

OREGON GOVERNMENT ETHICS COMMISSION

INVESTIGATION

CASE NO: 25-168PJS

DATE: September 29, 2025

RESPONDENT: VARNEY, Micki, City Councilor, City of Salem

COMPLAINANT: HINES, Brian; LAPINEL, Elliott

RECOMMENDED ACTION: Make preliminary findings of violations of ORS 192.630(1), ORS 192.630(2), ORS 192.640(1), ORS 192.650(1), OAR 199-050-0020(1) and (2); OAR 199-050-0015(4)

SYNOPSIS: Micki Varney is a City Councilor for the City of Salem. The complaint in this case was submitted by Brian Hines on March 12, 2025, and a similar complaint was submitted by Elliott Lapinel on March 17, 2025. The complaints allege that Micki Varney, along with the other members of the Salem City Council, may have violated provisions of Oregon Public Meetings Law by engaging in prohibited serial communication by discussing whether Keith Stahley should be asked to resign from his position as City Manager for the City of Salem (City).

At its June 13, 2025 meeting, the Commission considered the information presented in the preliminary review and found cause to open an investigation. In investigation, Commission staff examined the communications among the City Councilors, including Mayor Julie Hoy, and Micki Varney. Based on the evidence in this case, Micki Varney communicated with other City Councilors to discuss matters within the City Council's jurisdiction, including the resignation of City Manager Keith Stahley; and in doing so, she engaged in prohibited serial communications, in violation of ORS 192.630(1) and OAR 199-050-0020(1).

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1 The information indicates that Micki Varney participated in communications amongst a
2 quorum of a governing body, engaging in discussions that are part of the governing
3 body's decision-making process on matters within the authority of the governing body.
4 When she did so, she participated in a "meet in private" in violation of ORS 192.630(2)
5 and OAR 199-050-0015(4).

6
7 When the City Councilors convened outside of a public meeting by engaging in prohibited
8 serial communications, they did not publicly notice these meetings or make them
9 available to the public; thus, the City Councilors violated the public meeting notice
10 requirements in ORS 192.640(1). Because the City Councilors failed to provide for a
11 recording or minutes of their meetings, they violated ORS 192.650(1).

12
13 **RELEVANT STATUTES AND ADMINISTRATIVE RULES:** The following Oregon
14 Revised Statutes and Oregon Administrative Rules are applicable to the issues
15 addressed herein:

16
17 **192.610 Definitions for ORS 192.610 to 192.705.** As used in ORS 192.610 to
18 192.705:

19 * * * * *

20 (1) "Convening" means:

21 (a) Gathering in a physical location;

22 (b) Using electronic, video or telephonic technology to be able to communicate
23 contemporaneously among participants;

24 (c) Using serial electronic written communication among participants; or

25 (d) Using an intermediary to communicate among participants.

26 * * * * *

27 (3) "Deliberation" means discussion or communication that is part of a decision-
28 making process.

29 * * * * *

30 (7)(a) "Meeting" means the convening of a governing body of a public body for
31 which a quorum is required in order to make a decision or to deliberate toward a
32 decision on any matter.

1 * * * * *

2
3 **192.630 Meetings of governing body to be open to public; location of**
4 **meetings; accommodation for person with disability; interpreters.**

5 (1) All meetings of the governing body of a public body shall be open to the public
6 and all persons shall be permitted to attend any meeting except as otherwise
7 provided by ORS 192.610 to 192.705.

8
9 (2) A quorum of a governing body may not meet in private for the purpose of
10 deciding on or deliberating toward a decision on any matter except as otherwise
11 provided by ORS 192.610 to 192.705.

12 * * * * *

13
14 **192.640 Public notice required; special notice for executive sessions or**
15 **special or emergency meetings.**

16 (1) The governing body of a public body shall provide for and give public notice,
17 reasonably calculated to give actual notice to interested persons including news
18 media which have requested notice, of the time and place for holding regular
19 meetings. The notice shall also include a list of the principal subjects anticipated
20 to be considered at the meeting, but this requirement shall not limit the ability of a
21 governing body to consider additional subjects.

