2024

Pay Three Thousand One Hundred Eighty One Dollars and 45 Cents

~~\$3,181.45~~

Pay to the Order of OCEAN BEACHES 4-H COMM CLUB
[Redacted]
United States

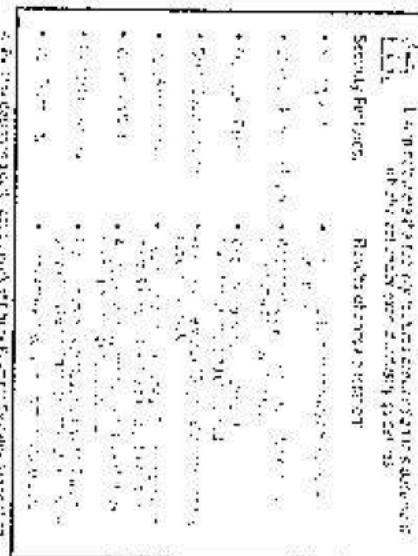


[Signature]
[Signature]

Security Features Included Details on back

551299

1st Security Bank of Washington
5/6/2024
10:28:37
TIMES



*Ocean Beaches
4-H Community
Club*

From: [tianne rios](#)
To: [Candi Claussen](#); [Sue Bennett](#); [Monica Van Bibber](#); [Randi Stevens](#); [Velvet Gibson](#)
Cc: [Tower, Heather](#); [Traci O'Hearn](#)
Subject: Ocean Beaches 4-H NEWS!
Date: Monday, April 29, 2024 8:33:48 PM

[This email originated from outside of OSU. Use caution with links and attachments.]

Ocean Beaches 4-H Leaders,

We had a wonderful planning meeting this evening. Thank you to the library for hosting us.

But first, it is my pleasure to inform you that Ocean Beaches has received TWO grants!.

- Candi/Cara, Monica/Thomas and Ti will be attending the award ceremony on Friday, May 3rd @ 6 pm at Chinook Winds Casino to accept the award on behalf of the club.
- On Friday, May 10, 2024, Leanna, Mako and Ti will go to Three Rivers luncheon to accept the award on behalf of the Club.

And for next year, we will be electing club officers for the 2024/25 year at our next meeting on May 5th. This is so we can have a training this spring preparing the officers to take an active role in the meetings.

We will have a monthly Club meeting followed by a "4-H Extravaganza" - my made up name for this message- could be called something different- but. basically where we will dabble into several interest areas chosen by club members at our welcome back meeting in September.

We will continue to offer these projects connected with Ocean Beaches:

Sewing Project- Leader TiAnne (meeting at Tidewater Creations- Sunday afternoon)

Cooking Project- Leader Monica (meeting on a Wednesday or Thursday evening at Siren's Lure)

Archery Club- Leader Candi (meeting on Saturdays at Crestview Heights covered playground area)

Small Animal project- Leader Velvet

As interest arises and leaders step forward, we will offer more projects for kids. We just thought if we had a monthly meeting where kids get to "try" different things like woodworking, stained glass, knitting, sewing, photography, art etc., we would be helping them develop an interest they would like to take up- and thus form projects off their interests.

Glad most of you joined today. Missed those of you who could not make the meeting.

Please let us know what you think about these plans.

Ti

From: [tianne rios](#)
To: [Tower, Heather](#)
Subject: Regrets
Date: Thursday, May 16, 2024 10:40:18 AM

[This email originated from outside of OSU. Use caution with links and attachments.]

Regretfully, I am unable to meet with you today. I have [REDACTED] that are moving up in my priority list. With that as a major focus in my life right now, while the request from my club was that I be available as a support to new leaders, I am unsure at this point if I am actually able to do even just that much now and in the foreseeable future.

Please inform the gentleman from the state that I will be happy to provide any information about my club to him or to the office in lieu of the meeting.

Thank you for understanding my situation and supporting my decisions to focus on what is most important at this time, [REDACTED]

[REDACTED] After all I am only a volunteer doing the best I can to provide program to kids.

I appreciate your support [REDACTED].

Sincerely,

TiAnne Rios

From: [tianne rios](#)
To: [Tower, Heather](#)
Cc: [Tiffany Kosydar](#); [Traci O'Hearn](#)
Subject: Re: 4-H Club Financials Reminder
Date: Monday, May 20, 2024 11:06:22 AM
Attachments: [Final Report for Fundraisers.pdf](#)
[Intent to Conduct Fundraiser.pdf](#)

[This email originated from outside of OSU. Use caution with links and attachments.]

Thank you for this information, Heather.

I am hoping this was sent out to every club and project leader as a universal message because I have heard from others that they did not receive this information on May 10th.

Since these forms are new to us in the county this year, to confirm my understanding is that leaders fill out these forms when raising money through a fundraising event like a bake sale, car wash, selling meals, etc.

Per our conversation, grants or selling hand towels at a shop not involving kids, or on-line fundraising, or business sponsorship is not included in the requirement for filling out these forms. If this information has been updated, let us know so we can comply.

It would be helpful to receive a written summary of the when the office is expecting these forms to be given to you and for what events.

We are volunteers and need that direction before activities are done. Perhaps this could be a refresher message for everyone.

Ti

On May 10, 2024, at 11:04 AM, Tower, Heather
<Heather.Tower@oregonstate.edu> wrote:

Hello all,

The 4-H Association has made the decision to change their insurance policy, which will greatly affect the way fundraising is done in Lincoln County.

HERE ARE THE NEW RULES:

- At least TWO WEEKS BEFORE any club plans on fundraising, they must submit the "Lincoln County Intent to Secure Club Funds" form (attached and online here: <https://extension.oregonstate.edu/4h/lincoln/forms>).
- Forms must be completed and approved by the office in order for clubs to hold ANY type of fundraiser. By submitting this form, it allows the office to purchase supplementary insurance for your fundraising event, which is otherwise NOT covered by OSU's general policy. Information regarding calculating the cost of insurance is on the form. Clubs should account the cost of the insurance as part of their overall budget when fundraising. The cost of the insurance will need to be paid back to the 4-H Association at the conclusion of their event.
- Once your fundraiser has been completed, you must also submit your Final

Report for 4-H Fundraiser, which is also online at the same link and is also attached.

I have also included the Financial Policy directly from [Oregon 4-H Procedures Section 9](#), which is also available online. I have highlighted information directly related to fundraising. Failure to comply with ANY part of the financial policy outlined may result in the closure of your club account.

9.1 Cooperative Extension, including 4-H, is a tax-assisted entity that relies on federal, state and local appropriations for the conduct of its day-to-day work. These appropriations, however, are not enough to fully support the broad mission of 4-H. Consequently, efforts to generate additional private support of 4-H are valued and expected.

9.2 All fundraising activities must be done in accordance with Title 7 of the Code of Federal Regulations section 8 and USDA Guidelines pertaining to the 4-H program. Consequently, all fundraising activities conducted under the name of 4-H must have the approval of the appropriate Extension 4-H Youth Development faculty member.

9.2.1 As Oregon State University does not recognize fundraising activities as a part of the educational mission of the 4-H program, the tort liability normally extended to volunteers is not provided during these fundraising efforts. This means that 4-H volunteers, clubs and 4-H associations conducting fundraising activities should take out their own liability insurance to cover such events.

9.2.2 The annual accident insurance, purchased by most counties for their 4-H members and volunteers does not cover fundraising. 4-H clubs and County 4-H associations who are conducting fundraising activities should take out event accident insurance, if they so choose to be covered.

9.3 All moneys received from 4-H fundraising programs, except those necessary to pay reasonable expenses, must be expended to further 4-H educational programs.

9.4 Fundraising activities should only be undertaken for a specific purpose and a budget for expenditure of the funds raised should be developed prior to the commencement of fundraising.

9.5 All such monies must reside in bank accounts of organizations recognized as being tax-exempt under section 501(c)(3) of the IRS code.

9.5.1 Raffles are not recognized as being tax exempt. While not prohibited, raffles, lotteries and games of chance are discouraged as 4-H fundraisers. Navigating the state laws and reporting requirements can be complex and difficult. It is the 4-H group's responsibility to research and understand that process. If then, a 4-H group is still considering a raffle, lottery, or game of chance, as a fundraising option, the State 4-H Program Leader, or designee, should be consulted.

9.5.2 Fundraising via social media is not tax-exempt. While not prohibited, choosing social media to conduct some aspect of fundraising, should be done with the full understanding that (a) a donor is making a contribution to the social media entity, not to the 4-H program, (b) the social media entity will be keeping a portion of each donation, and (c) the social media entity will then

issue a payment to the 4-H program. A donor may not be able to consider this a charitable contribution.

9.6 Money raised on behalf of the 4-H program may not be used to influence legislation (including that to create Extension service districts) or to support candidates for elected office.

9.7 Fundraising at state 4-H events is generally discouraged, but may be permissible in some situations. In any case, approval to conduct a fundraising activity at a state event must be obtained from the event coordinator prior to the start of the event.

9.8 Money raised on behalf of the 4-H program **may not be used to purchase personal property** or for the **exclusive benefit of an individual member or volunteer**. Funds raised are to be expended in a manner to be of equal benefit to all members, such as 4-H shirts for all members. Exceptions include raising funds to support youth, volunteer or chaperone participation in a conference, camp, contest, trip or other event for which the individual has qualified through a selection process managed by faculty or staff of the Oregon 4-H Program. Funds received must be deposited into a 4-H account. It is not permissible for 4-H funds to be raised for a relative who is not a chaperone and wishes to accompany their child to the event.

9.9 All funds totaling \$25,000 or more received for the purpose of creating permanent income for the 4-H program **must be invested in endowments created** by the Oregon 4-H Foundation utilizing the management services of the OSU Foundation.

9.10 Current use gifts and grants in excess of \$10,000 must be received by the Oregon 4-H Foundation unless prior approval has been received from the Extension 4-H Program Leader for those funds to be received locally. These funds will be placed in a Foundation account and held exclusively for the county or program for which they were received.

9.11 The 4-H name and emblem shall not be used in a way that it implies a recommendation or endorsement of a commercial service or product. 4-H does not facilitate the sale of livestock, tack, products or services through its publications, e-mail, or websites. 4-H also does not endorse an event that is not of direct benefit to the 4-H members.

9.12 4-H clubs and associations may not give funds to other charities unless the funds to be given were received expressly for that purpose. The best practice for 4-H clubs and the County 4-H Associations to raise funds for another charity is to have the funds given in the name of the charity, ie. checks received are made out in the charity name. Funds given to 4-H to advance the 4-H mission may not be redirected toward another cause. Funds raised to repair, maintain, and/or improve facilities that the 4-H program uses, but does not own, should be raised through the charity organized for the purpose and not through the County 4-H Association.

9.13 4-H clubs and county committees are expected to a) employ an accounting system that has effective internal controls as recommended by Extension 4-H Guidelines and Forms and (b) report to the County 4-H Association annually by the deadline established in that county.

9.13.1 Debit cards do not have effective internal controls and therefore are not allowable for 4-H clubs or committees to use for financial transactions.

9.14 The financial policies stated in this section do not apply to 4-H members who gain

income through sales that occur during their project work. Such as Entrepreneurship project. This is personal income and may be subject to Federal tax laws. Consult a tax advisor.

9.14.1 *If an Auction is conducted as part of the annual 4-H Fair exhibition, it is conducted by a separate organization or committee, not the OSU Extension 4-H program. Participating 4-H youth may receive income at this event. According to Federal tax laws and the IRS, all 4-H members, organizations and contributors involved in the sale of animals at a 4-H auction are strongly encouraged to seek guidance from their tax advisors regarding specific accountability.*

9.15 *If a 4-H Club dissolves (e.g. lack of members) then club assets shall be distributed in the following way: (a) funds will be donated to the local County 4-H Association for continued use toward the 4-H educational mission; and (b) all club property (e.g. equipment, flags, materials) will be delivered to local County Extension 4-H office to be used or redistributed for educational purposes, in accordance with the 4-H mission and understanding when purchases or donations were made.*

I appreciate all of the great work you do as club leaders and just want to remind everyone the importance of the Association's nonprofit status and your responsibility to protect the EIN number linked to the Association. Without that Lincoln County 4-H could not fundraise, allowing clubs to do all of the great work for our youth.

If you have ANY questions, please feel free to reach out to myself or Tiffany Kosydar (cc'd in the email), the current Association Treasurer.

Thank you,

Heather Tower

OSU Extension Service, Lincoln County

4-H Program Coordinator/Lincoln County Fair

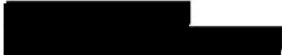
Direct Line: 541-648-6818

heather.tower@oregonstate.edu

www.thelincolncountyfair.com

<https://extension.oregonstate.edu/4h/lincoln>

LINCOLN COUNTY 4-H LEADERS ASSOC
OCEAN BEACHES COMMUNITY CLUB
C/O TIANNE C WADDELL-RIOS



BUSINESS OPTIMUM SAVINGS

5.00% APY¹ for the first \$15,000
then .25% for \$15,000.01 and higher

- Account Requirements:
- Premier Business, 1st Business, Small Business or Nonprofit Checking account²
 - Minimum Business Optimum Savings opening balance: \$100

Summary of Deposit Account Activity						
	Account #	Beginning Balance	Withdrawals/ Service Charges*	Deposits	Dividends/ Interest	Ending Balance
Small Business Checking		188.33	6,557.45	6,369.12	0.00	0.00

Deposit Account Activity	
Small Business Checking - 7001030812	

0.00% Annual Percentage Yield Earned for this account

Deposits

Date	Amount	Transaction Description
05/06	3,181.45	Deposit
05/07	97.57	Deposit Transfer from
05/07	90.10	Deposit Transfer from
05/10	3,000.00	Deposit

Withdrawals

Date	Amount	Transaction Description
05/08	81.20	Withdrawal
05/08	91.13	Withdrawal
05/08	37.73	Withdrawal
05/10	3,000.00	Withdrawal
05/16	655.00	Withdrawal
05/16	2,650.00	Withdrawal
05/24	42.39	Closeout Withdrawal

	Statement Period Total	Year-to-Date Total
Total Overdraft Fees (Paid)	0.00	0.00
Total Returned Item Fees (Returned)	0.00	0.00

¹ APY (Annual Percentage Yield) is current as of 02/01/24. Rates are subject to change daily. Fees may reduce earnings on your account. Consumer accounts are not eligible for this offer.
² To open the Business Optimum Savings account and avoid a monthly service charge, the business must maintain an active business checking account. Limit one Business Optimum Savings account per legal entity ownership of each business checking account.



5/17/2024

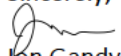
Dear TiAnne,

My name is Jon Gandy, I am the Statewide 4-H Volunteer Manager. Concerns have been raised regarding fundraising and accounting practices for the 4-H Club you lead. I need more information about the following:

1. Please share details related to the 2 grants you applied for to support the 4-H club. I cannot locate a request to raise funds and apply for these grants.
 - a. What are the grants you applied for?
 - b. How will the grant funds be used?
 - c. How much money did you receive?
 - d. What are the requirements of the grant?
 - e. Please provide the budget for each of the two grants expenditures.
 - f. What steps did you take to inform the Lincoln County 4-H faculty member about the grant applications?
2. Regarding the bank accounts and bank statements for your club I have the following questions:
 - a. 4-H accounting practices state that Bank statements must be sent to the Extension Office- where are the bank statements being sent and why?
 - b. We need to know about the funds that were raised in the name of the 4-H club and deposited in the 4-H club bank account and given to a different non-profit, Beach Combers Daze.
 - i. What steps did you take to inform the Lincoln County 4-H faculty member about the fund raiser?
 - ii. How were the funds raised for Beachcomber Days?
 - iii. Why were the funds raised for Beachcomber Days deposited into the 4-H club account?
 - iv. Did the 4-H club fundraise for the Beachcomber Days event?
 1. Please provide details related to this fundraising- including documentation approve the fundraising? What was the purpose of the fundraiser- who did people believe would benefit from the fundraising?
 - c. What is your role with Beachcombers Days?
 - d. Please explain the attached ledger for deposits and debits specifically related to "BCD" and account for each deposit and debit.

Again, I am available to have this conversation with you via zoom or over the phone, per your request I am providing you the opportunity to do this in writing. Please respond by end of business day Friday, May 24th, 2024. I may have further questions depending on the detail of your answers.

Sincerely,


Jon Gandy

Statewide 4-H Volunteer Manager



OSU Extension 4-H Youth Development

Oregon State University
106 Ballard Extension Hall
Corvallis, Oregon, 97331

P 541-737-4444 | **F** 541-737-0999

extension.oregonstate.edu/4h

5/23/2024

TiAnne Rios

[REDACTED]
[REDACTED]
[REDACTED]

Via: USPS, Certified Mail/email

Dear TiAnne,

As a club leader of Ocean Beaches Community Club, it is your responsibility to follow both the 4-H Procedures manual and the 4-H Youth Development Financial Management Guidelines. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Additionally, you initialed and signed the 4-H Adult agreement (attached) indicating the following:

- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

As club leader, you are an authorized user and a signatory on the club's checking account. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

As a 4-H club leader, one of the responsibilities is to ensure compliance with and adherence to Oregon State University 4-H Youth Development (YDP) policies and procedures. [REDACTED]

[REDACTED]

[REDACTED] Your violations of OSU 4-H Procedures are grounds for immediate removal as a volunteer. [REDACTED]

[REDACTED]

[REDACTED] Please return any 4-H assets or property you may have in your possession (including but not limited to funds, club debit card, club or committee records, flags, banners, traveling awards), to Lincoln County 4-H Faculty Heather Tower, at the Lincoln County Extension Office immediately but in no event later than 5 PM on Friday, June 7th, 2024.

Sincerely,

Oregon State University Extension

DocuSigned by:

27AAA50FB9E2464...
Cathy Haas
Director 4-H Youth Development

DocuSigned by:

4B27C2AB42F7437...
Jon Gandy
State 4-H Volunteer Manager

DocuSigned by:

BFADEC54FE5F476...
Wiley Thompson
Regional Director

DocuSigned by:

B2288BC96331413...
Heather Tower
Lincoln County 4-H Faculty

Subject: RE: 4-H Grant Spring 2024

Here is a copy of the check that was cashed.

From: Tower, Heather <Heather.Tower@oregonstate.edu>

Sent: Tuesday, September 17, 2024 11:24 AM

To: Nolan Lane <nolanl@ctsi.nsn.us>

Subject: RE: 4-H Grant Spring 2024

Hi Nolan,

Thank you for the information, just circling back after returning from vacation. Have you heard anything further from the accounting department?

Thank you!

