

TO: West Linn City Council

FROM: Councilor Scott Erwin

DATE: January 8, 2024

RE: Defense and Response to the December 5, 2023, Ordinance 1704 Investigation Report

Dear Council Members:

This city astounds me with its engaged citizen volunteers, its dynamic employees, and the many business owners who value contributing to our growingly distinct community. We are all a part of what makes West Linn amazing. My desire has been to be a participant and do my part to improve the everyday experiences of all of us. Like the many members of my family before me who had dedicated themselves to military and civil service, I continue that family tradition of service as the first member of my family to hold an elected office. I have devoted myself to excellence in all my work as a member of West Linn City Council for my community, my family, and myself. I hope that anyone who reads this statement in response to the investigation report understands that I only have good intentions, and that I endeavor to do my best as a member of City Council. I am willing to have difficult conversations, make amends, and learn from my mistakes to move forward for the greater good of all involved.

#### **RESPONSE TO FINDING 1**

As in the written report, I acknowledge I made the offensive statement to Council President Mary Baumgardner on April 25, 2023. I was thrilled that Mayor Bialostosky and Council President Baumgardner preferred to have dinner and drinks with me instead of going to the planned social gathering with the other attendees of the LOC Spring Conference. I enjoyed the opportunity to get to know them and converse on a personal level. I felt the three of us were having fun, and I was unaware my comment had caused any harm. I had no intent to harass her or cause anyone discomfort. As noted in the report, I unfortunately discovered my [REDACTED] was not as effective in the evening. When combined with an attempt to provide levity in a casual setting, I was not as mindful with my word choice as I normally would have done. In this case, it was an unusually offensive comment, I regret saying it, and I will never do it again.

When Mayor Bialostosky called me on May 16, 2023, to convey the message that Council President Baumgardner requested an apology, I had the full intent to apologize that night at Mayor Bialostosky's election party as well as at the Clackamas Cities Association meeting two nights later. Both of those evenings were social events with dozens of people consuming alcohol. The environment on either of those nights was not comfortable for me, and I thought an opportunity would soon arise for us to properly discuss my comments and for me to apologize. Unfortunately, that opportunity did not present itself, and I dropped the matter. I should have been more proactive and attempted to acquire assistance from Mayor Bialostosky or City Staff to ensure I was able to deliver a timely apology in a setting that would honor the earnestness the apology deserved and would assist in it being a reparative experience for both of us.

**RESPONSE TO FINDING 2**

On August 7, 2023, after the formal interview, Council members wanted to have more time to speak with City Attorney candidate [REDACTED]. With the support of city managers and the recruiter, Council decided to have one-on-one interviews. I thought the recruiter from [REDACTED] was going to coordinate the scheduling. Once I was advised that I needed to schedule directly with the candidate, I messaged him and asked if he would like to meet for a beer or have a walking meeting. He responded, “Is there a good time in Monday that works for a beer.” I said that I love Arch Bridge and asked to meet there. He agreed.

On Monday, August 14, 2023, I met [REDACTED] at Arch Bridge Taphouse at 6:30 pm. There were about a half dozen other customers, and loud music was playing. We walked in together, ordered beers, and paid separately. He ordered a full pint of a Japanese lager. There are a variety of serving glasses on display, and he could have ordered a serving as small as four ounces. Non-alcoholic beverages are also available. I purchased a four-ounce taster for each of us to enjoy. He accepted it and drank it with his pint. On August 18, 2023, [REDACTED] withdrew his candidacy and provided his account of our one-on-one to [REDACTED]. As she noted, [REDACTED] said, “He made me go to a bar and order a beer.” As a result, I am upset and confused by [REDACTED] defamatory account of our one-on-one interview.