22 * * * * *

23
24 **192.650 Recording or written minutes required; content; fees.**

25 (1) The governing body of a public body shall provide for the sound, video or
26 digital recording or the taking of written minutes of all its meetings. Neither a full
27 transcript nor a full recording of the meeting is required, except as otherwise
28 provided by law, but the written minutes or recording must give a true reflection of
29 the matters discussed at the meeting and the views of the participants. All minutes
30 or recordings shall be available to the public within a reasonable time after the
31 meeting * * *.

32 * * * * *

1 **199-050-0015 Meetings Subject to the Public Meetings Law**

2 * * * * *

3 (4) A private meeting where a quorum of a governing body engages in
4 discussions or communications that are part of the governing body's decision-
5 making process on matters within the authority of the governing body violates the
6 Public Meetings Law.

7 * * * * *

8
9 **199-050-0020 Serial Communications Prohibited**

10 (1) A quorum of the members of a governing body shall not, outside of a meeting
11 conducted in compliance with the Public Meetings Law, use a series of
12 communications of any kind, directly or through intermediaries, for the purpose of
13 deliberating or deciding on any matter that is within the jurisdiction of the
14 governing body.

15
16 (2) The prohibitions in section (1) apply to using any one or a combination of the
17 following methods of communication:

18 (a) In-person;

19 (b) Telephone calls;

20 (c) Videos, videoconferencing, or electronic video applications;

21 (d) Written communications, including electronic written communications, such as
22 email, texts, and other electronic applications;

23 (e) Use of one or more intermediaries to convey information among members;
24 and

25 (f) Any other means of conveying information.

26 * * * * *

27
28 **INVESTIGATION:** On March 12, 2025, the Oregon Government Ethics Commission
29 (Commission) initiated a preliminary review based on information in a signed complaint
30 from Brian Hines, and a similar, duplicate complaint submitted by Elliott Lapinel
31 (Complaint). The Complaint alleges that Micki Varney, along with the other Salem City
32 Council members, may have violated Oregon Public Meetings Law by engaging in

1 prohibited serial communications. The Complaint states that Mayor Julie Hoy had
2 individual conversations with a majority of the City Councilors, including Micki Varney,
3 discussing whether Keith Stahley should be asked to resign from his position as City
4 Manager for the City of Salem. The Complaint asserts that the City Council did not hold a
5 public meeting to discuss matters related to Keith Stahley's continued employment with
6 the City, and it alleges that members of the City Council engaged in prohibited serial
7 communications to force him to resign. (#PR1, #PR2).

8
9 At its June 13, 2025 meeting, the Commission considered the information presented in
10 the preliminary review and found cause to open an investigation. The focus of the
11 investigation was to determine whether there was sufficient evidence to indicate whether
12 Micki Varney, along with the other Salem City Councilors, violated ORS 192.630(1),
13 ORS 192.630(2), ORS 192.640(1), and ORS 192.650(1), OAR 199-050-0020(1) and (2);
14 OAR 199-050-0015(4).

15 16 Keith Stahley's Resignation

17 Keith Stahley resigned from his role as City Manager on February 9, 2025, stating he
18 was informed that a majority of City Councilors wanted him to resign. Keith Stahley's
19 resignation letter states:

20
21 I am submitting this resignation based on a meeting that I had with Councilor
22 Nishioka on Friday February 7, 2025, where she represented that she was the
23 duly authorized representative of the Mayor and a majority of City Council and
24 requested that I tender my resignation. (#PR3).

25 26 Grievances and Response

27 The Complaint included copies of the grievances submitted to the City of Salem by Elliott
28 Lapinel on February 14, 2025 and Brian Hines on February 15, 2025, alleging violations
29 of Oregon Public Meetings Law. (#PR1, #PR4). The City of Salem responded to both
30 grievances with a single email on March 7, 2025. (#PR5). The City's grievance response
31 denies that a quorum of the City Council used a series of communications to deliberate
32 toward a decision. It states that Mayor Julie Hoy asked other City Councilors about their

1 opinions on Keith Stahley's performance, and she expressed her concerns with the
2 Councilors. It also states that several of the City Councilors explained to Julie Hoy that
3 they did not have enough information to form an opinion. The grievance response
4 asserts that Julie Hoy did not act as an intermediary, stating:

5
6 [I]n order for the Mayor to have served as an intermediary, and therefore create a
7 serial meeting, the Mayor would have had to share information about councilor
8 views amongst a quorum of the Council. * * * [A]t no time did five councilors utilize
9 the Mayor as an intermediary to deliberate towards or make a decision related to
10 the former City Manager's employment with the City. Even if it is true that the
11 Mayor informed Council President Nishioka that a majority of the councilors
12 believed the former City Manager should consider resigning, thereby causing
13 deliberations to occur between the Council President and the Mayor, such
14 information would have been shared by the Mayor with only one member of the
15 council, well below the quorum level of five or the multiple members required by
16 the definition of intermediary. (#PR5).