Heather Tower

OSU Extension Service, Lincoln County

4-H Program Coordinator/Lincoln County Fair

Direct Line: 541-648-6818

heather.tower@oregonstate.edu

www.thelincolncountyfair.com

<https://extension.oregonstate.edu/4h/lincoln>

From: Nolan Lane <nolanl@ctsi.nsn.us>

Sent: Wednesday, August 28, 2024 9:18 AM

To: Tower, Heather <Heather.Tower@oregonstate.edu>

Subject: RE: 4-H Grant Spring 2024

You don't often get email from nolanl@ctsi.nsn.us. [Learn why this is important](#)

[This email originated from outside of OSU. Use caution with links and attachments.]

I just found the application for the grant in question(attached), I'm sending accounting the info to find out if this check was deposited or returned.

From: Tower, Heather <Heather.Tower@oregonstate.edu>

Sent: Wednesday, August 21, 2024 11:50 AM

To: STCCF <STCCF@ctsi.nsn.us>

Subject: 4-H Grant Spring 2024

Hello,

One of our 4-H clubs applied and was awarded a grant in April 2024. Unfortunately, due to some mismanagement of funds, the club leader TiAnne Rios was asked to resign from the program. The funds were supposed to be deposited in the club account for use by the club for enrollment in the fall, but the funds were never deposited. Is there anyway to see if the check was returned to the Siletz Tribal Charitable Contribution Fund?

I don't have much information regarding the grant, but here is what I do know:

Ocean Beaches 4-H Club was the applicant.

Funds were awarded for youth enrollment fees for the 2024-2025 4-H program year and possible archery equipment.

The total grant was around \$3,000.

I apologize for the vagueness of my request, but the grant application was completed without my knowledge and I have very little information. Please feel free to reach out if you have any questions, email is best as I am in and out of the office over the next week at State Fair.

Thank you,

Heather Tower

OSU Extension Service, Lincoln County

4-H Program Coordinator/Lincoln County Fair

Direct Line: 541-648-6818

heather.tower@oregonstate.edu

www.thelincolncountyfair.com

<https://extension.oregonstate.edu/4h/lincoln>

<Heather.Tower@oregonstate.edu> wrote:

TiAnne,

Thanks for the speedy reply. Do you have documentation? The funds were withdrawn in cash so there is no paper trail. Did you receive a receipt from the Tribe?

Heather Tower

OSU Extension Service, Lincoln County

4-H Program Coordinator/Lincoln County Fair

Direct Line: 541-648-6818

heather.tower@oregonstate.edu

www.thelincolncountyfair.com

<https://extension.oregonstate.edu/4h/lincoln>

From: tianne rios [REDACTED]

Sent: Thursday, October 10, 2024 1:08 PM

To: Tower, Heather <Heather.Tower@oregonstate.edu>

Cc: Thompson, Wiley <wiley.thompson@oregonstate.edu>; Gandy, Jonathan Lee <Jon.Gandy@oregonstate.edu>

Subject: Re: Grant Follow Up

[This email originated from outside of OSU. Use caution with links and attachments.]

funds returned- thank you for asking.

On Oct 10, 2024, at 12:28 PM, Tower, Heather
<Heather.Tower@oregonstate.edu> wrote:

TiAnne,

It has come to the attention of Oregon State University that the grant funds awarded to Ocean Beaches 4-H Club from the Siletz Tribal Contribution Fund were deposited on 05/06/24 and then withdrawn from your club account on 5/16/24. Can you please verify if the \$3,185.45 from the Siletz Tribal Contribution Fund was in fact returned to the Siletz Tribe?

Please respond to this email by noon on 23 October, 2024.

Thank you,

Heather Tower

From: [Thompson, Wiley](#)
To: [tianne rios](#)
Cc: [Gandy, Jonathan Lee](#); [Tower, Heather](#)
Subject: RE: Grant Follow Up
Date: Thursday, October 10, 2024 4:44:12 PM

Tianne,

I am going to make one last attempt to clearly communicate our requirements.

Please share some evidence – receipt, a name, a location, date, and to who, a method. Some proof that we can present that proves you turned the money back over to a responsible party.

We will take any other answer outside of what is asked for above as testament that you lack such evidence.

Thank you.

Wiley

W. Thompson, PhD Regional Director
Coast Team, OSU [Extension Service](#)
C: 845-608-2227

From: tianne rios [REDACTED]
Sent: Thursday, October 10, 2024 3:09 PM
To: Tower, Heather <Heather.Tower@oregonstate.edu>
Cc: Thompson, Wiley <wiley.thompson@oregonstate.edu>; Gandy, Jonathan Lee <Jon.Gandy@oregonstate.edu>
Subject: Re: Grant Follow Up

You don't often get email from [REDACTED] [Learn why this is important](#)

[This email originated from outside of OSU. Use caution with links and attachments.]

Specifically, I was asked not to volunteer for 4-H and that is what I am doing

On Oct 10, 2024, at 2:52 PM, tianne rios [REDACTED] > wrote:

no receipt-
did it because my name was on it and I am no longer a representative for 4-H
So do not wish to be in that position.
Returned the funds immediately.

On Oct 10, 2024, at 1:16 PM, Tower, Heather

heather.tower@oregonstate.edu
www.thelincolncountyfair.com
<https://extension.oregonstate.edu/4h/lincoln>

From: Jasmine Whitehead <jasminew@ctsi.nsn.us>
Sent: Friday, October 11, 2024 3:53 PM
To: Tower, Heather <Heather.Tower@oregonstate.edu>
Subject: FW: 4-H Grant Spring 2024

You don't often get email from jasminew@ctsi.nsn.us. [Learn why this is important](#)
[This email originated from outside of OSU. Use caution with links and attachments.]

Good afternoon Heather,
we are receiving inquiries from a TiAnna Rios regarding a refund made by the Ocean Beaches 4-H. Unfortunately, I do not have any receipts of this. Anyway you could check your bank regarding the refund?

Thank you,

Jasmine Whitehead
Central Administrative Assistant/Charitable Contributions Coordinator
Confederated Tribes of Siletz Indians
P: (541) 444.2532 ext. 1200
F: (541) 444.8249
Hours: M-F 8:00am-4:30pm

From: Nolan Lane <nolanl@ctsi.nsn.us>
Sent: Friday, October 11, 2024 3:48 PM
To: Jasmine Whitehead <jasminew@ctsi.nsn.us>
Subject: FW: 4-H Grant Spring 2024

Nolan Lane
Outpatient Counselor
Confederated Tribes of Siletz Indians
541-444-9667
nolanl@ctsi.nsn.us

From: Nolan Lane
Sent: Thursday, September 19, 2024 3:06 PM
To: Tower, Heather <Heather.Tower@oregonstate.edu>

From: [Jasmine Whitehead](#)
To: [Tower, Heather](#)
Cc: [Gandy, Jonathan Lee](#); [Thompson, Wiley](#)
Subject: RE: 4-H Grant Spring 2024
Date: Wednesday, October 16, 2024 7:57:18 AM
Attachments: [24-6723 REFUND.pdf](#)

[This email originated from outside of OSU. Use caution with links and attachments.]

Hi Heather,

I meant to give you a ring yesterday but unfortunately became very busy as we were closed for a Holiday on Monday. TiAnne did come in and dropped off this check (see attached). That is the full amount for the grant awarded to Ocean Beaches 4-H for 2nd quarter.

Let me know if you have any additional questions surrounding this situation.

Thank you,

Jasmine Whitehead

Central Administrative Assistant/Charitable Contributions Coordinator

Confederated Tribes of Siletz Indians

P: (541) 444.2532 ext. 1200

F: (541) 444.8249

Hours: M-F 8:00am-4:30pm

From: Tower, Heather <Heather.Tower@oregonstate.edu>
Sent: Tuesday, October 15, 2024 5:10 PM
To: Jasmine Whitehead <jasminew@ctsi.nsn.us>
Cc: Nolan Lane <nolanl@ctsi.nsn.us>; Gandy, Jonathan Lee <Jon.Gandy@oregonstate.edu>; Thompson, Wiley <wiley.thompson@oregonstate.edu>
Subject: RE: 4-H Grant Spring 2024

Hi Jasmine,

TiAnne Rios sent a message that she returned the grant money today, can you please verify that?

Again, if you need to call myself or Wiley, please feel free.

Thanks,

Heather Tower

OSU Extension Service, Lincoln County

4-H Program Coordinator/Lincoln County Fair

Direct Line: 541-648-6818

Notice to customer

As a condition to this institution's issuance of this check, purchaser agrees to provide an indemnity bond prior to the refund or placement of this check in the event it is lost, misplaced, or stolen.

Cashier's Check

1390005173

96-505/1232

Tianne Waddell-Rios

October 15 2024

Remitter

Date

Pay to the order of

Confederated Tribes of Siletz Indians*****

\$3,181.45

Three Thousand One Hundred Eighty-One and 45/100ths Dollars

Memo



UMPQUA BANK

(866) 486-7782

Los Famosos

1390005173

RECEIPT

DATE

10/05/2024

No.

104786

RECEIVED FROM

Tianne Rios

\$

3181.45

Three Thousand one eighty one 45/100

DOLLARS

FOR RENT

FOR

Refund STCC F24.6723

1390005173

ACCOUNT

3181.45

PAYMENT

3181.45

BAL. DUE

0

CASH

CHECK

MONEY ORDER

CREDIT CARD

FROM

TO

BY

3-11



December 16, 2024

Waldport Beachcomber Days
President Tammy Abele
PO Box 2254
Waldport, OR 97394

Re: Accounting review follow-up

Ms. Abele,

The city would like to thank Waldport Oregon Beachcomber Days for providing an accounting review for the last year. We are pleased that no obvious misconduct was evident. Unfortunately, the report confirms information contrary to that provided by the Beachcomber's Board in their request for grant funding and their subsequent budget submissions, a potential violation of state law. While these errors might have been interpreted as unintentional, other community partners responded to the original press release by providing confirmation of similar financial concerns affecting their organizations by one shared volunteer and board member.

While we have significant unresolved questions, after lengthy discussion the council has decided that it is best to move on to allow both organizations to proceed without dragging out the inquiry further.

As such, the city council has decided to take the following actions:

- 1) The city formally denies your request for grant funding.
- 2) The city will not renew the expired market agreement with Beachcombers. WOBD has only run the market the last few years, and the city will seek other partners to do so.
- 3) The city lifts the previously provided restrictions on using city property, buildings or services. Beachcombers may resume activities upon meeting the municipal code requirements like any other entity in the city. Care will be taken to avoid any bias in review of requests.

And finally, the city has determined that it has a legal obligation to turn over all documents, notes, and investigative information to the Lincoln County Sheriff's Office, the District Attorney's office, the Oregon Department of Justice as well as the IRS.

At this time, we consider the financial relationship between the City and Beachcombers to be completed. We will not ask for further financial information at this time. However, we reserve the right, should the need arise, to demand all financial documents necessary to ensure that city grant funds were not misappropriated and enforce the full terms of the memorandum of understanding during the previous years of the market operation by the Beachcomber Days organization.

Sincerely,

Dann Cutter, City Manager
The City of Waldport

CC: Waldport Council

Subject: Fraud / Attempted Theft 1

Date: Thursday, December 12, 2024 at 10:58:09 Pacific Standard Time

From: Michael Thornicroft

To: Dann Cutter

CC: Aaron Brooks

Hi Deputy Brooks,

I was just speaking with Dann Cutter of Waldport, and it sounds like there is, at the very least, an Attempted Theft 1 from the City of Waldport. It sounds like there are some peripheral issues, as well. Would you mind meeting with Dann when you have the chance and taking a report, and then sending it my way? From what Dann has told me, it sounds like a crime, but I'd feel more comfortable having a member of the SO's Office look into it and sending in a report. I am thinking Attempted Theft 1, but I would be open to whatever else you might think is appropriate.

Respectfully,

Michael Thornicroft

Michael Stanway Thornicroft

Lincoln County Deputy District Attorney

Direct Line: 541-270-4793

(Direct Line will receive text messages)

DISCLOSURE NOTICE: Messages to and from this email address may be subject to Oregon Public Records Law.

Voice mail

From Anna Cooper <acooper@co.lincoln.or.us>
Date Fri 1/17/2025 4:25 PM
To Heide Lambert <heide.lambert@waldport.org>
Cc Ellen Branford <ebranford@co.lincoln.or.us>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi, Ms. Lambert,

Thank you for the voicemail (it was forwarded to me). I don't know to whom to direct you for further information or assistance based on the vague information left, but if you could "reply all" to me and our Executive Chief, Ellen Everitt (CC'd / email is branford), one of us can point you in the right direction.

Please note we close at 5pm today and Monday is a holiday, so we may not be getting back to you until Tuesday next week.

Thank you and have a good weekend!

Anna Cooper
Administrative Chief
Lincoln County District Attorney's Office
225 West Olive Street, Room 100
Newport, OR 97365

(541) 265-0263

acooper@co.lincoln.or.us

Did you notice my font is large? This is done for accessibility purposes. It is recommended to use at least 14pt font size with Arial or Verdana fonts being the most legible.

Subject: Request to meet this Friday

Date: Tuesday, February 4, 2025 at 12:19:14 PM Pacific Standard Time

From: Heide Lambert

To: Dann Cutter, Greg Dunn

Hello Dann and Greg,

It has been a priority of mine to set up a weekly meeting with both of you and I apologize I have not reached out sooner. As you both are aware my sister is gravely ill and has been in and out of the hospital, taking me unexpectedly out of town. I appreciate your patience with my schedule.

I was hoping we could plan on meeting Fridays for now and then can change the day as needed. For the next month it is the only day I am available all day. Is there a time that works best for the two of you?

I am hoping that we can meet this Friday before the goal meeting.

Since being sworn in as Mayor, I have been contacted by many Waldportians who are very upset about the way the city staff are responding to their requests, including the City Manager. Many of these upsets are centered around the sale of the Fire Department, the lack of public input in the use of the old school building, the lack of cooperation with Beachcombers and the lack of communication with Township 13 HOA. It is my understanding that these subjects need council's attention and quick repair to avoid further damage to our community. I look forward to hearing your suggestions and thoughts on the matter.

Please let me know if you can meet Friday and when works best for you.

Best,

Heide

DISCLOSURE NOTICE: Messages to and from this email address may be subject to Oregon Public Records Law.

Note from meeting:

Feb 7th, 2024

Present: City Manager, Mayor Lambert, Council Pres. Dunn

Topic: Township 13

Complaint regarding access, communication. Reviewed previous interactions. Talked about Lambert/Dunn meeting results - Want street sweeping on roadways, notice of any access. Discussion regarding legal easement (Lambert – “Well, I don’t know that its legal.” Dunn – “It’s from the city attorney.”)

Conclusion: They can apply for city grant for street sweeping, will notice if traffic is unusually and project going on.

Beachcombers:

Complaints about permits, and parade mapping requirement. Lambert – “we need grey area for Beachcombers”. Talked about concerns over fundings. Lambert – “need to grieve the city loss”. Lambert – “need to just do map for them”. Lambert – “Please provide me the ODOT information and I will speak to BCD.”

Conclusion: Cutter will make parade map for BCD. Send signed ODOT forms to Lambert.

Topic: Fire District

Update on property sale and legislature. No action. Lambert – “We should consider giving them money to show partnership.”

Notes from Meeting

March 7th, 2025

Present – Mayor Lambert & Council President Dunn

Topic: Township 13

Incident previous week with trucks using street. Investigation showed only a few trucks. Valid easement. Lambert – “Your view of minor project and theirs are very different.”

Topic: Market

Lots of complaints about Market RFP response. Lambert – “We should have done a third party investigation into the whole BCD issue with you.”

Mentioned meeting with City attorney to discuss market issue and trademark infringement. Lambert inquired about coming too. Explained Council rule 6.6 to her again (Council members require permission of the council to speak with the attorney). She got very upset, and demanded a printout of the rules though she had been given them on Feb 8th.

recommendations of resources available

From Heide Lambert <heide.lambert@waldport.org>

Date Fri 3/21/2025 12:13 PM

To rklein@orcities.org <rklein@orcities.org>

Hello Ms. Klein,

I am a newly elected Mayor of a small Oregon town. The City Manager and previous council had some issues with board members from a local non profit organization that managed the farmers market and several events. This organization is now filing a tort claim against the city. The city manager informed the council today:

"Regarding the threat to file against individuals – you enjoy both qualified and sovereign immunity (as do I). Any directed suits would be transferred to the larger claim against the city."

I am not sure that is true. As it is my understanding that the council can be individually liable, especially in instances of defamation, bullying and harassing. I have asked that the city attorney be present at our meetings to answer some of my questions but I am told that can only happen with the vote of council (and so far the responses do not support I have their votes as a couple have told me I "need to just trust" the CM and that we do not need legal counsel).

Meanwhile I have received over 7 letters asking the CM be investigated for defamation, bullying and harassment of these board members and others. As a business manager, I understand this to be my obligation to look into these claims but I am unsure how to do that as an elected official. I could use some information to take back to the council of how best to proceed with these formal complaints.

I am very uncomfortable with the city getting into litigation while the council has not had direct contact with our attorney. Could you please inform me of resources or who I can contact that can walk me through this.

Thank you.

Kindly,
Heide Lambert

Subject: Re: Formal complaints received...

Date: Tuesday, April 1, 2025 at 4:11:33 PM Pacific Daylight Time

From: Heide Lambert

To: Heide Lambert

Dear Members of Waldport City Council,

I am writing in response to two letters that were sent to the city council by two employees of the City of Waldport. Each letter referenced me and my behavior, specifically on the afternoon of Tuesday, March 25, 2025, inside City Hall.

I have read both letters and feel concerned that my statements and demeanor, though misinterpreted, might have contributed to feelings of unease, and I apologize for not realizing this at the time. I also appreciate the opportunity to share my experience of the situation, in City Hall, on that day—including my thoughts, feelings, and intentions.

The letters mentioned above were written by Robin Morris, Office Manager, and Ellen Valentine, Finance Manager. Each letter includes descriptions and interpretations of my demeanor, tone of voice, and body language. In addition, both writers make inferences about my emotional state and what I was feeling, as well as assumptions about my intentions and knowledge of what was included in the mail that I picked up. While I want to be accountable for anything I may have said or done that caused either of these employees to feel “uncomfortable” or “Intimidated,” I am baffled by the allegations and do not believe I was “aggressive.” Nor do I think I violated the city charter.

Though I am not obligated to share this, it might be helpful for you all to know that on March 21, 2025, while shopping at Ray’s, I was approached by a community member who informed me they had sent me, the mayor of Waldport, a formal letter of complaint about Dann Cutter, the city manager. This concerned me, as I was hoping to collaborate with all of you, as well as our legal counsel, on strategies to mitigate distress among community members. I decided to contact the League of Oregon Cities (LOC) to inquire about resources that we, the council, could access for support in a situation like this. I was advised to call Citycounty Insurance Services (CIS), which I did. I was able to consult with CIS attorney, Ross Davies, on the morning of March 24, 2025. He suggested that I go to City Hall and pick up my mail, then take the letter to the County Clerk and request it be scanned and sent, electronically, to all council members (including me) and the city attorney.