When I speak about an issue that I am passionate about, I, as people do, may get loud, and that loud passion can be interpreted as aggressive. I am concerned about the lack of racial/ethnic diversity in West Linn’s staff and volunteers, and I openly speak about this with anyone who is interested in the topic and constructively discussing it. I may have expressed this concern to [REDACTED] as an issue West Linn would require assistance from the new City Attorney to implement solutions, such as diversity, equity, and inclusion factors for job postings and recruitment processes. I do not recall saying anything against Jewish people or any group of people. I condemn antisemitism. I condemn racism and discrimination against any group of people. I am willing to have conversations that get into topics that are controversial. One topic I do not discuss is the relationship between Palestine and Israel and their people. I know that I know little of their histories, cultures, and religions. I do not support violence, and I am incredibly sad reading the news about so many deaths and the pain that is felt by families around the world.

If I did say anything to [REDACTED] that he found offensive, I am sorry. I had no intent to upset him, and I am hurt by his statements documented in this report.

**RESPONSE TO FINDING 3**

On August 31, 2023, West Linn City Council had an executive session to discuss [REDACTED] withdrawal. At the beginning, City Attorney Peter Hicks [REDACTED]

[REDACTED]  
[REDACTED]

i [REDACTED] I understood the advisement provided by Mr. Hicks, took it seriously, and I wanted to move forward to stay focused on City Council’s agenda. I had no idea what I may have said to [REDACTED] that caused him to withdraw. I was nervous and uncomfortable because I felt I was expected to admit to something that I did not know. I had no intent to intimidate Council President Baumgardner. I understand she was uncomfortable with my eye contact. I am sorry and it will not happen again.

## **RESPONSE TO FINDING 4**

I apologize for the email I sent the next day. I did not sleep that night, and I still had anxiety from the executive session. I hope that Council President Baumgardner understands my experience, and that I did not want for her and I to be left alone to resolve our issues. That is why I emailed Mayor Bialostosky and City Manager John Williams. I was uncertain what to do, and I did not want any additional misunderstandings or bad experiences between Council President Baumgardner and myself. As I wrote to City Manager Williams and City Attorneys that same day, I was hopeful we could have a mediated conversation to address and resolve our concerns in an understanding and supportive manner. Then we could openly communicate, and Council could move forward in a respectful manner. This whole experience has been the cause of so much pain for me to not have apologized and discussed our concerns sooner, and I still would like to have the opportunity to do so in-person as soon as the Council review is complete. As a result, I hope we may continue working together in a comfortable and productive manner.

## **PROPOSED RESOLUTION**

In Mayor Bialostosky's complaint, his requested remedy had two parts: (1) A corrective action plan, and (2) That I, Councilor Erwin, take accountability for my comments. These combined would ensure "that all members of Council feel safe participating in City affairs."

To start, I have already taken corrective actions to improve the situation while the investigation process happened from September 2023 through today. I switched to virtual attendance of Council meetings since the August 31 executive session. This change avoided additional contributions to the uncomfortable situation we were experiencing. I would like to return to in-person attendance for better participation and connection with Council, Staff, and the public when appropriate or needed. I have also adjusted to behaving formally at all meetings, and I use the level of professionalism and mindfulness that I would use at a City Council meeting. I meet with a counselor who guides me to better understand and overcome the challenges I face from having a [REDACTED], and how I can have better interactions in my personal and professional life. Lastly, I have reviewed my [REDACTED], and I started a supplemental [REDACTED] to help me maintain the level of mindful communication that is necessary in the evening.

I would like to have mediated conversations with Council President Baumgardner and Mayor Bialostosky to personally deliver apologies, make amends, and establish a solid foundation for our continued productive work together on City Council. Also, if anyone wishes to speak with me who was affected by the events that were the subject of investigation, I will gladly meet with you in a setting that is comfortable for us and discuss the experience. West Linn is full of so many distinct, amazing people. I am grateful to be one of your elected representatives on City Council, and my primary desire is to be the best representative I can be for all of you as I continue my family tradition of public service.

Lastly, through this experience, I have learned there is no established process to guide City Council when potential interpersonal issues arise. I propose, and am willing to assist in, the creation of a process to positively resolve issues in a safe, efficient, and timely manner for the mutual benefit of ourselves and all future members of West Linn City Council.