17
18 Response

19 In a written response received on April 9, 2025, Jill Gibson, legal counsel for Julie
20 Hoy, denies that a quorum of the City Council deliberated toward, or made, a
21 decision through serial communications. (#PR6).

22
23 The response states that, between February 1st and February 14th, 2025, Julie
24 Hoy reached out to each City Councilor to have one-on-one conversations about
25 a recently completed City leadership audit. Julie Hoy, "told the councilors that in
26 light of the information in the audit, the Council may need to ask for [Keith
27 Stahley's] resignation." The response states that Julie Hoy did not share City
28 Councilors' feelings about Keith Stahley with other Councilors, and she did not
29 ask how the individual Councilors would vote. The response states that Julie
30 Hoy's conversations with the other City Councilors were purely factual in nature,
31 sharing information about the audit and Keith Stahley's performance, and telling
32 them that they would "need to address this issue" at a public meeting. The

1 response denies that Julie Hoy told Councilor Nishioka that a majority of City
2 Councilors wanted Keith Stahley to resign, and states that Keith Stahley was
3 never asked to resign. The response states that Councilor Nishioka went to Keith
4 Stahley on her own accord, and she let him know the City Council “would be
5 looking into the matter” of his work performance. The response states that after
6 this conversation with Councilor Nishioka, Keith Stahley chose to resign. (#PR6).

7 8 Salem City Attorney Statement

9 On February 15, 2025 the City of Salem released a statement from City Attorney Dan
10 Atchison concerning Keith Stahley’s resignation. Dan Atchison states that prior to Mayor
11 Julie Hoy’s individual communications with members of City Council concerning Keith
12 Stahley’s performance and potential separation from the City, she consulted with him,
13 and he advised her that one-on-one conversations with City Council members would not
14 violate Oregon Public Meetings Law. (#PR7).

15
16 Dan Atchison states that even though Councilor Nishioka spoke on the phone with
17 Mayor Hoy, Councilor Nishioka never claimed to be the City Council’s “duly authorized
18 representative” or implied that she was speaking on behalf of the City Council when she
19 asked Keith Stahley if he would consider resigning. Dan Atchison emphasizes that Keith
20 Stahley was only eligible for severance benefits if the City Council asked him to resign,
21 or if he was terminated. Dan Atchison states, “Stahley used that exact language
22 apparently because it was consistent with the language in his employment agreement
23 concerning his eligibility for severance, not because Nishioka ever uttered those words.”
24 (#PR7).

25 26 Communications

27 In a text message sent to Councilor Micki Varney, Councilor Linda Nishioka stated that,
28 prior to speaking with Keith Stahley, Julie Hoy told her that a majority of the City Council
29 was in favor of his resignation. Linda Nishioka stated she asked City Attorney Dan
30 Atchison if she could verify with the other City Councilors whether they, in fact, wanted
31 Keith Stahley to resign, but she was told not to contact other City Councilors. Councilor
32 Nishioka added that she had received “calls from other [City C]ouncilors and it seems

1 that Julie [Hoy] said the same thing to everyone. The majority of the [C]ouncilors wanted
2 Keith [Stahley] to resign.” (#PR8).

3
4 In a text message to Deputy City Manager Krishna Namburi on February 10, 2025, Linda
5 Nishioka stated that Julie Hoy told her that all City Councilors, with the exception of
6 Councilor Vanessa Nordyke, wanted Keith Stahley to resign. (#PR9).

7 8 February 10, 2025 Executive Session

9 During an executive session meeting held on February 10, 2025, several City Councilors
10 expressed concerns with a lack of transparency in what one City Councilor identified as
11 a “behind the scenes decision” to ask Keith Stahley to resign. Mayor Hoy explained that
12 she “touched base” with each of the City Councilors to have a “dialogue” about the
13 current state of the city manager position. Mayor Hoy stated that she “did not have these
14 conversations to count votes,” and she did not ask anyone to advise Keith Stahley to
15 resign. (#PR10).