When I entered City Hall on March 25, 2025, my intention was to do exactly what Ross Davies suggested. I went to my mail box, and was surprised to find so many envelopes, all addressed to me, opened, and stamped “received” and “scanned.” Some of them had “Private” and/or “Confidential” written on them by the sender. I looked through the pile searching for the letter I was expecting and was mystified that it was not among the others.

I did, however, fear that the letters included more complaints against the city.

I did not realize, as I do now that Ellen Valentine informed me, that it is the city's policy to open and scan all letters to council members—regardless of whether or not they say “Private” and/or “Confidential” on them—and I admit to being taken aback by that. In fact, I felt as though my privacy had been somewhat violated.

It is my recollection that, at this point, I approached the counter and spoke with Robin Morris who was sitting behind the protective, glass barrier. I showed her the letters in my hand and asked if they were forwarded to council members after they were scanned. She indicated that she didn't think so and that the city manager instructed Ellen Valentine to scan and forward them to him since the city recorder was out of the office on vacation.

To be honest, I was stunned when I realized community members' confidential complaints that were sent to the mayor, were not forwarded to the mayor or the council but directly to the city employee who I assumed the complaints were about. I foresaw this as another possible legal issue for the city, and I immediately set an intention to request guidance, again, from CIS. I also wondered why the letter I had come to pick up seemed to be missing. It was all very perplexing and I attempted to gather more information from both Robin Morris and Ellen Valentine, who had approached the counter, so I could properly relay the facts to CIS.

Ellen Valentine confirmed that Dann Cutter, the city manager, had directed her to scan the letters and forward them to him in an email. She then directed me to call him to express my concerns. Though, as I recall, her language was less professional than that and somewhat abrasive which I found unsettling and disrespectful. Still, I tried to comprehend the situation which was so far from what I had anticipated and I asked, again, if she would forward the letters to the members of city council. She then told me that our conversation was over and that if I have any issues, I needed to call Dann Cutter. At which point, I informed her that I intended to bring my questions to the attorney, rather than the city manager, and I left the building.

I was baffled at what had just happened, and I attempted to make sense of it all. Had I received the email that was sent from the city manager to the city council, prior to entering City Hall on March 25, 2025, I would have been less surprised to find that bunch in my mailbox. But unfortunately, that email was not delivered to my Inbox until the morning of March 26, 2025. While sitting in my car, I found myself experiencing conflicting concerns and emotions. I was concerned for myself, the city manager, the members of the community who thought they were confiding in their city council, and the city of Waldport.

Our city is currently experiencing a social crisis, at the very least. Whether their concerns prove to be valid, or not, the truth is that members of the community are upset with the city

manager and frustrated with the city council. I heard some of the concerns during my campaign, and was aware that if elected, I would need to collaborate with all of you, Dann Cutter, and city staff in an effort to prevent legal and financial burdens on the city. I met with Dan Cutter and council member, Greg Dunn, in early March to learn about our legal counsel protocol and brainstorm ideas to help mitigate law suits from community members and/or organizations. Unfortunately, I walked away from that meeting with more questions and concerns.

As I reflect on my experience in Waldport City Hall on March 25, 2025, I know for a fact that I was not experiencing any feelings of anger or hostility toward either Robin Morris or Ellen Valentine. I appreciate and value their contributions to the city of Waldport. It was never my intention to “demand” anything of either of them. Nor did I. I simply needed clarification, support, and help, and I apologize if my shock, confusion and concerns prevented me from communicating that more effectively. The culture of collaboration that I had experienced in my previous term on the city council appears to have shifted and it is taking me some time to adjust.

I hope we can move forward so we can all work on the important issues confronting the city of Waldport.

Sincerely,
Mayor Heide Lambert

BCC:
Megan Torres, City Recorder
Dann Cutter, City Manager
Greg Dunn
Rick Booth
Jayme Morris
Susan Woodruff
Michelle Severson
Jerry Townsend
Macpherson, Ginter, Diaz Law Office, City Attorney

From: Dann Cutter <dann.cutter@waldport.org>
Sent: Friday, March 28, 2025 3:23 PM
Subject: Formal complaints received...

Hi All,

We have received two formal complaints against the Mayor. I have enclosed them. I have asked the

mayor to provide a response if she so chooses.

On preliminary review, these complaints do meet the standards for a tort claim of harassment and are in violation of City Charter rule 21(g).

Much like with any complaint against an officer of the city, you will need to decide whether these complaints are worth holding a hearing. If so, under 192.660(b) Mayor Lambert will need to indicate whether she would like to hold them as an open hearing or an executive session.

For an elected official, if the charges are substantiated, the options can include nothing, censure (which is simply a publicly issued reprimand) all the way to removal from office. My office nor the city attorney will or can advise on which course you should take.

A message regarding timing will follow shortly.

- dann

Dann Cutter
Waldport City Manager
Office: 541-563-3561 option 7
Cell: 541-270-6996
dann.cutter@waldport.org

DISCLOSURE NOTICE: Messages to and from this email address may be subject to Oregon Public Records Law.

DISCLOSURE NOTICE: Messages to and from this email address may be subject to Oregon Public Records Law.

250317	1st email to Mayor with letter of complaint regarding city manager.pdf
250317	2nd email to Mayor with letter of complaint regarding city manager March 17th.pdf
250317	3rd email to Mayor with letter of complaint regarding city manager March 17th.pdf
250317	email from BCD to mayor march 17th regarding market organization.pdf
250318	4th email to Mayor with letter of complaint regarding city manager March 18th.pdf
250319	5th email to Mayor with letter of complaint regarding city manager March 19th.pdf
250319	6th email to Mayor with letter of complaint regarding city manager March 19th.pdf
250319	email from BCD to mayor regarding ODOT paperwork.pdf
250319	email from mayor regarding odot forms.pdf
250319	email to mayor regarding parade ODOT permit.pdf
250320	7th email to Mayor with letter of complaint regarding city manager March 20th.pdf
250320	8th email to Mayor with letter of complaint regarding city manager March 20th.pdf
250320	Email to Mayor regarding tort claim from BCD.pdf
250321	email from mayor to LOC stating she recieved 7 letters of complaint.pdf
250324	9th email from BCD to mayor regarding...plaint regarding city manager march 24th.pdf
250324	email to Heide lambert deliveredMarch 24th regarding letters of complaint.pdf
250326	email from mayor to CIS march 26th.pdf
250326	email reponse to mayor from CIS march 26th.pdf
250327	email from mayor to CIS regarding attorney.pdf
250327	email response to mayor from CIS.pdf
250327	email to cindy at CIS march 27th.pdf
250327	email to CIS from mayor on march 27th.pdf

Email from Ross Davis on April 10th, 2025:

I have read Ms. Lambert's 4/1 email. First, I am not an attorney and never claimed to be. Second, I did not advise her in anyway as she describes. She brought up the complaint and I advised to follow whatever City protocols there are for complaints against any employee by a citizen.

I would ensure you follow whatever due process is required by law and would ensure your City Charter is constitutional, in light of the Corvallis case where a District Court determined the wording in their Charter was unconstitutional relating to the due process and removal of a Councilor.

As I discussed with Dann and with Ms. Lambert, my recommendation is to follow your charter and protocols and follow the advice of your City attorney.

Thank you.

Ross



Ross Davies | Property Liability Claims Supervisor
CIS | 15875 Boones Ferry Rd. #1469 | Lake Oswego, OR 97035
 503-763-3878
cisoregon.org

May 13, 2025

Letter to the Attorney Representing the City of Waldport From Mayor Lambert's Attorneys, Jesse A. Buss and Thomas M. Christ

JESSE A. BUSS
411 FIFTH STREET
OREGON CITY, OR 97045
WWW.WLGpnw.COM



PH 503-656-4884
FAX 503-608-4100
JESSE@WLGpnw.COM

WILLAMETTE

— LAW GROUP —

For People & the Places They Love

May 13, 2025

Macpherson, Gintner & Diaz
Attn: Corey Blake, Esq.
Via Email Only to: blake@mggdlaw.com

RE: *Lambert v. City of Waldport*, Lincoln County Case No. 25CV27517

Dear Mr. Blake:

We write to address inconsistencies between Mr. Cutter's May 9th email, his public statements, and the city's actual legal obligations.

Entity Name	WALDPOR T WEDNESDAY MARKET
Foreign Name	
Affidavit?	N

New Search		Printer Friendly	Associat
Type	PPB	PRINCIPAL PLACE OF BUSINESS	
Addr 1	10126 NW LINE STREET		
Addr 2			
CSZ	SEAL ROCK	OR	97376

The Authorized Representative address is the mailing address for this business.

Type	REP	AUTHORIZED REPRESENTATIVE	
Name	TIANNE		RIOS
Addr 1	10126 NW LINE STREET		
Addr 2			
CSZ	SEAL ROCK	OR	97376

Type	REG	REGISTRANT	
Of Record	935797-96	LINCOLN COUNTY BEACHCOMBER DAYS	
Addr 1	10126 NW LINE ST		
Addr 2			
CSZ	SEAL ROCK	OR	97376

935797-96	DNP	INA	OREGON
Entity Name	LINCOLN COUNTY BEACHCOMBER DAYS		
Foreign Name			
Non Profit Type	PUBLIC BENEFIT WITH MEMBERS		

New Search		Printer Friendly		Associated Names	
Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	10126 NW LINE ST				
Addr 2					
CSZ	SEAL ROCK	OR	97376		

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	
Name	TIANNE		RIOS
Addr 1	10126 NW LINE ST		
Addr 2			
CSZ	SEAL ROCK	OR	97376

Type	MAL	MAILING ADDRESS			
Addr 1	PO BOX 2254				
Addr 2					
CSZ	WALDPORT	OR	97394		

Type	PRE	PRESIDENT	
Name	TAMMY		ABELE
Addr 1	5129 NE HIGHLAND AVE		
Addr 2			
CSZ	YACHATS	OR	97498

Type	SEC	SECRETARY	
Name	TIANNE		RIOS
Addr 1	10126 NW LINE ST		
Addr 2			
CSZ	SEAL ROCK	OR	97376

New Search	Printer Friendly	Name History
Business Entity Name		
LINCOLN COUNTY BEACHCOMBER DAYS		
WALDPORT OREGON BEACHCOMBER DAYS		

2025 AUG 13 AM 9: 57

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF Lincoln

TiAnne Rios
Petitioner

Case No: 25PO07919

Filed by ☐ Guardian or ☐ Guardian ad litem

**PETITION FOR RESTRAINING
ORDER TO PREVENT ABUSE**
Ex Parte

v.

Dann Cutter

*(Elderly Persons and Persons with
Disabilities Abuse Prevention Act)*

Respondent
(Person to be restrained)

➤ I need an interpreter: ☐ Spanish ☐ Russian ☐ other: _____

NOTICE TO PETITIONER

- You must provide **complete and truthful** information. If you do not, the court may cancel the restraining order. The court may also hold you in contempt.
- **Contact Address and Telephone Number:** If you don't want Respondent to know your residential address or phone number, use a safe contact address and telephone number so the court and the sheriff can reach you if necessary.

I am ☒ **Petitioner** or ☐ **Petitioner's guardian or guardian ad litem**¹ ("guardian petitioner"). I declare that the following information is true as to Petitioner:

1. Residency

I live in *(county and state)* Lincoln County, Oregon

Respondent lives in *(county and state)* Lincoln County, Oregon

☒ I am filing in this county because an incident of abuse occurred here (see below)

If this Petition is filed by a guardian petitioner, Petitioner's SAFE contact information:

Street City, State, ZIP Contact Phone

2. Party Information

Petitioner:

- ☒ is age 65 or older
- ☐ is a person with a disability

Other disability information *(optional)*: _____

☐ Respondent is not a court-appointed guardian or conservator for Petitioner

¹ Complete all answers on behalf of Petitioner, not yourself, unless otherwise specified

3. Other Cases Between Petitioner and Respondent (*pending or finished*)

☐ There is a restraining order² or stalking order

County and state: _____ Case #: _____

☐ There is a court case for divorce (dissolution), annulment, or separation

County and state: _____ Case #: _____

☐ There is a protective order case under ORS Chapter 125 (Guardianship and Conservatorship)

County and state: _____ Case #: _____

4. Abuse within past 180 days

Within the past 180 days (about 6 months)* the respondent has abused me (as defined in ORS 124.005(1)) at least one time in the following ways:

(*check all that apply*)

☒ Caused (or tried to cause) me physical pain or injury (not by accident)

☐ Caused physical harm by withholding services needed for my health and well-being

☐ Abandoned me by neglecting to perform or stopping duties and obligations and is my caretaker

☐ Wrongfully took or used my money or property, or threatened to

☐ Had sexual contact with me that I did not consent to or was not able to consent to

☒ Made me fear significant physical or emotional harm by:

☒ using derogatory, inappropriate, or profane names or phrases

☒ ridicule, harassment, threats, or intimidation

☐ inappropriate sexual comments

☒ conduct or actions

**The 180-day period can be increased by any time Respondent was in jail or prison, or lived more than 100 miles from your home*

☐ Respondent was in jail or prison

Dates (from – to) _____

☐ Respondent lived more than 100 miles from my home

Dates (from – to) _____

5. Incidents of Abuse (*if filing for sweepstakes restrictions, skip to section 7, below*)

A. Specific Acts re: Money or Property

☐ Respondent wrongfully took or used Petitioner's money or property

☐ Respondent knowingly alarmed Petitioner by threatening to wrongfully take or use money or property. It is reasonable for Petitioner to believe the threat would be carried out.

B. Describe the incidents of abuse that happened **within the past 180 days, starting with the most recent incident**

² Under EPPDAPA, Family Abuse Prevention Act (FAPA), or any other source

I have endured an escalating pattern of harassment, retaliation, and public humiliation by Respondent, Dann Cutter. I have served this community for years as a volunteer, working tirelessly to organize events, provide scholarships to local students, and foster a sense of unity. Yet, despite my proven dedication Mr. Cutter has continued to single me out. He has spread false and damaging statements — both publicly and behind closed doors — using his influence to discredit me, erode my standing in the community, and provoke hostility toward me.

I am a senior citizen, and this ongoing harassment has taken a serious toll on my health. The constant stress, anxiety, and humiliation have left me increasingly ill — both mentally and emotionally. I now live in fear, not only of what he might do directly, but of how his words encourage others to treat me with cruelty and suspicion. When I leave my home, I feel eyes on me — not with kindness, but with judgment he has created. I have been excluded from community spaces, shunned at public gatherings, and made to feel unsafe doing everyday tasks like shopping or walking in town. His influence is far-reaching, and his actions have stripped me of my sense of safety and belonging. Without the Court's protection, I believe his campaign against me will continue to escalate, putting my health, dignity, and emotional well-being in even greater jeopardy.

Describe the incidents of abuse that happened within the past 180 days, starting with the most recent incident

August 10–11, 2025 – Public Defamation and Criminal Accusations

Just days ago, Waldport City Manager, Dann Cutter, made multiple public posts naming me and accusing me of committing serious crimes. In these posts, he stated as fact that I “committed attempted theft,” “tried to defraud the city,” submitted “false budget documents,” and is “pretty sure we have her on money laundering.” He claimed there was “proven fraud” against me, despite there being no legal charges, confirmed investigations, or official findings of wrongdoing. These comments were posted in a public online forum where community members could read, react, and join in.

July–June 2025 – Linking My Name to Political Conflicts

In the weeks prior, Cutter repeatedly tied my name to unrelated political disputes, telling the public that “the mayor is in bed with Ms. Rios and the recall petitioner” and claiming that before “Heide and TiAnne, the city was running smoothly... Heide and TiAnne brought a halt to that.” These comments were designed to portray me as part of a conspiracy against him and to frame me as a source of dysfunction in city government.

April–May 2025 – Continued Retaliation Despite Exoneration

Even after I had been officially cleared of financial wrongdoing, Cutter continued to repeat the same false accusations in public discussions. He dismissed documented evidence in my favor and insisted he had “proof” of misconduct that does not exist. This persistence shows a pattern of retaliation and an intent to damage my name rather than address facts.

February–March 2025 – Community Incitement

Earlier in the year, Cutter began using public platforms to encourage hostility toward me, making statements that questioned my honesty and integrity. These public attacks emboldened others in the community to echo his false claims. His posts created a climate where I have been subjected to ridicule, suspicion, and exclusion.

☒ Additional page attached labeled “Incidents of Abuse – 180 Days”

C. ☒ Other incidents of abuse happened **more than 180 days ago** (*describe*):

The ongoing abuse from Dann Cutter has reached a point where it is taking a severe toll on my mental and emotional health. His repeated public attacks, false accusations, and deliberate attempts to turn my community against me have left me in a constant state of fear and anxiety. I no longer feel safe in the town I have called home for years.

The stress from this unrelenting harassment has become so overwhelming that I have recently been referred for a psychiatric evaluation. My ability to maintain emotional stability has been deeply shaken. I struggle with persistent worry, loss of sleep, and a constant feeling of being under threat. I avoid public places and community events, fearing I will be confronted, ridiculed, or humiliated because of the false narrative he has spread about me.

I am a senior citizen, and the impact of this abuse is magnified by my vulnerability. I feel cornered, isolated, and targeted, and I can no longer carry the weight of this alone. I am afraid of what will happen if this behavior is allowed to continue. I need this to stop so that I can begin to heal, regain my sense of safety, and live without the constant fear of being attacked.

☐ Additional page attached labeled “Additional Incidents of Abuse”

6. ☒ I am in immediate and present danger of future abuse by Respondent

Explain:

Dann Cutter has repeatedly made false and defamatory statements—both publicly and in meetings—claiming I have been investigated and found guilty of stealing from nonprofits and financial institutions. These claims are entirely false and unsupported by any evidence.

His relentless actions constitute abuse, including public ridicule of a senior citizen, harassment, and intimidation, and meet the definition of coercive conduct that causes significant emotional harm. By using his position of authority to spread these damaging lies, Mr. Cutter has interfered with my ability to work in the community, harmed my reputation, and inflicted lasting personal distress.

7. For sweepstakes restriction:

- ☐ Petitioner has spent more than \$500 on sweepstakes promotions from Respondent and/or associated entities in the past year. Petitioner needs the court's assistance to avoid incurring further expense.

