

May 20, 2022

To: The Bandon City Council

From: Mary O'Dea P.O. Box 820, Bandon, Oregon 97411

RE: Questions and comments for the City Council's Public Hearing on changes to the Bandon Municipal Code Ch. 16 & 17 on June 6, 2022

1. Who benefits from these surreptitious changes to the Bandon Municipal Code Ch. 16 and 17? All of Bandon's residents? Mike Keiser and his various LLCs operating in Bandon? Other special interests?
2. Why were the changes made to Ch. 16 and 17? And,
 - a. Not discussed in open and properly noticed meetings? Why no town hall (see Goal 1 of the Comprehensive Plan Ordinance 1501 June 1, 1991)?
 - b. Why were the changes applied before they were codified? How are you going to resolve the legal issues relating to conflicts resulting from your improper lack of oversight? How, as the governing body, will you resolve conflicts between property owners, who in good faith, abided by the codified code, and those who were allowed to proceed under the uncoded changes?
 - c. How will you defend that some contractors are allowed to build without plan reviews and hearings, whereas others are not? Subjective permissions not allowed for in the codified code.
 - d. Was City Attorney Shala Kudlac consulted and what were her opinions? Remember City Attorney Fred Carleton was on the record as disagreeing with these changes (Planning Comm. Minutes 1.28.2021)
 - e. How will you rectify your actions when you have, as documented in the public record, chosen to selectively violate the Municipal Code and state statutes for special interests? Or, as some of you have, for personal gain? Due to Minute Taker Richard's use of adjectives and adverbs, the public record documents your willing intentions and knowledge of what you have done. You unanimously passed the consent agenda, including your minutes, thereby entering into the public record your acceptance of responsibility for your actions.
 - f. Why wasn't the Planning Commission an active participant in these revisions? Why did they act as if the revisions were a fait accompli?
3. Before changing the code, why don't you enforce the code as it exists? The budgets created under City Manager Dan Chandler clearly show that the code has not been enforced as noted by activity in the Municipal Courts.
4. Why has the City chosen to obstruct lawful public records requests regarding the viewing of city communications with the Oregon Department of Land Conservation and Development (LCDC), and the Land Conservation and the Oregon Land Conservation and Development Commission since January 1, 2020? Why, according to Denise Russell, is it beyond city staff's capability to maintain and produce these records? How do you justify requiring a deposit of \$475.00 (more than 10X the amount charged by the State of OR for copies of the same requested documents) to view these documents in City Hall? Why would you charge such extortionist fees unless you were hiding something? More to the point, why should it cost anything to view public documents that should be easily at hand? Which ones are "free" to view, and which ones are not? For, example, the Mayor made no restrictions or fee requirements to view the Coquille Point hotel documents (March 2021).
5. Has the LCDC indicated that it has serious concerns with the City of Bandon's actions regarding its planning department's operations? Are any of the LCDC's concerns directly related to Chandler's proposed Ch. 16 & 17 changes?
6. If everything is lawful and transparent why have you allowed City Manager Dan Chandler to replace yours and the Planning Commission's authority? Who are the contracted people making decisions?
7. According to public record, the City Council has known that the water and sewer utilities are aged-out and are at their engineered capacity since at least 2014. You have done nothing to alleviate these concerning public safety issues. Nor have you provided oversight over City Manager Chandler's and Planning Manager Dan Nichols'

unchecked and insupportable allowance of new construction. In the public hearing for the South Coast Housing LLC Annexation City Manager Chandler's own submitted documentation shows that the City's water and sewer cannot handle the annexation, much less the continuing boom in construction.

Yet, you approved it. The following questions need to be answered:

- a. There are no funds for a new water plant, just as there is no new source of water. How are you going to provide the water and sewer services you are legally obligated to provide under Ch. 13 of the Municipal Code? Have you illegally changed or abolished Ch. 13 of the Municipal Code?
 - b. When will you meet your obligations to your constituents with regard to the capital improvements and maintenance needs that were funded by the 2016 and 2019 ballot initiatives?
 - c. How are you going to deal with the fact that the Keiser projects will not likely, under current conditions, be able to be connected to the water and sewer systems? Will you have the guts to tell him that there is no water or sewer to support his projects? Or, will you harm an actual resident so that you can continue to curry the favor of the Keisers? Will you willingly harm the safety of the Bandon community?
8. When was City Manager Dan Chandler made Planning Director? Was he appointed lawfully? What are his qualifications to hold this position? He has no education or professional experience on his resume.

How do you justify allowing him to "clean up" the code, when as a Washington State lawyer specializing in land use and real property, he had his license to practice law suspended in federal court (Case No 2:20-rd-00040 ORDER of RECIPROCAL DISCIPLINE 09/01/20)? He was your employee and under your supervision at the time of the suspension, September 1, 2020.

In the public record, you have a well documented history of having a complete lack of regard for the law, your oaths of office, and ethical behavior. And, I remind you that Councilor Peter Braun so shamelessly sits with you and you with him, after he admitted to breaking the law when he used his position for personal financial gain. Bandon's Charter, Municipal Code, and Comprehensive Plan (Ordinance) are the local laws of this Home Rule city. You are legally-bound and oath-bound to uphold these laws, as well as state and federal laws. These laws and regulations are not up for your discretionary interpretation, or the City Manager's.

Thank you for your consideration of my testimony.