16 17 Timeline of Communications

18 ➤ *Prior to February 1, 2025*

19 Moss Adams conducts an audit of City leadership for the City of Salem. The leadership
20 audit report remains in draft form until February 11, 2025. (#IR1).

21 22 ➤ *Between February 1, 2025 and February 6, 2025*

23 Julie Hoy individually contacts each City Councilor to have conversations about the
24 City’s leadership audit and Keith Stahley’s continued employment with the City. (#IR2).

25 26 ➤ *February 1, 2025 (Saturday) - Hoy/Nishioka*

27 Julie Hoy calls Linda Nishioka but is unable to connect. She continues with daily
28 attempts to contact her for about a week. (#IR2).

29 30 ➤ *Between February 1, 2025 and February 6, 2025 - Hoy/Gwyn*

1 Julie Hoy speaks with Deanna Gwyn over the phone, stating that there have been
2 conversations about Keith Stahley's future with the City, and he might be tendering his
3 resignation. Gwyn expresses her surprise but does not give her opinion on the matter.
4 (#IR5).

5
6 ➤ *Between February 1, 2025 and February 6, 2025 - **Hoy/Matthews***

7 Julie Hoy has a conversation with Shane Matthews about the leadership audit and Keith
8 Stahley's resignation. Hoy informs Matthews that she is speaking with the other
9 Councilors. Matthews tells Hoy that he did not have enough time to form an opinion.
10 (#IR6).

11
12 ➤ *Between February 1, 2025 and February 6, 2025 - **Hoy/Brown***

13 Julie Hoy states that she has a conversation with Irvin Brown to speak about the
14 leadership audit and Keith Stahley's performance as City Manager. (#IR2). Brown does
15 not recall the conversation but remembers a conversation with Hoy about the audit at the
16 beginning of January. (#IR7).

17
18 ➤ *February 1, 2025 (Saturday) - **Hoy/Tigan***

19 Julie Hoy calls Paul Tigan asking questions about the leadership audit, and states that it
20 may be time for Keith Stahley to go. Paul Tigan states that he did not read the audit yet
21 because it was still in draft form, and he had not yet formed an opinion. Julie Hoy told
22 Paul Tigan that she was not asking for him to make a decision or how to vote on the
23 matter. (#IR2, #IR3, #IR20).

24
25 ➤ *February 2, 2025 (Sunday) - **Hoy/Varney***

26 Julie Hoy speaks with Micki Varney over the phone, asking about her impression of the
27 leadership audit, and given the information in the report, she asked about how Varney
28 felt. Varney asked Hoy if Keith Stahley's employment should be terminated as a result of
29 the audit, and Varney said the document raised lots of concerns the City Councilors
30 should have the opportunity to discuss when the final version is released. Varney told

1 Hoy she needed more information before she could make a final decision about Stahley,
2 and she mentioned placing Stahley on administrative leave while the Council worked
3 toward resolving the issues. (#IR4).

4
5 ➤ *February 3, 2025 (Monday) - **Hoy/Nordyke***

6 Julie Hoy speaks with Vanessa Nordyke in-person in Hoy's office. Hoy expresses
7 concerns about Keith Stahley's performance and the leadership audit, and she states
8 that she wants him to resign. Nordyke states that she did not believe there was sufficient
9 basis to ask Stahley to resign, or that this discipline was warranted, and she suggests
10 postponing any action until after the levy election. Nordyke states that Hoy told her the
11 conversation would stay between the two of them, and she did not know that Hoy was
12 going to share the confidential conversation with other Councilors. (#IR8, #IR19).

13
14 ➤ *February 3, 2025 (Monday) - **Tigan/Nishioka***

15 Paul Tigan speaks with Linda Nishioka over the phone, informing her that he spoke with
16 Julie Hoy about the leadership audit and Hoy wanted Stahley to go. Nishioka asks Tigan
17 for his thoughts and he states that he did not have an opinion but acknowledges it is
18 poor timing. (#IR3).

19
20 ➤ *February 5, 2025 (Wednesday) - **Hoy/Nishioka***

21 Julie Hoy and Linda Nishioka exchange texts about setting up a phone call. (#IR9).

22
23 ➤ *February 6, 2025 (Thursday) - **Hoy/Nishioka***

24 Linda Nishioka speaks to Julie Hoy over the phone. They talk about the leadership audit
25 and Hoy informs Nishioka that a majority of the City Councilors wanted Keith Stahley to
26 resign. (#IR9, #IR10).