8. Move-out and Assistance Orders

- ☐ I want Respondent ordered to move out of my residence (*check all that apply*):
- ☐ the residence is solely in my name
 - ☐ Respondent and I jointly own, lease, or rent the residence
 - ☐ Respondent is my spouse or Registered Domestic Partner³

- ☐ I want a peace officer to accompany ☐ me ☐ Respondent to leave the residence and/or remove essential personal effects from the residence

9. Firearms Prohibition and Dispossession (*optional*)

- ☐ I ask the court to prohibit Respondent from possessing firearms and ammunition and to order Respondent to surrender all firearms and ammunition currently in their possession because Respondent is a threat to my physical safety and welfare.

Explain why: _____

- ☐ Petitioner and Respondent have a QUALIFYING RELATIONSHIP:

- ☐ spouses/Registered Domestic Partners (*current or former*)
- ☐ cohabitants (*current or former*)
- ☐ in a sexually intimate relationship (*current or former*)
- ☐ adults otherwise related by blood or marriage

10. Additional Relationship Information

(This information is optional. You do not have to tell the court what your relationship to Respondent is unless you have asked for an order prohibiting firearms in Section 9. Your restraining order will not be denied if you choose not to provide relationship information.)

Respondent is my:

- ☐ family member ☐ roommate/cohabitant ☐ landlord ☐ caregiver

³ Only same-sex couples can have a Registered Domestic Partnership in Oregon. If you are not sure if your partnership is a Registered Domestic Partnership, you may want to talk to a lawyer.

☐ other: _____

11. Attorney Fees

☒ I want Respondent to reimburse me for attorney fees and other expenses related to this case

I ask the court to order my requests as marked on the Restraining Order to Prevent Abuse

I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.

Submitted by: ☒ Petitioner ☐ Guardian petitioner ☐ Attorney for Petitioner

8/13/2025
Date

TiAnne Rios
Signature

tiannerios@yahoo.com
Email

TiAnne Rios
Name (printed)

101226 NW Line Street Seal Rock, OR 97376 541-270-5752
Contact Address (use a SAFE address) City, State, ZIP Contact Phone (use a SAFE number)

Attorney for Petitioner:

Date

Signature

OSB#

Name (printed)

Address City, State, ZIP Phone

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINCOLN

TIANNE RIOS,

Petitioner,

v.

DANN CUTTER,

Respondent.

Case No. 25PO07919

**STIPULATED MOTION TO DISMISS
WITH PREJUDICE**

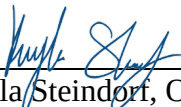
Upon stipulation of the parties pursuant to ORCP 54 A(1), petitioner TiAnne Rios dismisses the above-captioned action in its entirety with prejudice and with no award of attorney fees, costs, or disbursements to any party.

IT IS SO STIPULATED:

DATED this 17th day of September, 2025.

THE REYNOLDS LAW FIRM LLP

MARKOWITZ HERBOLD PC



Kayla Steindorf, OSB #175494
kayla@reynoldslaw.us
Attorneys for Petitioner TiAnne Rios



Kerry J. Shepherd, OSB #944343
KerryShepherd@MarkowitzHerbold.com
Attorneys for Respondent Dann Cutter

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

Kayla Steindorf
The Reynolds Law Firm LLP
555 NW 5th Street
Corvallis, OR 97330
Attorney for Petitioner

DATED: September 17, 2025.

2360561.2

CFS	Police Call Type	Fire Call Type	EMS Call Type
692	ORDVIO3		

Nature of Call *			
Caller Name	LAMBERT, HEIDE		
Caller Phone	5412724603		
Call Taker	Crosby, Harmony	Police Radio Channel	
Priority	Medium	Fire Radio Channel	
Created	10/16/2025 14:16:56	Ems Radio Channel	
Dispatched	10/16/2025 14:38:05	Arrived	10/16/2025 15:17:56
Fire Controlled		Cleared	10/16/2025 15:41:05

Address	SE BALL BV SE BIRD AV, WALDPORT		
Common Name			
Cross Streets			
Venue	WALDPORT		
Quadrant	COCF7201	District	PWA-WALDPORT
Station		Beat	NPS03-WALDPORT
Police Ori	OR0210000		
Fire Ori	00392		
EMS Ori	PACWEST AMBULANCE (Central Linco		

Agencies				
Call Type	Call Status	Call Priority	User Alias	Start Datetime
ORDVIO3	In Progress	Medium	Hcrosby	10/16/2025 14:22:41

Narratives						
Date	Narrative			Last Name	First Name	Machine Type

Narratives					
Date	Narrative	Last Name	First Name	Machine	Type
10/16/2025 15:41:00	L223: Advised comp via email of what I had done, and that I was waiting for a return call from DEQ. no crime at this time.	Brawdy	Garrett	PATROL5339	User Entry
10/16/2025 15:29:17	L223: Spoke with Mike Lee, city works employee who confirmed that the dumping was coming from the crestline project, and the contractors had city permission to dump on city property.	Brawdy	Garrett	PATROL5339	User Entry
10/16/2025 15:27:55	L223: went to site where comp described. There is dirt, gravel, grass, and some chunks of asphalt piled at the bottom of the road on city property, "debris" matches the stuff being dug up on Crestline currently.	Brawdy	Garrett	PATROL5339	User Entry
10/16/2025 15:24:44	L223: Called DEQ, was transferred to Kathy Brown, who was not at the phone so I left a VM for her to call me back.	Brawdy	Garrett	PATROL5339	User Entry
10/16/2025 14:50:20	L223: Called comp. She says the city manager is having contractors dump road waste on city property, and that it is a DEQ violation. I advised that generally DEQ handles thier own investigations into those sort of complaints, as it is a civil issue that local LE generally does not investigate. Comp said she was told by DEQ to contact us. I advised that if the city manager gave a company permission to dump dirt, asphalt, and road debris on city property, that LCSO would not be charging anyone with a local crime. I advised I could do the same as her, and notify DEQ, but as far as "illegal dumping" ORS would not apply if the business doing the dumping had permission from the land owner.	Brawdy	Garrett	PATROL5339	User Entry
10/16/2025 14:22:11	ONGOING ISSUE FOR PAST YR	Crosby	Harmony	CP15	User Entry
10/16/2025 14:21:51	WAS INFORMED DUMP TRUCKS NEAR RAVINE YESTERDAY	Crosby	Harmony	CP15	User Entry
10/16/2025 14:21:32	PASSED THE FENCE THAT STATES "PRIVATE PROP" AT THE VERY NORTH END OF BALL BV....FOLLOW THE DIRT RD TO THE RIGHT LEADING TO A RAVINE...S HAS DUMPED DIRT AND DEBRIS INTO RAVINE	Crosby	Harmony	CP15	User Entry
10/16/2025 14:17:59	C IS MAYOR OF WALDPORT	Crosby	Harmony	CP15	User Entry

Persons					
Last Name	First Name	Middle Name	Name Suffix	Date of Birth	Contact
LAMBERT	HEIDE				(541) 272 - 4603
					CP15

Incidents				
Number	Ori	Department	Abbreviation	Agency Type
2025-00018372	OR0210000	LINCOLN COUNTY SHERIFF'S OFFICE	NPS	Police

Unit Dispositions			
Name	Description	Unit Number	Disposition Date
00	No Report	L223	10/16/2025 15:41:05

Units										
Ori	Number	Dispatched	Enroute	Staged	At Patient	Arrived	Transported	At Hospital	Departed Hospital	Cleared
OR0210000	L223	10/16/2025 14:38:05	10/16/2025 15:17:56			10/16/2025 15:17:56				10/16/2025 15:41:05

Call Logs					
Date	Action	Description	First Name	Last Name	Machine
10/16/2025 15:41:05	Call Cleared	Close Call	Garrett	Brawdy	PATROL5339
10/16/2025 15:41:05	Unit Status Action	Unit L223 Available	Garrett	Brawdy	PATROL5339
10/16/2025 15:41:00	Narrative Added	L223: Advised comp via email of what I had done, and that I was waiting for a return call from DEQ. no crime at this time.	Garrett	Brawdy	PATROL5339
10/16/2025 15:36:00	Unit Status Action	Unit L223 Leave Scene	Naomia	Gardner	CP05
10/16/2025 15:29:17	Narrative Added	L223: Spoke with Mike Lee, city works employee who confirmed that the dumping was coming from the crestline project, and the contractors had city permission to dump on city property.	Garrett	Brawdy	PATROL5339
10/16/2025 15:27:55	Narrative Added	L223: went to site where comp described. There is dirt, gravel, grass, and some chunks of asphalt piled at the bottom of the road on city property, "debris" matches the stuff being dug up on Crestline currently.	Garrett	Brawdy	PATROL5339
10/16/2025 15:24:44	Narrative Added	L223: Called DEQ, was transferred to Kathy Brown, who was not at the phone so I left a VM for her to call me back.	Garrett	Brawdy	PATROL5339
10/16/2025 15:17:56	Unit Status Action	Unit L223 At Scene	Garrett	Brawdy	PATROL5339
10/16/2025 14:50:36	Call Updated	Nature Of Call Changed To *	Naomia	Gardner	CP05
10/16/2025 14:50:20	Narrative Added	L223: Called comp. She says the city manager is having contractors dump road waste on city property, and that it is a DEQ violation. I advised that generally DEQ handles thier own investigations into those sort of complaints, as it is a civil issue that local LE generally does not investigate. Comp said she was told by DEQ to contact us. I advised that if the city manager gave a company permission to dump dirt, asphalt, and road debris on city property, that LCSO would not be charging anyone with a local crime. I advised I could do the same as her, and notify DEQ, but as far as "illegal dumping" ORS would not apply if the business doing the dumping had permission from the land owner.	Garrett	Brawdy	PATROL5339
10/16/2025 14:38:05	Call Ready for Dispatch	Call marked ready for dispatch	Garrett	Brawdy	PATROL5339
10/16/2025 14:38:05	Incident Created	Added Incident Number, ORI: OR0210000, Number: 2025-00018372	Garrett	Brawdy	
10/16/2025 14:38:05	Unit Location	Unit L223 Secondary Location: Secondary Location Cleared Performed by Mobile Unit L223	Garrett	Brawdy	PATROL5339

Call Logs					
Date	Action	Description	First Name	Last Name	Machine
10/16/2025 14:38:05	Unit Status Action	Unit L223 Dispatched	Garrett	Brawdy	PATROL5339
10/16/2025 14:22:41	Call Assigned	Added Police Area Position LC		CAD Server - E911	CP15
10/16/2025 14:22:41	Call Assigned	Added Police Dispatch Position LC	Harmony	Crosby	CP15
10/16/2025 14:22:41	Agency Context Added	Police Call Type Added. Call Type: ORDVIO3, Status: In Progress, Priority: Medium	Harmony	Crosby	CP15
10/16/2025 14:22:38	Call Updated	Caller Phone Changed to (541) 272-4603	Harmony	Crosby	CP15
10/16/2025 14:22:30	Call Updated	Caller Added: Last Name - LAMBERT; First Name - HEIDE; Role - Involved;	Harmony	Crosby	CP15
10/16/2025 14:22:11	Narrative Added	ONGOING ISSUE FOR PAST YR	Harmony	Crosby	CP15
10/16/2025 14:21:51	Narrative Added	WAS INFORMED DUMP TRUCKS NEAR RAVINE YESTERDAY	Harmony	Crosby	CP15
10/16/2025 14:21:32	Narrative Added	PASSED THE FENCE THAT STATES "PRIVATE PROP" AT THE VERY NORTH END OF BALL BV....FOLLOW THE DIRT RD TO THE RIGHT LEADING TO A RAVINE...S HAS DUMPED DIRT AND DEBRIS INTO RAVINE	Harmony	Crosby	CP15
10/16/2025 14:19:58	Alerts Retrieval	Alerts Were Successfully Gathered For Location At Address SE BALL BV / SE BIRD AV		CAD Server - E911	SRVTEPSCAD2
10/16/2025 14:19:57	Address Verified	Call Location Changed from Unverified To Verified	Harmony	Crosby	CP15
10/16/2025 14:19:57	Location	Call Location Changed from to SE BALL BV / SE BIRD AV, WALDPOR	Harmony	Crosby	CP15
10/16/2025 14:17:59	Narrative Added	C IS MAYOR OF WALDPOR	Harmony	Crosby	CP15
10/16/2025 14:16:56	Call Created	New call created. Call Type: >SELECT TYPE<, Location:	Harmony	Crosby	CP15

Unit Logs								
Date	Action	Description	Unit Number	Status	Last Name	First Name	Machine	
10/16/2025 15:41:05	Unit Cleared	Unit Cleared From Call	L223	Available	Brawdy	Garrett	PATROL5339	

Unit Logs							
Date	Action	Description	Unit Number	Status	Last Name	First Name	Machine
10/16/2025 15:41:05	Unit Status Change	Available	L223	Available	Brawdy	Garrett	PATROL5339
10/16/2025 15:41:05	Disposition Added	Added: 00 Count 1	L223	Leave Scene	Brawdy	Garrett	PATROL5339
10/16/2025 15:36:00	Unit Status Change	Leave Scene	L223	Leave Scene	Gardner	Naomia	CP05
10/16/2025 15:23:24	Timer Override	Override time = 600	L223	At Scene	Gardner	Naomia	CP05
10/16/2025 15:17:56	Unit Status Change	At Scene	L223	At Scene	Brawdy	Garrett	PATROL5339
10/16/2025 14:38:05	Unit Status Change	Dispatched Call Number: 692, Assigned Location: SE BALL BV / SE BIRD AV, WALDPORT, Call Type: ORDVIO3 Performed by Mobile Unit L223	L223	Dispatched	Brawdy	Garrett	PATROL5339
10/16/2025 14:38:05	Unit Location	Secondary Location Cleared Performed by Mobile Unit L223	L223	Dispatched	Brawdy	Garrett	PATROL5339

10/21/2025 14:09:30	Body cam used.	dorsey	abigail
10/21/2025 13:57:07	I contacted Mayor Lambert and she advised she contacted the Protect Oregon Watershed's org. at the direction of DEQ to inspect or evaluate the dumping that is going on on the city property below township 13. Lambert told me she has been in contact with DEQ, OSP, and Dep. Brawdy regarding the possible enviromental issues. Lambert told me from she understands the municipal property has a public easement and the no trespassing sign on the gate at the end of Ball Blvd is not lawful. I spoke with Dep. Brawdy and he advised he spoke with Lambert about this last week when she called about the DEQ complaint and Lambert told him that she told the Protect Oregon Watershed Org that there was an easement. At this time there is no PC for trespass based on a city official (Lambert) advising the org. there was an easement. NFA at this time.	dorsey	abigail
10/21/2025 13:35:33	L232: OUT AT 165 NE HIGH ST - C4	McCartt	Alexandra
10/21/2025 13:28:13	I contacted Theresa Carter at 640 SE Ball Blvd, who advised she was one of the subjects who went through the gate along with individuals from "Protect Oregon Watershed's" to inspect the dumping area where the city is having fill dirt dumped by dump trucks. Carter advised that Mayor Lambert contacted the organization and asked them to to check the dumpsite to see if was an enviromental hazard to Lint Slough as there is a small stream behind Ball Blvd that runs downhill through the dump site and ultimately drains into Lint Slough. Carter told me she believed Mayor Lambert gave permission for the organization to inspect it.	dorsey	abigail
10/21/2025 13:11:55	Narrative added from associated Call #: 7279 - C4	McCartt	Alexandra
10/21/2025 12:45:05	Occurred approx 30 minutes ago. Comp lives at 580 SE Ball Blvd, Waldport. He heard voices in the street, 4-5 subjects with 2 dogs walking towards the city gate, and then walked past the gate down onto the city property, about 30-40 minutes later they returned and walked up to a neighbors house (Theresa Carter at 640 SE Ball Blvd) and then a dump truck came from S Crestline on the gravel road down to dump the gravel where its supposed to be dumped. A female in her 30's with a cowboy hat ran down past the gate again, comp assumed she was going down to take pictures of the dump truck. Comp advised her that she was trespassing and he was asked by the public works director to notify if unauthorized people were going to past the gate. Comp believes the group that went down past the gate is part of the group that is trying to find enviromental issues with the dump trucks dumping the fill dirt, and they were down there trying to find enviromental issued to complain about. Comp advised the subjects had left the area.	dorsey	abigail

Business Name Search

[New Search](#)

[Printer Friendly](#)

Business Entity Data

08-13-2026

11:26

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
2182915-99	DNP	ACT	OREGON	10-12-2023	10-12-2026	
Entity Name	PROTECT OREGON WATERSHEDS					
Foreign Name						
Non Profit Type	PUBLIC BENEFIT					

[New Search](#)

[Printer Friendly](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	76 E RAINBOW ROAD					
Addr 2						
CSZ	WALDPORT	OR	97394		Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT			Start Date	12-09-2024	Resign Date	
Name	DEBRA	M	KAUFFMAN FANT					
Addr 1	76 E RAINBOW ROAD							
Addr 2								
CSZ	WALDPORT	OR	97394		Country	UNITED STATES OF AMERICA		

Type	MAL	MAILING ADDRESS				
Addr 1	PO BOX 602					
Addr 2						
CSZ	WALDPORT	OR	97394		Country	UNITED STATES OF AMERICA

Type	PRE	PRESIDENT				Resign Date	
Name	TIANNE			RIOS			
Addr 1	10126 BW LINE ST						
Addr 2	Page 20						
CSZ	SEAL ROCK	OR	97376		Country	UNITED STATES OF AMERICA	

Type	SEC	SECRETARY			Resign Date	
Name	NANCY		MCCARTY			
Addr 1	585 NW ESTATE DRIVE					
Addr 2						
CSZ	SEAL ROCK	OR	97376		Country	UNITED STATES OF AMERICA

[New Search](#)

[Printer Friendly](#)

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
PROTECT OREGON WATERSHEDS	EN	CUR	10-12-2023	

Please [read](#) before ordering [Copies](#).

[New Search](#)

[Printer Friendly](#)

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	10-01-2025		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	12-09-2024		FI	Agent	
	AMENDED ANNUAL REPORT	09-08-2024		FI		
	ARTICLES OF INCORPORATION	10-12-2023		FI	Agent	

[About Us](#) | [Announcements](#) | [Laws & Rules](#) | [Feedback Policy](#) | [SOS Home](#) | [Oregon Blue Book](#) | [Oregon.gov](#)

For comments or suggestions regarding the operation of this site,
please contact : corporation.division@sos.oregon.gov

© 2026 Oregon Secretary of State. All Rights Reserved.

Original Submission

Received On

11/18/2025 08:00:00 AM

Public Official Contact Information

Heide Lambert

PO Box #1292

Waldport, OR 97394

5412708069 heide.lambert@waldport.org

Public Official Position

Mayor

Narrative

Hello, I am writing this grievance of ethical violations committed by the Waldport City Manager, Dann Cutter where he used the city funds to pay legal counsel for his personal gain in his capacity as City Manager. He cancelled the August 14th 2025 City Council meeting, an hour and a half before the meeting, citing there was not a quorum to hold the meeting but later I learned it was because he was served with a restraining order for Elderly Abuse from a citizen that day. Allegedly, he was documented for months on social media, in emails to the Lincoln County DA, Jenna Wallace and the CEO of the Siletz Tribe, Kurtis Barker, to charge this elderly citizen for crimes she never committed. He then took to the city website, city Facebook page and on his personal Facebook page to publicly state she was guilty of fraud, stealing and, saying she is a risk to children. He then said the city had to provide his defense because "it is in his contract" although there was no meeting or motion made to direct the city manager to conduct himself in this manner that resulted in the restraining order to be served. Nor was there any meeting or motion for the city to provide the city manager with the legal defense.

Links

lincolnchronicle.org/62563-2/ (<http://lincolnchronicle.org/62563-2/>)

Beachcomber Days officer wins restraining order against Waldport city manager, prohibiting public statements

lincolnchronicle.org/beachcomber-officer-drops-restraining-order-against-waldport-city-manager/ (<http://lincolnchronicle.org/beachcomber-officer-drops-restraining-order-against-waldport-city-manager/>)

Beachcomber officer drops restraining order against Waldport city manager

www.oregoncoastbreakingnews.com/post/restraining-order-results-in-waldport-council-meeting-cancellation (<http://www.oregoncoastbreakingnews.com/post/restraining-order-results-in-waldport-council-meeting-cancellation>)

Waldport: The Pressure Campaign to Charge a Beachcomber Days Official with a Crime

kyaq.org/waldport-the-pressure-campaign-to-charge-a-beachcomber-days-official-with-a-crime/ (<http://kyaq.org/waldport-the-pressure-campaign-to-charge-a-beachcomber-days-official-with-a-crime/>)

Restraining Order Results In Waldport Council Meeting Cancellation

Files

No files were uploaded in the original submission.

Complainant Contact Information

Heide Lambert

PO BOX #1292

Waldport, OR 97394

5412708069 heide.lambert@waldport.org

Electronic Signature

Heide Lambert

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of	)	
	)	FINAL ORDER OF DISMISSAL
Dann Cutter	)	
	)	Case No. 25-729EJS
	)	
_____	)	

At the Oregon Government Ethics Commission (Commission) meeting on February 6, 2026, the Commission considered the preliminary review report regarding allegations that Dann Cutter may have violated Oregon Government Ethics Law. The Commission voted to dismiss the matter.

Now therefore, after considering the relevant portions of the Commission's file relating to this matter, the Oregon Government Ethics Commission enters an Order of Dismissal in the matter of Dann Cutter.

February 10, 2026

Date Signed

Signed by:

Chair Shenoa Payne

A00E014C1E724E3...

Shenoa Payne, Chairperson
Oregon Government Ethics Commission

Original Submission

Received On

11/25/2025 11:50:59 AM

Public Official Contact Information

Jayme Morris

267 SW Wakonda Beach Rd.

Waldport, OR 97394

5039011223 jayme.morris@waldport.org

Public Official Position

City Council

Narrative

I am writing a formal grievance about the executive session the City of Waldport's City Council held under the supervision of the city attorney, Cory Blake on October 9th, 2025. As Mayor of the City of Waldport, I had no idea what the executive session was for other than the ORS that were on the agenda. I sent this complaint to the governing body on November 7th 2025 and received response from the city manager, Dann Cutter on 11/10/2025. I have attached my complaint and the response to this email. The open meeting violations that took place in this executive session were that the executive session had misleading ORS attached; said by the city attorney, Cory Blake "to cover it all" and was not posted with the correct ORS that pertains to council discussing complaints of officers or employees. Topics in the executive session did not warrant a meeting without public disclosure. When the agenda came out, it was unclear as to what the executive meeting was about, although council said it was to discuss the complaints against councilors and city manager, it listed ORS: Executive Session: The City of Waldport Council will meet in executive session pursuant to ORS 192.660(2)(f) to consider records conditionally exempt by law from public inspection, and ORS 192.660(2)(h) to meet with the city legal counsel to confer regarding legal rights and duties related to potential litigation. The regular agenda contained: d. Changes to Council Rules regarding Attorney e. Changes to Council Rules regarding Complaints In the regular part of the meeting, when discussing above agenda items. I stated how upset I was that the council was proposing to change the rules all while continuing to ignore serious complaints against the city manager and council. The council responded "that was the whole reason we were having an executive session today." I responded that the ORS listed was confusing to me as the proper ORS for that discussion was not listed. Then when we went into executive session, the city attorney said that council first needed to decide if the city manager was to stay in the meeting or be excused. Councilor Woodruff asked the city manager which would be best for him, and he requested to stay. This was confusing to me as I believed the question was if he wanted to discuss the complaints in an open or closed session. Then the city attorney handed out a packet of complaints and rebuttals from the city manager. Each councilor had seen this packet previously, and admitted the only reason the executive session was happening was because the city manager requested it himself, citing his response where he asked to be given until November to prepare for the open hearing in the rebuttal, that was not previously sent to me. Then the attorney brought up two issues, that had no documentation in the packet and was confusing to myself and council as to why either was being discussed in an executive session. The entire meeting was in violation of open meeting law and I appreciate you investigating it further, had I known I could object and leave, I would have. Thank you, Heide Lamber, Mayor of the city of Waldport

Links

No links were provided in the original submission.

Files  [Complaint 11-8-25 response from City.pdf \(/OGEC/CMS/File/GetFile?fileKey=646e07b5-19f9-4657-9b37-b708181161e6\)](#)  [OGEC complaint 11-08-25.pdf \(/OGEC/CMS/File/GetFile?fileKey=5c9dfff6-456b-470c-](#)

b30d-88e0ad62bb6b).

Complainant Contact Information

Heide Lambert

PO BOX #1292

Waldport, OR 97394

5412708069 heide.lambert@waldport.org

Electronic Signature

Heide Lambert (OGE/jf)



-City of Waldport
OFFICE of the CITY MANAGER
355 NW Alder Street
P.O. Box 1120
Waldport, OR 97394
Phone: 541-563-3561 x7
dann.cutter@waldport.org

November 10, 2025

Mayor Heide Lambert

Re: response to public meeting law complaint from Nov 7th, 2025

Mayor Lambert,

In accordance with ORS 192.705 the city acknowledges receipt of your formal complaint of public meeting law violation received Nov. 7th, 2025 against yourself and the six council members. The City hereby acknowledges the meeting took place, but denies the allegations as presented and have provided a response. The city is only responding to the meeting law allegations. Other concerns are out of the scope of this response.

Page 1 line 8: The city denies this assertion. While an executive session did take place, the presiding officer supervising the meeting was Mayor Heide Lambert under the authority of the Waldport City Charter.

Page 1 line 38: The city admits the assertion but denies it is a violation. The agenda was not changed. Material in the packet can be changed up to the time of the meeting – packets are not fixed. And no content was removed, only additional support material added. This is not a meeting law violation. Nor was action on this item beyond discussion requested at this meeting.

Page 2 line 1: The city denies this assertion. Two executive session topics were considered. ORS 192.660(2)(h) and (2)(f). The complaint letters are covered under 2(f). The concerns regarding Beachcombers and CIS fell under 2(h).

Page 2 line 5: The city denies this assertion. As the topics had to do with potential litigation and material conditionally exempt from public inspection the correct topics under Oregon executive meeting law were selected.

Page 2 line 7: The city denies this assertion. As was shown above, the topics were listed. The attorney then walked the Council through the issues before them.

Page 2 line 40: The city denies this assertion. This was an item regarding potential litigation.

Page 3 line 4: The city denies this assertion. At issue was a matter of potential litigation against CIS.

Page 3 line 17: The city denies this assertion. The citation above is provided for ORS 192.660(2)(f) regarding letters of complaint which are conditionally subject to Public Records release by law until the complaint process is adjudicated. The specifics of the complaints were not the subject of discussion, simply whether the council felt they wanted to take these to formal hearing or dismiss. The council then received advice from the attorney on a recommended course of action.

Page 3 line 27: The city admits the assertion but denies it is a violation. The city returned to open session, invited members of the public to return, and then Council members made motion on three item of interest regarding what was discussed.

The city denies the complaints in their totality. The meetings were held in compliance with ORS 192.660(2)(h) & (f) and was additionally in compliance with OAR 199-040-0050.

Sincerely,

Dann Cutter, City Manager
The City of Waldport

1 **From:** Heide Lambert <heide.lambert@waldport.org>
2 **Subject:** Formal Complaint
3 **Date:** November 7, 2025 at 12:25:29 PM PST
4 **To:** Heide Lambert <heide.lambert@waldport.org>
5

6 Dear Waldport City Council,
7

8 I am writing a formal grievance about the executive session the City of Waldport's City
9 Council held under the supervision of the city attorney, Cory Blake on October 9th, 2025.
10

11 As the newly elected Mayor of the City of Waldport, sworn in January 9th 2025, the
12 Waldport city council has struggled in dealing with complaints against the city manager.
13 Most recently, there have been seven complaints sent to the council from August 12, 2025
14 to October 9th, 2025.
15

16 On August 13, 2025 in my role as mayor, I sent an email to all members of the city council
17 requesting a meeting to discuss public comments made by some of the city councilors via
18 local and social media that the city was paying for the City Manager's legal defense in an
19 elderly abuse case filed against him. After receiving no response, I sent another email
20 repeating my request on September 9, 2025. I noted on that day, Sept 9, 2025, that there
21 was an executive session placed on agenda for the upcoming September 11, 2025 city
22 council meeting, with no ORO listed for why the executive session was being held, only to
23 be removed on September 10, 2025. When the City Manager was asked by a resident on
24 Facebook as to why it was removed, he explained it was only on the agenda as "a place
25 holder."

26 At the September 11, 2025 regular city council meeting it was said by Councilor Woodruff
27 that the complaint filed by the CEO of the Siletz Tribal Nation, Kurtis Barker, would be
28 discussed at the next city council meeting on October 9, 2025 although that was not what
29 was reflected in the September 11th meeting minutes in the October packet.
30

31 I personally filed grievances with my council on September 18th and 19th that there were
32 several public comments made by some of the council and the city manager, stating that
33 legal defense of the city manager in a personal case was decided by all of the council,
34 when no meeting or vote had taken place.
35

36 I am writing to report the open meeting violations that took place in this executive session.
37

38 First, the city manager changed the council packet hours before the meeting in response to
39 criticism he received on Facebook and then posted on Facebook that he made last minute
40 changes, forcing council to table the topic because not everyone had the chance to review
41 the changes.
42

1 Second, the executive session had misleading ORS attached; said by the city attorney,
2 Cory Blake “to cover it all” and was not posted with the correct ORS that pertains to
3 council discussing complaints of officers or employees.

4
5 Lastly, topics in the executive session did not warrant a meeting without public disclosure.

6
7 When the agenda came out, it was unclear as to what the executive meeting was about,
8 although council said it was to discuss the complaints against councilors and city
9 manager, it listed ORS:

10
11 Executive Session: The City of Waldport Council will meet in executive session pursuant to
12 ORS 192.660(2)(f) to consider records conditionally exempt by law from public inspection,
13 and ORS 192.660(2)(h) to meet with the city legal counsel to confer regarding legal rights
14 and duties related to potential litigation.

15
16 The regular agenda contained:

- 17 d. Changes to Council Rules regarding Attorney
18 e. Changes to Council Rules regarding Complaints

19
20 In the regular part of the meeting, when discussing above agenda items. I stated how upset
21 I was that the council was proposing to change the rules all while continuing to ignore
22 serious complaints against the city manager and council. The council responded “that
23 was the whole reason we were having an executive session today.” I responded that the
24 ORS listed was confusing to me as the proper ORS for that discussion was not listed.

25
26 Then when we went into executive session, the city attorney said that council first needed
27 to decide if the city manager was to stay in the meeting or be excused. Councilor Woodruff
28 asked the city manager which would be best for him, and he requested to stay. This was
29 confusing to me as I believed the question was if he wanted to discuss the complaints in
30 an open or closed session.

- 31
32 • Then the city attorney handed out a packet of complaints and rebuttals from the city
33 manager. Each councilor had seen this packet previously, and admitted the only
34 reason the executive session was happening was because the city manager
35 requested it himself, citing his response where he asked to be given until November
36 to prepare for the open hearing in the rebuttal, that was not previously sent to me.

37
38 Then the attorney brought up two legal issues that had no documentation in the packet.

39
40 The first regarding a federal trademark that the council was already aware of, and the
41 council agreed that they did not want to take any further action. The attorney said we had

1 to vote to take no action on the item that was unclear as to why it was being discussed or
2 who asked for it to be on the agenda.

3
4 Second, the city attorney brought up that CIS did not intend to pay for a legal fee that was
5 incurred by the city to defend the city manager. This was the main subject of my complaint
6 against two city councilors and the city manager, as they had repeatedly stated publicly
7 that "that the council" backed the city manager, that he was working in his role for the city
8 when the restraining order was served. Although, I had questioned when the council
9 directed the city manager to investigate an individual and release said documents publicly.
10 This topic, and the first have nothing to do with legal rights and duties relating to potential
11 litigation. The legal costs are for a personal lawsuit against the city manager personally,
12 there is nothing in the minutes authorizing his actions and is no "part of his contract or
13 official duties" as councilor Susan Woodruff and Council President Greg Dunn insisted.
14 Council never met to approve the contract with an outside legal firm. To this date, council
15 has not seen this contract or knows who signed it.

16
17 Lastly they came to the discussion of the complaints. This was not listed with an ORS on
18 the agenda. The city attorney said that a councilor could not make a complaint against
19 another councilor, nor can a mayor make a complaint on the city manager, so my
20 complaint would be treated as though it was coming from a citizen. That then invalidates
21 my very reason for my complaint, as to when did council vote to direct staff to investigate
22 an individual and then release all information they found to the public.

23
24 It was then suggested by the city attorney that since there were "so many angry citizens,
25 that the council should hold a hearing, even if no actions are intended to be taken."

26
27 The council then reconvened into the public meeting and made three votes. I believe all
28 subjects discussed in this executive session were in violation of public meeting law and
29 the council needs to erase all votes from the record.

30
31 Thank you for your consideration of this violation(s).

32
33
34 Respectively,
35 Heide Lambert
36 Mayor of the City of Waldport

37
38 BCC:
39 Greg Dunn
40 Susan Woodruff
41 Rick Booth
42 Jayme Morris
43 Michelle Severson
44 Jerry Townsend

City of Waldport (Page 70)

Recommendation: Move to Dismiss **[2a]**

Investigator: Josh Sullivan

- 8. **25-733XJS – Heidi Lambert**, City of Waldport (Page 71)
- 9. **25-741XJS – Michelle Severson**, City of Waldport (Page 81)
- 10. **25-742XJS – Susan Woodruff**, City of Waldport (Page 91)
- 11. **25-743XJS – Jayme Morris**, City of Waldport (Page 101)
- 12. **25-744XJS – Richard Booth**, City of Waldport (Page 111)

Website Publish Date: 02/02/2026

Page 7 of 8

- 13. **25-745XJS – Gerald Townsend**, City of Waldport (Page 121)
- 14. **25-746XJS – Gregory Dunn**, City of Waldport (Page 131)

Original Submission

Received On

12/02/2025 08:00:00 AM

Public Official Contact Information

Greg Dunn

355 Alder St.

Waldport, OR 97394

54156335611 greg.dunn@waldport.org

Public Official Position

Council President

Narrative

This complaint is about the governing body, specifically: Greg Dunn, Susan Woodruff, Rick Booth, Michelle Severson, and Jayme Morris. Jerry Townsend was notified but not in attendance and the mayor recused herself per instructions from your office Prior to the City Council meeting on November 20, 2025, I submitted my reasons that the executive meeting to be held was not in compliance with public meeting law. The purpose of the meeting was purported to be about safety of public facilities. The purpose of meeting appears to have been political and was utilized to continue the division and animosity between city council and the mayor. The resolution provided prior to any discussion taking place is indictive of this intent. No reference is ever made of the council president inspecting the property without permission of the council or city manager only the mayors' investigations, further demonstrates a political agenda and not a public safety concern. As no action was taken as related to safety of council or public, i.e. no fencing, no barricades, no guards. only the expected authority of the city manager and an expansion of his authority that did not address his responsibility took place. This issue was not on the agenda and should have been presented and discussed in a public meeting as it is a change in the city managers authority as prescribed by the city charter. I received a formal letter from the city; I again sent a communication explaining my concerns and presented them in the meeting prior to the executive session. After the session I called and spoke to Josh Sullivan who informed me a complaint must be submitted per this format. I wrote the city council and again voice my concerns and received a reply from the city manager. I have sent all the communications to your office as they were generated but will include them in the attachments. My first request is that an immediate letter be sent to the city council urging them to participate in the formal training required by law on public meetings. And as public meeting law violations are continuing to be repeated that something more attention generating than a compliance request or training requirements be utilized to emphasize the importance of following the laws. As the city has public stated they are not bound by any ruling of the Ethics Committee and will challenge them, I suggest a fine should also be assessed and enforced to ensure future cooperation. As the city has replied twice, believe that it is now possible for your agency to proceed immediately. Respectfully Tony Thimakis

Links

No links were provided in the original submission.

Files  [City response to T 19th.pdf \(/OGEC/CMS/File/GetFile?fileKey=bdf4ed0f-73e4-43ad-a3a6-f2824468a151\)](/OGEC/CMS/File/GetFile?fileKey=bdf4ed0f-73e4-43ad-a3a6-f2824468a151)  [City response to Thimakis compalint.pdf \(/OGEC/CMS/File/GetFile?fileKey=44486381-b7ce-4ee3-9b87-a3dd2599b49e\)](/OGEC/CMS/File/GetFile?fileKey=44486381-b7ce-4ee3-9b87-a3dd2599b49e)  [communication prior to meeting about executive session.docx \(/OGEC/CMS/File/GetFile?fileKey=bdb0a1b0-be0b-45c6-bc77-5939c612a5de\)](/OGEC/CMS/File/GetFile?fileKey=bdb0a1b0-be0b-45c6-bc77-5939c612a5de)  [Violation of public meeting law submitted prior to meeting.docx \(/OGEC/CMS/File/GetFile?fileKey=a610b0e5-1413-4921-a4bc-b75bf63d37e1\)](/OGEC/CMS/File/GetFile?fileKey=a610b0e5-1413-4921-a4bc-b75bf63d37e1)  [Resolution 1327 authority not safety.pdf \(/OGEC/CMS/File/GetFile?fileKey=01bfda80-3a92-41be-b9a8-bd497cf386b6\)](/OGEC/CMS/File/GetFile?fileKey=01bfda80-3a92-41be-b9a8-bd497cf386b6)

Complainant Contact Information

Tony Thimakis
1420 SW Crest Circle
Waldport, OR 97394
8018081065 tthimakis@gmail.com

Electronic Signature

Tony Thimakis

FW: Response to your letter of complaint from Nov 21st, 2025

From MAIL PBGR * OGEC <PBGR@OGEC.oregon.gov>

Date Tue 12/2/2025 5:03 PM

To Mail * OGEC <Mail@ogec.oregon.gov>; FOSTER Jessica * OGEC <Jessica.FOSTER@ogec.oregon.gov>

 2 attachments (257 KB)

City response to Thimakis compalint from nov 21th.pdf; November 20 meeting law complaint.pdf;

Can you please upload this email and the attachments to 25-755 once I open it? And then we'll open cases against each of the city councilors?