27
28 ➤ *Either February 5, 2025 or February 6, 2025*

29 Linda Nishioka speaks with City Attorney Dan Atchison, asking if she can contact the
30 other City Councilors to verify that they want Keith Stahley to resign. Atchison tells

1 Nishioka not to contact the other Councilors and he tells her not to use the term
2 “majority.” He tells her to use the term “general consensus” instead. (#IR11).

3
4 ➤ *February 7, 2025 (Friday)*

5 Linda Nishioka meets with Keith Stahley and asks him to consider submitting a letter of
6 resignation. Nishioka states that she wanted to inform Stahley what she was told by Hoy
7 - that a majority of the Council wanted him to resign. Nishioka suggests that Stahley
8 speaks with his family about the matter. (#IR12).

9
10 ➤ *February 9, 2025 (Sunday)*

11 Keith Stahley submits his resignation letter which states that Linda Nishioka “represented
12 that she was the duly authorized representative of the Mayor and a majority of the City
13 Council and requested that I tender my resignation.” (#PR3).

14
15 ➤ *February 10, 2025 (Monday) - Nishioka/Varney*

16 Linda Nishioka and Micki Varney exchange text messages about Keith Stahley’s
17 resignation and the way that it occurred. They discuss the possibility of placing Stahley
18 on administrative leave and conducting an investigation. They talk about how the
19 situation may put the levy in jeopardy and they suggest filing a lawsuit against Hoy.
20 (#IR11).

21
22 ➤ *February 10, 2025 (Monday) - Varney/Matthews*

23 Micki Varney states in a text message to Linda Nishioka that she received feedback from
24 Shane Matthews. She states that he was surprised about Keith Stahley’s resignation and
25 how it occurred. Varney states that it was a brief conversation about “[w]hat is going on?”
26 (#IR11, #IR18).

27
28 ➤ *February 10, 2025 (Monday) - Nordyke/Nishioka*

29 Vanessa Nordyke and Linda Nishioka exchange text messages. Nordyke asks Nishioka
30 why she did not contact her to ask for her position on Keith Stahley. Nishioka said that

1 Hoy pushed her and legal counsel advised that she couldn't check for votes. Nordyke
2 states that they should have had an executive session to discuss the matter and she
3 states that she does not support the decision. (#IR13).

4
5 ➤ *February 10, 2025 (Monday) - **Varney/Nordyke***

6 Vanessa Nordyke sends a text message to Micki Varney asking about how she felt about
7 Keith Stahley's resignation letter. They arrange a phone call for 3:00 pm. Varney states
8 that she does not recall a phone call; however, she remembered speaking to Nordyke
9 prior to the February 10th executive session, and Nordyke told her what she was going
10 to do in the executive session. Nordyke recalls a phone call with Varney where she
11 stated she was going to ask the other Councilors for their opinions in the upcoming
12 executive session. They describe being "caught off guard" by Stahley's resignation.
13 (#IR21, #IR18, #IR19).

14
15 ➤ *February 10, 2025 (Monday)*

16 The Salem City Council holds a public meeting. At the meeting, the City Council
17 accepted the resignation of City Manager Keith Stahley. (#IR14).

18
19 ➤ *February 11, 2025 (Tuesday) - **Varney/Brown***

20 Micki Varney states in a text message to Linda Nishioka that she plans to speak with
21 Irvin Brown that night, to get his opinion. Varney stated that she reached out to Councilor
22 Brown a few days after the February 10th executive session and asked him about his
23 conversations with Julie Hoy. Brown told Varney that "he hadn't talked to her." (#IR11,
24 #IR18).

25
26 ➤ *February 11, 2025 (Tuesday) - **Nishioka/Gwyn***

27 Linda Nishioka states in a text message to Micki Varney that she received a call from
28 Deanna Gwyn. Gwyn told Nishioka that she had been trolling social media where people
29 were accusing Nishioka of wrongdoing. Varney states that Gwyn mentioned that she had
30 a conversation with Hoy and was led to believe that other calls had been made, and that

1 a majority of the Council had agreed with Stahley's departure. (#IR11, #IR18).