From: Dann Cutter <dann.cutter@waldport.org>

Sent: Friday, November 21, 2025 2:39 PM

To: Tony Thimakis <tthimakis@gmail.com>

Subject: Response to your letter of complaint from Nov 21st, 2025

You don't often get email from dann.cutter@waldport.org. [Learn why this is important](#)

Mr. Thimakis,

Enclosed you will find your response from the city regarding your letter of complaint. The response has been forwarded to the OGEC.

Thank you, Dann

Dann Cutter

Waldport City Manager

Office: 541-563-3561 option 7

Cell: 541-270-6996

dann.cutter@waldport.org

DISCLOSURE NOTICE: Messages to and from this email address may be subject to Oregon Public Records Law.



-City of Waldport
OFFICE of the CITY MANAGER
355 NW Alder Street
P.O. Box 1120
Waldport, OR 97394
Phone: 541-563-3561 x7
dann.cutter@waldport.org

November 19, 2025

Tony Thimakis
(response via email)

Re: Letters of concern regarding Executive session on Nov 19th, 2025

Greetings Mr. Thimakis,

This is to acknowledge the receipt of the complaint sent on November 19th, 2025 regarding the city's usage of executive session and specifically ORS 192.660(2)(o) in regarding to discussions around facility security.

On October 21, 2025 Mayor Heide Lambert unlawfully provided permission to a group of citizens to trespass beyond posted no trespassing signs onto a property used for city utility purposes and active construction.

The State of Oregon recognizes the authority of municipalities to declare some public areas inaccessible for general public access for a variety of reasons. These are articulated in detail in some locations, but only more generally for areas which are constructively obvious – a wastewater plant, a water plant, a jail, and associated infrastructure, including active construction areas, and or areas which represent security issues or concerns.

The Waldport City Charter specifically authorizes the City Manager as the acting supervising authority on all city property (WCC title 21(d)(6)). The mayor exceeded the authority of any one council member and put the city and its citizens at risk by her actions. You may disagree with that assessment, but that is not the topic in the scope of our response to your letter of asserted violation.

You have asserted that the city should not discuss the security of the facility/property under ORS 192.660(2)(o) – however, HB 2806 enrolled in 2023 specifically allows for that exact discussion. The city council shall discuss the security concern, the threat from improper access, and the safety risk it poses; as well as potential ways to secure the facility, and measures taken. All of these fall well within the scope of "To consider matters relating... to the safety and security of public body facilities...".

One such measure is to formally remind the Council of their jurisdictional authority. The resolution presented does this in open session and was readily available from the original meeting for public comment on its appropriateness. This was advised by legal counsel to prevent a reoccurrence which may place the city infrastructure or insurance coverage at risk. A measure unnecessary for at least the last 25 years until now.

As such, the city denies your claim that this is an improper use of ORS 192.660(2)(o).

Sincerely,


Dann Cutter, City Manager
The City of Waldport

Bcc: Waldport Council and the Oregon Government Ethics Commission

Page 220

The City of Waldport is an equal opportunity provider and employer.



-City of Waldport
OFFICE of the CITY MANAGER
355 NW Alder Street
P.O. Box 1120
Waldport, OR 97394
Phone: 541-563-3561 x7
dann.cutter@waldport.org

November 21, 2025

Tony Thimakis
(response via email)

Re: Response to Complaint from Nov 21st, 2025

Greetings Mr. Thimakis,

This is to acknowledge the receipt of the complaint sent on November 21th, 2025 regarding the city's usage of executive session and specifically ORS 192.660(2)(o) in regarding to discussions around facility security.

Your letter seems to be a stream of consciousness rant, in which you make several incorrect assumptions and false or wildly accusatory statements, but this response will be confined to the issued of concern to the OGE.

You have asserted that the city should not discuss the security of the facility/property under ORS 192.660(2)(o) – however, HB 2806 enrolled in 2023 specifically allows for that exact discussion. The city council discussed the security concern, the threat from improper access, and the safety risk it poses; as well as potential ways to secure the facility, and measures taken. All of these fall well within the scope of “To consider matters relating... to the safety and security of public body facilities...”.

On October 21, 2025 Mayor Heide Lambert unlawfully provided permission to a group of citizens to trespass beyond posted no trespassing signs onto a property used for city utility purposes and active construction.

The Waldport City Charter specifically authorizes the City Manager as the acting supervising authority on all city property (WCC title 21(d)(6)).

One such measure was to formally remind the Council of their jurisdictional authority. The resolution presented did this in open session and was readily available from the original meeting for public comment on its appropriateness.

As such, the city denies your claim that this is an improper use of ORS 192.660(2)(o).

Sincerely,

Dann Cutter, City Manager
The City of Waldport
Bcc: Waldport Council and the Oregon Government Ethics Commission

As I have already explained why the resolution is in and of itself something that should not be brought up at this time, I will state my opinion of why this should not be an executive meeting. Before you begin your meeting, you should define the safety concern and reason or need for security. Unless this directly affects an employee of the facility. I challenge your determination that this should not be discussed in an open meeting. Stating the law to justify a meeting, without a open determination of the need to the public, in my opinion, is a misuse of the public meeting law and a violation of the public trust. There is no reason to be concerned about privacy for individuals, or finances, or discussion of finance or personalities as they would not be part of the scope of information that is pertinent to the issues.

Yes, a city can restrict access to public land surrounding a facility under certain conditions. You must openly define these conditions to the public as this is a change without a proposition to support the need for a change. The city may impose such restrictions to ensure that the property is used for its intended purpose and to minimize disruption. The restrictions must be articulated as a significant government interest and must be viewpoint neutral. The legal framework for access to public property includes different categories of property, each with its own rules for access. The city must ensure that the restrictions are applied fairly and do not discriminate based on viewpoint.

There are Common reasons for restrictions and since the need was not defined when the facility opened or been an issue until this month, an explanation to the public is very much warranted. Choosing not to explain in open meeting is doing business behind closed doors for an unknown or perhaps non existent problem to justify an unneeded resolution.

These are some reasons that are justified.

Facility management: Restrictions can be used to ensure the facility can operate as intended, such as restricting access to certain areas to protect sensitive habitats or for the facility's direct activities.

Security: Access can be restricted to protect facilities from threats or unauthorized entry. (in this reference the facility would not include an undetermined surrounding area)

The following are the usual legal requirements to make restrictions.

Public notification: before a restriction is implemented the public must be notified

Written justification: A written determination must be prepared that explains the justification for the restriction.

Reasonable and non-discriminatory:

Duration: The restriction can only last as long as the reason for it exists

Frankly, I do not see the city meeting the legal requirements.

In the meeting the concern over the trespassing signs was brought up. There are Legitimate Reasons for Restricting Access. The issue was one of the signs being posted prior to the city acquiring the property. Regardless of if they were posted before or after it is still necessary to openly discuss the need for the property to be restricted to the citizens.

Trespassing:

A government entity must have a legitimate reason to post a “No Trespassing” sign on public property. The justification for the restriction is tied to the property’s primary function and the need to manage it for a specific public interest.

One of the most common justifications falls under “time, place, and manner” restrictions. These are content-neutral rules that dictate when, where, and how public property can be used. A public park that is open during daylight hours but is legally closed after 10:00 PM is a classic example. A sign indicating these hours is legally enforceable because its purpose is to maintain order and safety.

Public safety and security provide another basis for restricting access. A government can close off a public area that poses a hazard, such as a municipal building undergoing construction or a public trail damaged by a storm. Similarly, sensitive areas within government buildings, like courtrooms or secure zones in airports, are lawfully restricted to protect both the public and government functions.

The need to conduct government business without interference is also a valid reason.

I really appreciate this dialog and look forward to your response

Respectfully

Tony

November 20, 2025

To the City Council of Waldport:

Concerning the meeting of Wednesday November 19, the reason for holding the executive session stems from the complaint of illegal dumping.

In open session when asked if illegal dumping was taking place, the city manager never directly answers the question. Instead, he states that they are removing the illegal dump material and stacking it.

During this answer he insinuates that public works is responsible for any wrongdoing.

When questioned about illegally dumping street sweepings, again no direct answer but he does state that the sweeping has been moved and is now covered on a site that will have less impact on the watershed.

Allow me to clarify the answer: There has been illegal dumping.

When the president of the council was approached with the problem, Councilman Dunn came back to the community and fixed the blame on ODFW. When asked who provided him with the information, he was silent. When the city manager accused ODFW of leaving asbestos pipe behind his house several years ago, my question was there an investigation and why did he wait until the Council Meeting to make the council aware?

The community uses the trail, as evidenced by the city manager citing citizens for trespassing after leaving the trail and passing through his property. This may be because the end of the trail was blocked by overgrowth and a gate.

Contention, deflection, and litigation is apparently the City Council's response to issues brought to their attention. You might want to consider if this is the perception of the public.

Does any of the council actually believe that members or citizens cannot walk a trail, avoid trucks, or walk on a road without the city manager assisting them. If you believe this logic, you may want to have the city manager protect the citizens from approaching Crest Line Road, as the construction on Crest Line has speeding trucks and torn up roads. Without sufficient traffic regulations the citizens and children are in real danger and may actually need the city manager's protection.

My questions to the Council are; did the council address this issue of illegal dumping, has the city manager submitted a plan, and was the plan too complicated for the citizens to comprehend. Also, if the plan was too complicated, must the plan be reviewed by a legal team to become an action? Is that why no real response is available as to how to deal with the issue?

This is my understanding of what has transpired so far, the council decided to hold a special meeting to address safety concerns, instead it became a means to punish whistle blowers, concerned citizens, and council members.

I have the following questions. Did the city manager, Dan Cutter accompany the council president, Greg Dunn when they “investigated” allegations of dumping? What is the plan to stop the illegal dumping? What is the plan for trails that were part of the conditions for accepting the property? Where is the alleged ten-year-old plan that is now used to justify a project that was not known to the council?

I have cited the following public meeting law that was used to justify the council meeting:

“To consider matters relating to the safety of the governing body and of public body staff and volunteers and the security of public body facilities and meeting spaces.”

During the council meeting, where were the safety of the governing body, staff or volunteers addressed? Where was the need for security of public body, facilities or meeting spaces addressed? Even more importantly, how has your actions addressed any of these issues?

According to the league of Oregon Cities it is best to consider the following:

Permissible Purposes

A governing body is permitted to hold an open meeting even when the law permits it to hold an executive session. However, a governing body may only hold an executive session in certain circumstances set forth in ORS 192.660. These permissible purposes include:

- Employment of public officers, employees and agents;
- Discipline of public officers and employees;
- Performance evaluations of public officers and employees;
- Labor negotiation consultations;
- Real property transactions;
- Discussion of public records exempt from disclosure

The Oregon ethics committee is a resource available to all cities, you can submit to them prior to taking the risk of violating public meeting law at no charge and get a written response in 10 to 14 days.

In the future for the purpose of building trust and in the spirit of transparency I recommend the Council be more inclined to only utilize permissible purposes instead of looking for loopholes when making decisions that affect the citizens.

After reading the city manager's response regarding the issues discussed above, I believe the council has violated the public meeting law in the Council Meeting, Wednesday, November 1, 2025. This letter serves as the formal complaint of violating the Public Meetings Laws and I await your response.

Sincerely

Tony Thimakis



City Council

Wednesday, November 19, 2025 at 4:15 pm

Attendees: Mayor Heide Lambert, Council President Greg Dunn, Councilor Susan Woodruff, Councilor Jayme Morris, Councilor Rick Booth, Councilor Michelle Severson, Councilor Jerry Townsend

SPECIAL MEETING NOTICE AND AGENDA

The Waldport City Council will meet at 4:15 p.m. on Wednesday, November 19th, 2025 at the Waldport Community Center, 265 NW Alsea Hwy to take up the following agenda:

- 1. Call to Order w/ Roll Call**
- 2. Council Comments and Concerns (interrupted)**
- 3. Executive Session:**
 - a. Pursuant to ORS 192.660(2)(o): To consider matters relating to the safety of the governing body and of public body staff and volunteers and the security of public body facilities and meeting spaces.**
- 4. Actions, if Any from, Executive Session**
 - a. Resolution 1327**
- 5. Good of the Order/Adjournment**

The Community Center Meeting Room is accessible to all individuals. The public is also encouraged, if they see fit, to mail written testimony to the City. Comments may be mailed to PO Box 1120, Waldport, OR 97394, and must be received no later than 1:30 p.m. on the day of the meeting in order to be considered.

Notice given this 14th Day of November, 2025
Dann Cutter, City Manager

Contact: Megan Torres (recorder@waldport.org 541-563-3561) | Agenda published on 11/14/2025 at 12:44 PM

RESOLUTION NO. 1327

A RESOLUTION ACKNOWLEDGING THE AUTHORITY AND SECURITY OF CITY PROPERTY FOR COUNCILORS.

WHEREAS, the Waldport City Charter was adopted by the people in 1996;

WHEREAS, the Charter establishes the responsibilities of various officers and officials;

WHEREAS, Charter title 21 (d)(6) specifically grants authority over city property to the City Manager;

WHEREAS, a council member who attempts to violate that authority puts staff and city resources at risk:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Waldport:

Be it the Policy of the City of Waldport

All Council members acknowledge and are required to adhere to the following:

- 1) No Councilor shall access or has the individual authority to grant access to any city facility which is locked, secured or is used for city utility purposes without written permission. This includes any property, easement or access way.
- 2) Councilors requesting access must request such access from the city manager, or from the body of the entire Council at a council meeting.
- 3) No Councilor shall discuss, or inform others the security of any facility, nor give permission for others to access or trespass on any city property without the permissions above.
- 4) The City Manager shall not unreasonably deter access to any elected official.
- 5) Violation of this policy may be, after review of council, be considered a misuse of official position resulting in a citation for criminal trespass or other charges as appropriate.

PASSED by the City Council of Waldport this 13th day of November, 2025.

SIGNED by the Mayor this 13th day of November, 2025.

Heide Lambert, Mayor

ATTEST:

Megan Torres, City Recorder

Violation of public meeting law

“To consider matters relating to the safety of the governing body and of public body staff and volunteers and the security of public body facilities and meeting spaces.”

Your proposed resolution does not address safety or security need to restrict the city council from using their authority to inspect, investigate, or determine if any activity is needed to address the concerns of the citizens.

As such your use of ORS **192.66-(2)(o)** is at best an extreme reach of the law for a executive meeting.

This is actually a change in the authority of the council and should be address by the community. Changes in the role of councilors, as defined by charter and council rules are and should continue to be discussed in open meetings. You are working on a work around for Council Authority and Responsibility.

Respectfully

Tony Thimakis

Beachcomber Days
P.O. Box 2254
Waldport, OR 97394
beachcomberdays@gmail.com
November 8, 2025

To:
City of Waldport
Attn: Mayor Heide Lambert and City Council
355 NW Alder Street
Waldport, OR 97394

From:
Tammy Abele, President
Beachcomber Days

: Formal Objection to Discussion of Beachcomber Days in Executive Session

Dear Mayor Lambert and Members of the Waldport City Council,
On behalf of Beachcomber Days, I am submitting this letter to formally object to the City Council's discussion of Beachcomber Days during the executive session held on Thursday, October 9, 2025. As a nonprofit community organization, we do not have a contract with the City of Waldport, are not employed by the city, and are not involved in any litigation with the city. Therefore, there is no lawful basis for the Council to deliberate about Beachcomber Days in a closed executive session.

According to Oregon Public Meetings Law (ORS 192.610–192.690), all meetings of a governing body are to be open to the public except in limited, clearly defined circumstances. Executive sessions may be held only for specific reasons authorized under ORS 192.660, such as personnel matters, labor negotiations, real property transactions, or consultation with legal counsel regarding current litigation or potential litigation. None of these exemptions apply to discussions concerning Beachcomber Days.

Furthermore, the Oregon Attorney General's Public Records and Meetings Manual emphasizes that public bodies must provide advance public notice of the topics to be discussed, and interested parties must be notified when their organizations are subjects of a meeting discussion. The City of Waldport failed to notify Beachcomber Days that our organization would be discussed, nor were we informed of the content or nature of that discussion.

This lack of notice and the apparent misuse of executive session authority constitute a violation of Oregon's Public Meetings Law and undermine public trust in transparent governance.

We respectfully request a written response within 21 days of receipt of this letter, acknowledging this error and outlining the corrective steps the City will take to ensure compliance with Oregon's open meeting requirements.

If this matter is not satisfactorily addressed within that time frame, Beachcomber Days will file a formal complaint with the Oregon Government Ethics Commission, pursuant to ORS 244.260, and notify the Lincoln County District Attorney's Office for review under ORS 192.680.

Thank you for your prompt attention to this serious matter. We expect transparency and adherence to Oregon law from all elected officials and city staff in matters concerning our community events.

Sincerely,
Tammy Abele
President, Beachcomber Days



-City of Waldport
OFFICE of the CITY MANAGER
355 NW Alder Street
P.O. Box 1120
Waldport, OR 97394
Phone: 541-563-3561 x7
dann.cutter@waldport.org

November 10, 2025

Tammy Abele
P.O. Box 2254
Waldport, OR 97394

Re: Response to complaint from Nov 8th, 2025

Greetings Ms. Abele,

The city acknowledges the receipt of your complaint dated November 8th, 2025 and received by my office Nov 10th, 2025. We hereby deny the allegations as presented and have provided a response.

Paragraph 1: The City hereby denies the assertion. The legal entity, Lincoln County Beachcomber Days, formally known as Waldport Oregon Beachcombers Days, or Beachcombers Days herein referred to as 'BCD' entered into a contract with the city of Waldport on April 27th, 2021 which was terminated December 12th, 2024 for breach of terms. At this time, there remain unresolved legal issues regarding this contract, and activities with BCD.

Paragraph 2: The City hereby denies that assertion. As cited in the meeting notice, ORS 192.660(2)(h) allows the governing body to meet in executive session to discuss litigation, or potential litigation. As there are unresolved legal issues, the council met to discuss potential litigation against BCD. Legal Counsel Corey Blake was present.

Paragraph 3: The City hereby denies that assertion. While the Oregon meeting manual does discuss the 'interested parties' intent for public meetings, it does not extend that requirement to executive session specific to litigation – no such requirement to notify interested parties to what amounts to an internal discussion among the city and its attorney.

Paragraph 4: The City hereby denies that assertion. The meeting was noticed on October 2nd, 2025, a full seven days prior to the council meeting, and cited properly for ORS 192.660(2)(h) and was in compliance with OAR 199-040-0050.

No further assertions are made. The city has provided a rebuttal for consideration for every specific complaint. Your complaint in totality is denied.

Sincerely,

Dann Cutter, City Manager
The City of Waldport

Cc: pbgr@ogec.oregon.gov

From: Tony Thimakis <tthimakis@gmail.com>
Sent: Wednesday, November 12, 2025 4:21 PM
To: PLUKCHI Lydia * SOS <Lydia.PLUKCHI@sos.oregon.gov>
Cc: SOUTHWELL Amy <asouthwell@co.lincoln.or.us>; SOS Oregon * SOS <oregon.sos@sos.oregon.gov>; attorneygeneral@doj.oregon.gov; Rep Gomberg <rep.davidgomberg@oregonlegislature.gov>
Subject: Waldport citizens Recall of city council

Dear Lydia,

This is in regard to the recent recall petition that has taken place in Waldport, the recall was invalidated due to our not collecting initials from the citizens who signed the petitions to show approval of our entering their address, city, and zip code to the petitions.

We are hoping to appeal the decision of the City Recorder or have a clear understanding of how to proceed to ensure this does not happen again.

I believe we did what was expected. We worked in concert with Amy Southwell. Any misunderstanding or miscommunication was not intentional on either part, we had each person sign and fill in one petition with all pertinent information and then sign the others they wanted to include.

Our community's median age is 64, standing on your porch writing on a clipboard is difficult at best. We collected the signatures in good faith and filled in, with their permission, the address, city, and zip code.

This was not a deliberate attempt to circumvent any laws. I do not believe that the city recorder can be expected to be unbiased, as she works directly for the city manager, who continually inserted himself into the election process, who works for the city council, who can fire the city recorder or just make her life miserable. In this community the city manager has a reputation for this type of behavior.

Is there a process of appeal that does not include the city?

If there is, what are the steps we can take to begin the process?

How soon can we begin the process?

If not, what are our options?

And when can we begin to start?

Can you provide complete information on the process and perhaps some support to help prevent retaliation from the city manager on people who are willing to sign again.

The courtesy of a quick response is greatly appreciated.

Respectfully yours,

Tony Thimakis

801-808-1065

tthimakis@gmail.com

Dear Mr. Thimakis,

Good afternoon. I wanted to inform you that I have recently received a letter from Lincoln County Clerk Amy Southwell outlining the findings of County Counsel and the County Clerk's office regarding the recall petitions 21-COWR-2025. After their comprehensive review, it was determined that ORS 260.567 was violated by the petition gatherers. As a result, the six petitions do not meet the necessary requirements to proceed with the recall.

For your reference, I've attached the letter from the county.

If you have any questions or need further clarification, please feel free to reach out to Amy Southwell directly at 541-265-4131 or via email at asouthwell@co.lincoln.or.us. Alternatively, you can contact the Oregon Secretary of State's Elections Division using the details below:

Oregon Secretary of State – Elections Division

- Phone: 503-986-1518
- Email: elections.sos@oregon.gov
- Website: <https://sos.oregon.gov/elections/Pages/index.aspx>

Megan Torres
Municipal Clerk
(541) 563-3561 Ext. 2



Posts

Photos

Reels



Heide StrangeSky Lambert



2d • 🌐

Please watch this last Waldport council meeting (I was absent for) and let me know if you want to make an ethics complaint, for there is several public meeting violations here that need to be reported. Any registered voter in Oregon is welcome to file complaints on the Oregon Ethics Commission website. I am happy to help walk you through it!



Justice for Waldport · [Follow](#)

3d • 🌐

SHOUT OUT to AJ at [#RebelWithACause](#) for his dedication to the filming of the Waldport City Council meetings! If not for his diligence, THE PEOP... [See more](#)



youtube.com

Waldport council meeting concluding with dialogue on ICE and city manager complaints.

Original Submission

Received On

01/23/2026 08:00:00 AM

Public Official Contact Information

Heide Lambert

PO Box #1292

Waldport, OR 97394

5412708069 heide.lambert@waldport.org

Public Official Position

Mayor

Narrative

I am writing to report the Waldport City Council executive session held on January 15th 2026 was in violation of public meeting laws ORS 192.610 and ORS 192.705 In the executive session the council spoke beyond the scope of: ORS 192.660 (2) (e) to conduct deliberations with persons you have designated to negotiate real property transactions. ORS 192.660 (2) (f) to consider information or records that are exempt from disclosure by law, including written advice from your attorney. After this executive session the council voted to change minutes from the December 2024 executive session (that has been proposed and voted down, at the October 9, 2025 and November 19, 2026 meeting). Greg Dunn, council president, said he was provided the rewording by the city attorney who suggested the change to Dann Cutter, City Manager, in order for CIS to cover his personal lawsuit fees, that are currently being paid by city dollars, all without any public discussion or input.

Links

towncloud-core-prod.s3.us-west-2.amazonaws.com/uploads/waldport-or/meetings/agenda_packet/pdf/344/city-council_2026-01-15_205131.pdf (http://towncloud-core-prod.s3.us-west-2.amazonaws.com/uploads/waldport-or/meetings/agenda_packet/pdf/344/city-council_2026-01-15_205131.pdf)
Jan 15 2026 council agenda

towncloud-core-prod.s3.us-west-2.amazonaws.com/uploads/waldport-or/meetings/agenda_packet/pdf_packet/344/city-council_2026-01-15_205142_combined.pdf (http://towncloud-core-prod.s3.us-west-2.amazonaws.com/uploads/waldport-or/meetings/agenda_packet/pdf_packet/344/city-council_2026-01-15_205142_combined.pdf)
Jan 15 2026 council packet

Files  [OGEC jan 15 complaint email to council.pdf \(/OGEC/CMS/File/GetFile?fileKey=64e0a068-25ee-488d-81a5-909ae4380bb2\)](#)  [OGEC complaint for January 15th councilor woodruff response.pdf \(/OGEC/CMS/File/GetFile?fileKey=38f1a3de-8bdf-4cfb-a258-41ff9abcd09c\)](#)  [OGEC complaint 1-15-26 response from city.pdf \(/OGEC/CMS/File/GetFile?fileKey=4559bfae-a5c4-4400-8c69-57b3f5e86b40\)](#)

Complainant Contact Information

Heide Lambert

PO BOX #1292

Waldport, OR 97394

5412708069 heide.lambert@waldport.org

Electronic Signature

Heide Lambert

From: Heide Lambert <heide.lambert@waldport.org>
Sent: Friday, September 19, 2025 3:12:44 PM
Subject: Formal Complaint

Dear Council,

I am writing this formal complaint against Council President Greg Dunn, Councilor Susan Woodruff, and the city manager, Dann Cutter for acting without the involvement of the whole council on Several occasions including most recently the handling of the elder abuse protective order that was filed against Mr. Cutter. Because I have been denied an executive session to discuss this matter with council, I am formalizing my complaint. I fail to comprehend how the city manager's conduct and actions in this matter equate to anything close to performing his duties in managing municipal affairs. I've seen no record pertaining to a council meeting in which it was decided through a vote that validates the premise that Dann Cutter was acting in his role as city manager when he initiated and conducted an investigation of a private citizen, and publicly released information that tainted the reputation of organizations and individuals in our Community. I emailed council on August 22, 2025 in regard to Council President, Greg Dunn and Councilor Susan Woodruff's published comments (example: "that these actions were under the 'direction of council'"). In my email to council I stated, "It is my understanding that in an executive session is the first place for council to gather information of when council voted to have Dann Cutter conduct such an investigation and when council voted for him to release all that he found? And how to properly proceed with these allegations against city staff, that is now being publicly backed by at least two councilors, Greg Dunn and Susan Woodruff."

If there was no formal vote of the council to pay for outside legal counsel, in the elderly abuse case against our city manager, the council should be given access to the contract. This appears to me to be a blatant overstep of authority and misuse of city funds. Therefore, I request that the contract be provided to every member of the city council immediately.

Again, I am writing to council in an effort to be transparent and ask that you respond to this Formal complaint and schedule an Executive Session immediately. It is an act of impropriety to delay these conversations until the October council meeting. Also, because of the complexity of council having to deal with multiple complaints against the city manager and two council members, I am requesting that the council include a CIS Pre-loss representative to attend the Executive Session. If you agree please "second" this request and email Mr. Corey Blake with your request so that he can arrange the public meeting, and schedule CIS to attend.

Sincerely,
Heide Lambert
City of Waldport Mayor

Response to Formal Complaint of Mayor Lambert from September 19th, 2025

I appreciate the opportunity to respond to Mayor Lambert's September 19, 2025 complaint. For the reasons set out below, the complaint is procedurally improper, is not supported by the record of Council action, and should be dismissed.

I. The Council — not the Mayor individually — is the City Manager's employer and supervisor.

Under the Waldport City Charter, all powers of the City are vested in the Council, which acts as a body (Charter, Section 6). The City Manager is the administrative head of the City, is chosen by the Council, and may be removed only "at the pleasure of the Council" (Charter, Section 21(a), (c)). My employment agreement confirms the same arrangement: I serve "at the pleasure of the City Council," I implement policy "as established by City Council," and only the City Council may direct or terminate my service (Employment Agreement, Sections One and Two).

This structure follows Oregon law, not merely our Charter. By statute, "[t]he powers of the city shall be vested in the council," and the council — composed of the mayor and the councilors — is the governing body that acts for the City. ([Bialostosky v. Cummings](#), 319 Or. App. 352, 511 P.3d 31 (2022)) In Oregon's council-manager cities, all powers of the city are vested in the council, which delegates daily administration to the manager, and "[n]o action by the council shall have legal effect" unless taken by vote at a meeting open to the public. ([Am. Fed'n of State Cnty. & Mun. Emps. v. City of Lebanon](#), 360 Or. 809, 388 P.3d 1028 (2017)) A municipal body "may act only as a body, properly convened and functioning as such; separate individual action of its members is ineffectual." (§ 13:1. [Municipal organization: where authority vested](#)) Individual members "acting singly have no authority to bind the municipality." (§ 29:20. [Who may act in behalf of municipality](#))

The Mayor's role is defined and limited. The Mayor presides over Council deliberations and is "a voting member of the Council" — one vote among seven (Charter, Section 17). A presiding mayor "has only one vote" and holds no independent authority by virtue of the office. (§ 13:36. [Presiding officer—Casting of vote](#)) The Charter gives the Mayor no individual authority to supervise, investigate, discipline, or sit in judgment of the City Manager. That authority rests with the Council acting collectively, not with any single member acting alone. Indeed, the Oregon Supreme Court has confirmed that only the City Manager — not an individual councilor or the mayor — has authority to hire, discipline, or discharge City staff, and that members of the council "are not authorized to act individually." ([Am. Fed'n of State Cnty. & Mun. Emps. v. City of Lebanon](#), 360 Or. 809, 388 P.3d 1028 (2017)) A "formal complaint" filed by one member against the City Manager therefore asks that member to exercise an authority neither the Charter nor Oregon law confers on her.

Oregon law addresses this precise situation. In ([Still v. Benton](#), 251 Or. 463, 445 P.2d 492 (1968)) , the mayor of Baker pressed the city manager to discharge the police chief. The city's council-manager charter placed the power to appoint and remove staff in the manager and barred any council member from attempting, "directly or indirectly, by suggestion or otherwise, [to] influence or coerce the manager" in such decisions. ([Still v. Benton](#), 251 Or. 463, 445 P.2d 492 (1968)) The Oregon Supreme Court held that the mayor "was not acting within the scope of his authority" and acted "contrary to the charter." ([Still v. Benton](#), 251 Or. 463, 445 P.2d 492 (1968)) The mayor was held personally liable in damages for that conduct. ([Still v. Benton](#), 251 Or. 463, 445 P.2d 492 (1968)) A mayor who targets the City Manager over a personnel matter is not exercising oversight; she is acting outside her office.

II. Concerns about the City Manager must be raised through the Council's employee-review process, not by public complaint.

My employment agreement establishes the exclusive channel for concerns about the City Manager's performance. It provides that "[i]f there is a question regarding a MANAGER personnel issue, the issue should be discussed between the City Council and the MANAGER" (Employment Agreement, Section Four). It further establishes an annual performance evaluation conducted by the City in closed executive session, and it expressly encourages the Mayor and individual Council members to raise any concerns directly with the

Manager, informally or during Council meetings (Employment Agreement, Section Five). If the Council determines that performance is unsatisfactory in any respect, the agreement requires that the concerns be described to the Manager in writing, with a reasonable opportunity to respond and to take corrective action (Employment Agreement, Section Five).

The Mayor has bypassed every one of these mechanisms. Rather than raise her concerns with me directly, or place them before the Council in the confidential evaluation process the agreement prescribes, she has elevated a policy disagreement into a public "formal complaint." That is precisely the process the agreement was written to avoid. Because supervisory and disciplinary authority over the City Manager belongs to the Council as a body and to the confidential process the City adopted — not to any individual member — a unilateral public complaint is not a legitimate exercise of oversight. ([Still v. Benton, 251 Or. 463, 445 P.2d 492 \(1968\)](#); [Am. Fed'n of State Cnty. & Mun. Emps. v. City of Lebanon, 360 Or. 809, 388 P.3d 1028 \(2017\)](#)) Handling personnel concerns about the City Manager outside the agreed, confidential review process is not merely irregular — it disregards the framework the City adopted, and it exposes the City to unnecessary risk.

III. The record shows the Council authorized and has ratified the conduct at issue.

The complaint asserts that I acted without Council involvement. The record is to the contrary. In December 2024, following the receipt of falsified grant information, the Council met in executive session and voted to make a public statement and to release the relevant information. My actions were guided by that instruction and by the duty to prevent further harm to the public.

The Council has since confirmed this on the record. At its January 15, 2026 meeting, the Council voted unanimously to authorize and ratify the City Manager's actions regarding the release of documented information to the press, to law enforcement, and to citizens, and confirmed that those actions were an expected part of the duties of the office. Councilor Woodruff clarified that the actions were requested by the Council. The premise of the complaint — that I acted on my own — cannot be reconciled with the Council's own minutes.

Even if any action of mine had exceeded my authority — and it did not — the Council's later approval resolves the point as a matter of Oregon law. A city may ratify the prior act of its officer, and a valid ratification is "equivalent to an original authority." ([Murphy v. City of Albina, 22 Or. 106, 29 P. 353 \(1892\)](#)) Such a ratification "relates back to the time when the unauthorized act was done and makes it as effective from that time as though it had been originally authorized." ([Phillips v. Colfax Co., 195 Or. 285, 243 P.2d 276 \(1952\)](#)) Ratification by a municipal body requires an affirmative corporate act — a vote or resolution at a duly convened meeting — which is exactly what the Council's unanimous January 15, 2026 vote supplied. ([Murphy v. City of Albina, 22 Or. 106, 29 P. 353 \(1892\)](#)) No particular formality beyond that is required. ([Purcell v. City of Portland, 34 Or. App. 485, 579 P.2d 269 \(1978\)](#)) The conduct the Mayor complains of has been fully and formally adopted by the only body with authority to judge it.

IV. The allegation of misused funds is answered by the City's own contract.

The complaint characterizes the City's payment of legal defense costs as an "overstep of authority and misuse of city funds." It is neither. In 2020, the City adopted my employment agreement, Section Six of which requires the City to "defend, hold harmless and indemnify" the Manager against any and all claims and legal proceedings brought against the Manager in his official capacity, arising out of acts or omissions in the course and scope of his duties (Employment Agreement, Section Six). A restraining-order proceeding arising out of conduct the Council itself authorized and ratified falls squarely within that provision. The City's defense of that matter is a pre-existing contractual obligation, reviewed by the City Attorney — not a discretionary expenditure requiring a new vote. No separate authorization was needed because the City bound itself to this defense in 2020.

This is not the first time Mayor Lambert has pressed this exact allegation — and it has already been rejected by the State. On November 18, 2025, Mayor Lambert filed a complaint against me with the Oregon Government Ethics Commission (Case No. 25-729EJS), alleging, just as she does here, that I used my official position to have the City pay for my legal defense and thereby avoid a personal financial detriment. The Commission

dismissed that complaint. Its January 16, 2026 preliminary review found the information insufficient to constitute a substantial, objective basis for believing that I had engaged in any prohibited use of office or conflict of interest under Oregon Government Ethics Law, and recommended dismissal; the Commission adopted that course and dismissed the complaint. The Commission concluded that the indemnification provision of my employment contract made the paid defense part of my official compensation package, and that the City Council had confirmed the contract authorized payment of those expenses. In short, the very accusation the Mayor now recycles has already been reviewed and dismissed by the State's ethics regulator. The Council should give it no greater weight than the Commission did.

While Ms. Rios sought to characterize the underlying conduct as personal, saying so does not make it so. My actions were guided by the Council's December 2024 instruction and by the duty to prevent future harm, and they have now been formally ratified by the full Council.

V. The remaining allegations lack merit.

Ms. Lambert has never been denied an executive session. Under Council Rules, two members must concur to hold such a session (CR 3.2). The request first arose at the September meeting following her August request; the Council — Councilor Woodruff in particular — agreed, and an executive session was scheduled for October 9. As to the grant disclosures, Council policy, adopted by consensus in spring 2023, requires that "[a]nyone asking for grant funding from the city will provide information related to the grant and the budget thereof," and the City's grant request forms request that information plainly. As to enforcement, the Charter directs the City Manager to "see that all ordinances are enforced" (Charter, Section 21(d)(2)), and Waldport Municipal Code 9.04.010 adopts the Criminal Code of the State of Oregon as ordinances of the City. Acting to enforce those ordinances and to protect the public is the job the Charter and Code assign to me.

VI. This complaint is one in a continuing pattern that has become a form of harassment.

This is not an isolated filing. It is the latest in a series of complaints and allegations directed at the City Manager and at the councilors who have supported lawful Council action. As the Council noted at its January 15, 2026 meeting, City staff have been required to devote significant time to responding to a stream of formal complaints and allegations from citizens and the Mayor — including false statements made to the police, to citizens, to the Council, and to the Sheriff's Office — and that burden has materially impaired the City's ability to attend to its other operational priorities.

This conduct is not merely improper — it is unlawful retaliation against a whistleblowing public employee, and the City should treat it as such. Oregon law flatly prohibits a public employer, and those acting for it, from taking or threatening disciplinary action against, or otherwise interfering with, an employee who discloses information the employee reasonably believes is evidence of a legal violation, mismanagement, abuse of authority, or a danger to public health and safety. ([Or. Rev. Stat. Ann. § 659A.203 \(West\)](#)) Oregon law separately prohibits discharging, demoting, suspending, or "in any manner" discriminating or retaliating against an employee for a good-faith report of a suspected violation of law. ([Or. Rev. Stat. Ann. § 659A.199 \(West\)](#)) And it is an unlawful employment practice to retaliate against any person for opposing an unlawful practice or filing a complaint. ([Or. Rev. Stat. Ann. § 659A.030 \(West\)](#))

My release of information about falsified grant submissions and about conduct endangering members of the public was precisely the protected activity these statutes exist to shield — a good-faith disclosure of wrongdoing and of a danger to the public, made in the course of my duties and at the Council's direction. Mayor Lambert's response has been to pursue me through repeated formal complaints, public accusations, and demands aimed squarely at that disclosure. Under Oregon law, a retaliation claim requires protected activity, a materially adverse action, and a causal link between them. ([Tomlinson v. Jackson Cnty., 345 Or. App. 637, 583 P.3d 576 \(2025\)](#)) An action is materially adverse when it "well might have dissuaded a reasonable worker" from engaging in the protected conduct. ([Tomlinson v. Jackson Cnty., 345 Or. App. 637, 583 P.3d 576 \(2025\)](#)) A sustained campaign of formal complaints and public accusations directed at an employee for making a protected disclosure meets that description. This is not oversight; it is retaliation of exactly the kind Oregon law forbids, and it is a form of harassment that exposes the City — and the Mayor individually — to liability. As the Oregon Supreme Court has already made clear, an official who pursues a City

employee beyond the authority of her office acts wrongfully and may be held personally liable in damages. ([Still v. Benton, 251 Or. 463, 445 P.2d 492 \(1968\)](#); [Still v. Benton, 251 Or. 463, 445 P.2d 492 \(1968\)](#))

When an official repeatedly pursues an employee through a public complaint process that the governing documents do not authorize, after the governing body has already reviewed and ratified the conduct in question, the process ceases to be legitimate oversight and becomes harassment. A political disagreement, or displeasure with a lawful decision of the Council, does not meet the standard for a formal complaint. Reframing that disagreement as repeated complaints against an employee — outside the confidential review process the City agreed to use — is retaliatory and improper.

VII. Relief requested.

For the foregoing reasons, I respectfully request that the Council dismiss Mayor Lambert's September 19, 2025 complaint in its entirety.

Thank you for allowing me to respond.

Respectfully,

Dann Cutter

City Manager, City of Waldport

EMPLOYMENT AGREEMENT

THIS AGREEMENT, made and entered into this 25th day of March, 2020, by and between the City of Waldport, Oregon, hereinafter referred to as "CITY" and Daniel Cutter, hereinafter referred to as "MANAGER".

WITNESSETH

WHEREAS, CITY and MANAGER desire a written agreement, serving as a basis for effective communication, and avoiding misunderstanding; and

WHEREAS, it is the desire of the CITY to employ the services of MANAGER of the City as provided by and subject to the limitations of the City Charter and to (1) secure and retain the services of the MANAGER and to provide inducement for that person to remain in such employment, (2) to make possible full work productivity by assuring MANAGER's morale and peace of mind with respect to future security, (3) to act as a deterrent against malfeasance or dishonesty for personal gain on the part of MANAGER, and (4) to provide a just means for terminating MANAGER's services at such time as he may be unable to fully discharge his duties or when CITY may otherwise desire to terminate this employ;

THEREFORE, in consideration of the mutual covenants herein contained and for consideration herein specified, the CITY and MANAGER mutually agree:

SECTION ONE - DUTIES

CITY hereby agrees to employ MANAGER as City MANAGER to perform the functions and duties of City MANAGER, consistent with state law, City Charter and ordinances including but not limited to the following: serve as chief administrative officer of the City; direct and coordinate activities of all City departments and implement policy as established by City Council; exercise direct or delegated supervision over all employees of the City; directly supervise all department heads and executive secretary. The MANAGER shall not be responsible for the supervision, activities, or responsibilities of the City Attorney, Municipal Judge or the Auditor.

SECTION TWO - TERM

The term of this agreement shall commence on March 25th, 2020 and shall continue for an indefinite term as provided in the Agreement. MANAGER agrees and understands that the position is "at will" and that the City MANAGER serves at the pleasure of the City Council.

(a) Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of MANAGER at any time during this agreement, subject only to the provisions set forth in this agreement.

(b) Nothing in this agreement shall prevent, limit or otherwise interfere with

the right of the MANAGER to resign at any time from his position with the CITY, subject only to the provisions set forth in this agreement.

SECTION THREE - TERMINATION AND SEVERANCE

Termination: In the event MANAGER is involuntarily terminated and during such time as MANAGER is willing and able to perform the assigned duties, then in that event CITY agrees to pay MANAGER monthly for 12 months, or until alternate employment is achieved (whichever comes first), a lump sum cash severance payment equal to a month's pay minus the unemployment benefit possible from the state at MANAGER'S highest rate of pay for the current contract year. After seven years of employment, it is modified to: CITY agrees to pay MANAGER a lump sum cash severance payment equal to three (3) months' pay at MANAGER'S highest rate of pay for the current contract year.

Resignation: If the MANAGER voluntarily resigns his position with the CITY, the MANAGER shall give the CITY at least ninety (90) days written notice in advance. In the case of this voluntary separation, the MANAGER agrees to pay CITY \$20,000 towards the search for a replacement City Manager for the first three (3) years of the MANAGER's employment. After that time, no payment is due for a voluntary resignation.

Termination for Cause: For the purpose of this agreement, cause shall include but not necessarily be limited to being found by Council or ultimately a court of competent jurisdiction to have committed malfeasance in office, be convicted of a felony or any act of embezzlement, dishonesty or theft. The CITY shall have no obligation to pay any accrued benefits, including severance pay as set forth above.

SECTION FOUR - SALARY AND BENEFITS

A. Salary. The CITY agrees to pay the MANAGER for services rendered an annual salary of ONE HUNDRED FIVE THOUSAND DOLLARS (\$105,000.00) payable in the same installments and in the same manner as other employees are paid. In addition, MANAGER shall receive an annual Cost of Living Adjustment (COLA) equal to the annual Consumer Price Index (CPI) as provided other employees. There may be additional salary and benefit increases as determined by the City Council after review of MANAGER's performance and/or made at the same time as similar consideration to other employees. Upon a finding of satisfactory performance, MANAGER's annual salary shall be increased at the start of the fiscal year, in an amount as deemed appropriate by the City Council.

B. Insurance - Health, Life and Disability. The CITY agrees to put into full force and effect appropriate insurance coverage as provided other employees of the CITY.

C. Personal and Administrative Leave. MANAGER shall receive 240 hours of personal leave a fiscal year. It shall be used in that fiscal year and the unused balance shall expire at the end of the fiscal year. If the MANAGER voluntarily separates, the unused balance will be forfeit for that year. Time off shall not exceed two sequential weeks.

D. Dues and Subscription. CITY agrees to budget and to pay for reasonable professional and civic involvement dues and subscriptions of MANAGER for participation and continuation of professional growth and advancement.

E. Professional Development. CITY agrees to budget and pay for reasonable travel and expenses of MANAGER for meetings, courses and occasions adequate to continue the professional development of MANAGER. Such expenses may include, but are not limited to, membership dues and participation of MANAGER in the Oregon City/County Management Association and the International City/County Management Association, and tuition expenses toward education beneficial to the city.

F. General Expenses. The CITY recognizes that certain expenses are incurred for official and job affiliated functions for the CITY by MANAGER and hereby agrees to reimburse or pay the actual amount of such general expenses on a monthly reimbursement basis upon receipt of statement or personal affidavit. CITY agrees to pay a \$120 per month communication stipend and a \$240 per month vehicle stipend. For any overnight travel requiring the use of MANAGER'S personal vehicle, MANAGER shall be reimbursed at the same mileage rate as other employees of the CITY.

G. Bonding. The MANAGER shall give a bond in an amount and with such surety as is approved by the City Council. The premiums on the bond shall be paid by the CITY.

H. Other Benefits. MANAGER shall receive all benefits paid to other employees, including, but not limited to, the following:

1. 1) Payments to the Oregon Public Employers Retirement System;
2. 2) Reasonable paid sick, bereavement and like time off on an as needed basis (rather than as on an accrued basis);
3. 3) Long term disability benefits;
4. 4) Holidays which fall on days normally worked; and
5. 5) Any other benefits enjoyed by employees.

I. Personnel Rules. The parties agree that the MANAGER is exempt from the personnel rules of the City as may be amended, supplanted or otherwise changed. MANAGER is employed to perform the MANAGER'S duties as set forth in Section One of this document. If there is a question regarding a MANAGER personnel issue, the issue should be discussed between the City Council and the MANAGER. In addition, MANAGER shall attend all regular and special meetings each month, unless excused. Overtime will not be paid. The parties anticipate that the MANAGER'S work schedule will be flexible and his hours set by him. The parties contemplate that flexibility will provide benefits to both parties.

SECTION FIVE - ANNUAL PERFORMANCE AND GOAL SETTING EVALUATION

Annually, the CITY and MANAGER shall define goals, performance objectives and priorities which they determine necessary for the proper operation of the City and attainment of Council's policy objectives.

Further, the Mayor and individual City Council members are encouraged to periodically identify their concerns to the MANAGER by either informal discussions with the MANAGER or by more formal means during Council meetings. Except as otherwise directed by the City Council, MANAGER'S job performance shall be reviewed after the first six months and first year of employment. Thereafter, employment evaluations shall be conducted annually during the month of January. The evaluations shall be in closed executive session (unless requested otherwise) for the purpose of evaluating the MANAGER's performance.

In the event the CITY determines that the performance of the MANAGER is unsatisfactory in any respect or needs significant improvement in any area, the CITY shall describe these concerns in writing and in reasonable detail or with specific examples so as to be objective and positive in nature. The MANAGER shall be given a reasonable amount of time to respond to these concerns and to take corrective action.

SECTION SIX - PROFESSIONAL LIABILITY/INDEMNIFICATION

The CITY agrees to defend, hold harmless and indemnify the MANAGER from any and all demands, claims, suits, actions and legal proceedings brought against MANAGER in his official capacity as agent and employee of the CITY, arising out of an alleged act or omission occurring during the performance in the course and scope of the MANAGER's duties as City MANAGER during and after his employment.

SECTION SEVEN - GENERAL PROVISIONS

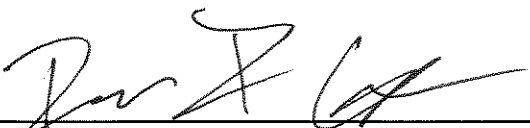
A. Other terms and conditions of employment may be determined by the CITY relating to the duties and performance of the MANAGER, provided that such terms and conditions are not inconsistent with the provisions of the agreement, the City Charter or any other law. Nothing shall restrict the ability of the CITY and MANAGER to mutually and in writing amend or adjust the terms of the agreement. MANAGER reserves the right to discuss the terms or termination of the agreement with the Council as a whole in either closed executive session or in regular session as the MANAGER deems appropriate.

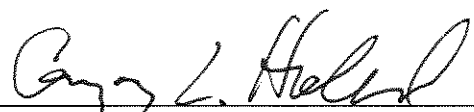
B. The text herein shall constitute the entire agreement between the parties and any oral or other understandings are not binding upon the parties, unless specifically amended in writing by mutual agreement. Their agreement shall be binding and inure to the benefit of the heirs at law and executors of MANAGER. The agreement shall be effective upon March 25h, 2020. Provided that all compensation and benefits under this Agreement shall begin to accrue as of MANAGER's actual start date, currently anticipated to be April 27, 2020.

C. If any provision, or any portion thereof, contained in the agreement is held to be unconstitutional, invalid or unenforceable, the remainder of the agreement, or a portion thereof, shall be deemed severable and shall not be effected, and shall remain in full force and effect.

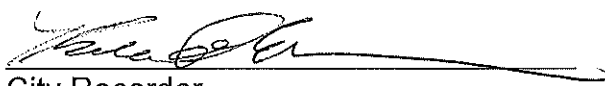
IN WITNESS WHEREOF, the City of Waldport, Lincoln County, Oregon, has

caused the agreement to be signed and executed in its behalf by its Mayor, and duly attested by its City Recorder, and the MANAGER has signed and executed the agreement, both in duplicate, the day and year first above written.


MANAGER


Council President

ATTEST:


City Recorder

1 pictures were not released by the City. Mrs. Catalfamo raised her voice towards Mrs. Morris and
2 Councilors called for enough. Councilor Dunn called an end to public comments.

3 6. COUNCIL COMMENTS AND CONCERNS: Councilor Dunn stated that this has been a stressful
4 time, with sleepless nights. Not only are they the Council, but they are also neighbors and friends.
5 He stated that the Beachcombers issues have hit hard and unfortunately opened it to several
6 people calling and giving information. He stated that the hope is to resolve it quickly so
7 Beachcombers can get back on. He noted that the Council took an oath so if something doesn't
8 look right, they have an obligation to address it, and they are looking into how they could handle
9 things better moving forward. He stated his appreciation for Councilor Kilduff's time on Council and
10 to our community and that January will be a fresh start.

11 7. EXECUTIVE SESSION: At 5:52 p.m. the Council recessed into Executive Session pursuant to ORS
12 192.660(2)(f), to consider information or records that are exempt from disclosure by law, including
13 written advice from an Attorney.

14 8. ACTIONS, IF ANY FROM EXECUTIVE SESSION: The Council reconvened into open session at 6:28
15 p.m. Councilor Woodruff made a motion to turn items over to the LCSO and DOJ. Councilor Kilduff
16 seconded the motion. The motion passed with Councilors Dunn, Kilduff, Morris and Woodruff
17 voting Aye. Councilor Booth voting Nay.
18 Councilor Morris motioned to deny next year's funding request. Councilor Booth seconded the
19 motion. The motion carried unanimously. Councilor Kilduff motioned to not renew the Wednesday
20 Market contract. Councilor Booth seconded the motion. The motion passed unanimously.
21 Councilor Woodruff motioned to direct the City to lift the suspension of Beachcombers, all
22 Beachcomber permits and applications and allow Beachcombers to proceed with usage of City
23 facilities with the proper documentation. Councilor Morris seconded the motion. The motion
24 carried unanimously.

25 9. EXECUTIVE SESSION: At 6:30 the Council recessed into Executive Session pursuant to ORS
26 192.660(2)(i), to review and evaluate the performance of an officer, employee or staff member if the
27 person does not request an open meeting.

28 11. ACTIONS, IF ANY FROM EXECUTIVE SESSION: The Council reconvened into open session at
29 7:03 p.m. Council President Dunn stated that after discussing the evaluations of the City manager,
30 what the City Council would like to see going forward is City employee evaluations at least once a

contracted deputies. With one deputy promoted to Sergeant, the city now has one remaining deputy, shared with Yachats. Positively, changes to the alerting process for the Sergeant and Sheriff have improved response to issues. Work continues on the Drinking Water Protection Plan, supported by a grant to identify and mitigate risks to the City's drinking water supply, and a public meeting will be held on January 29 at 4:00 p.m. at the Community Center to discuss. City staff have been addressing numerous formal complaints and allegations from citizens and the mayor that include false statements provided to the police, citizens, the Council, and the Sheriff's Office. It was noted that responding to these complaints, which includes legal responses, site visits, records requests, and discussions, has required significant staff time and has greatly impacted the City's ability to focus on other operational priorities. Two tentative dates have been identified for the required public meeting and budget training sessions. Councilor Townsend will deliver a presentation to be incorporated into the City Council training, with the Council to select a date for the February meeting. The consensus was to poll Council members on their availability for February 7 or February 21.

7. **COUNCIL COMMENTS AND CONCERNS:** Councilor Severson noted that there was a fundraiser happening to support a local business, Skosh, and the Crestview Heights Boosters. Councilor Townsend noted that the library is doing a fundraiser in a couple of weeks with Papa Murphy's to raise money for the Library Foundation. Council President Dunn noted that several lights on Crestline are not working and plans to record the serial numbers and address the issue.

8. **EXECUTIVE SESSION:** At 5:33 PM, Council adjourned into executive session.

- a. Pursuant to ORS 192.660(2)(e), to conduct deliberations with persons you have designated to negotiate real property transactions.
- b. Pursuant to ORS 192.660(2)(f), to consider information or records that are exempt from disclosure by law, including written advice from your attorney.

9. **ACTIONS IF ANY FROM EXECUTIVE SESSION:** At 6:07 PM, Council reconvened into open session. Councilor Woodruff made a motion that the City Council

1 authorized and ratifies the City Manager's actions with regard to the release of
 2 documented information to the press, to law enforcement and to citizens
 3 detailing the results of the city's investigations; and that all actions taken in the
 4 regard, including advocacy to other governmental entities, are an expected part
 5 of the duties of the job of City Manager to uphold the law and protect the
 6 citizens of Waldport. Council President Dunn seconded the motion, and the
 7 motion passed unanimously.

A discussion was held regarding the motion, during
 8 which members of the local press asked follow-up questions. The Council
 9 confirmed that it had authorized the City Manager to share information that was
 10 collected with the appropriate authorities and as public record. **Councilor**
 11 **Woodruff** clarified that these actions were requested by the Council. **City Manager**
 12 **Cutter** stated that, as the employee involved, he was authorized by the City Council
 13 to take the actions in question; however, the manner in which those actions were
 14 carried out is the subject of the complaint and will be reviewed. He noted that these
 15 actions were taken under the City Manager's responsibility to protect the citizens.
 16 **Council President Dunn** explained that the Council authorized the City Manager to
 17 engage in discussions with affected outside entities but did not direct the specific
 18 content of those discussions. **City Manager Cutter** added that, under CIS
 19 guidelines, the Council cannot address certain aspects of the matter until an official
 20 hearing on the complaints is held. He expressed a desire for the hearing to proceed
 21 in order to resolve the issue, noting that the matter is currently being handled by
 22 attorneys and CIS. **Council President Dunn** further stated that the Council relies on
 23 CIS to advise on complaint reviews.

24 **10. GOOD OF THE ORDER:** **Council President Dunn** stated that he had viewed a video
 25 in which the Mayor claimed she had drafted a resolution addressing ICE-related
 26 concerns in the community, had shared it with the Council prior to the December
 27 City Council meeting, and that the Council rejected it. Council consensus indicated
 28 that no Council member had received a proposed resolution from the mayor. **City**
 29 **Manager Cutter** stated that he has not received any direct communication from the