2
3 ➤ *February 11, 2025 (Tuesday) - **Nishioka/Varney***

4 Linda Nishioka exchanges text messages with Micki Varney stating that a majority of the
5 councilors wanted Keith Stahley to resign. Nishioka states that Hoy lied and
6 manipulated. (#IR11).

7
8 ➤ *February 11, 2025 (Tuesday) - **Nordyke/Nishioka***

9 Linda Nishioka sends a text message to Vanessa Nordyke asking about filing a lawsuit
10 against Hoy. Nordyke states that there are no grounds for a lawsuit and she states that
11 they should be concentrating on the levy. (#IR15).

12
13 ➤ *February 12, 2025 (Wednesday) - **Varney/Nishioka***

14 Micki Varney drafts a response letter for the City Councilors to consider and sends the
15 draft to Linda Nishioka via text message. The letter says that the City Council was
16 surprised by what had occurred and suggests conducting an investigation instead.
17 Nishioka says the letter was well written, and they discuss who could serve as acting city
18 manager. Varney said she was contacting Tigan and Nordyke to send them drafts of the
19 letter. Nishioka says she asked Atchinson and Krishna (acting city manager) to create a
20 statement. They talk about if it is necessary to pursue investigation because it could
21 jeopardize Stahley's separation agreement. They suggest setting up an executive
22 session to discuss the matters. Varney tells Nishioka that she shared the draft letter with
23 Paul Tigan and states that he was not supportive. (#IR11).

24
25 ➤ *February 12, 2025 (Wednesday) - **Varney/Tigan***

26 Micki Varney exchanges text messages with Paul Tigan, and she sends him a copy of
27 the draft letter for his consideration. Tigan states that the letter will dig them into a
28 deeper hole and undercuts the premise of Keith Stahley's resignation and severance.
29 Varney asks for suggestions and states her concern is that Hoy will demand Nishioka's
30 resignation. Varney discusses how the situation is not good for the levy. Tigan states that

1 he needs to think about it, and he wants to seek advice from the City attorney before
2 releasing a public statement. (#IR16).

3
4 ➤ *February 14, 2025 (Friday) - Varney/Nishioka*

5 Micki Varney exchanges text messages with Linda Nishioka about scheduling an
6 executive session to discuss city manager issues and to seek advice from the City
7 attorney. Varney states that she reached out to Paul Tigan to let him know that she is
8 ready to talk when he is, and states that she wants to know his position on the budget,
9 levy, and the Keith Stahley situation. (#IR17).

10
11 **CONCLUSIONS:** During the relevant period, Micki Varney was a City Councilor for the
12 City of Salem. The City is a public body, and the City Council is its governing body. [ORS
13 192.610(5) and (6)]. As a member of the governing body of a public body, Micki Varney
14 was required to comply with the provisions of Oregon Public Meetings law found in ORS
15 192.610 to ORS 192.705.

16
17 As the Oregon Supreme Court has indicated, there are two separate ways a governing
18 body may violate the public meetings law when they conduct activities outside of public
19 view. [*TriMet v. ATU*, 362 Or 484 (2018)]. The first is by “convening” a “meeting” without
20 complying with the Public Meetings Law requirements. The second is by conducting a
21 “meet in private” “for the purpose of deciding on or deliberating toward a decision on any
22 matter.”

23
24 **Convened a “Meeting” Without Complying with PML Requirements (Notice, Minutes, Etc.)**

25 To determine if a governing body convened a meeting, we ask four questions: (1) was a
26 quorum of the body involved; (2) did the body “convene” in the ways identified under the
27 statutory definition of “convening;”(3) did the body decide, deliberate, discuss, or gather
28 information; and (4) was the topic within the body’s jurisdiction?

29
30 The Salem City Council consists of nine members. [Salem Charter, Section 7]. The
31 Charter requires “the express concurrence of a majority of the council members present
32 and constituting a quorum is necessary to decide affirmatively a question before the

council.” [Salem Charter, Section 18]. Therefore, five members of the Salem Council constitute a quorum. [OAR 199-050-0005(9)]. In this circumstance, the series of communications and conversations involved Mayor Hoy, Councilor Nishioka, Councilor Gwyn, Councilor Matthews, Councilor Brown, Councilor Tigan, Councilor Varney, Councilor Nordyke. The communications involving more than five, there is a quorum involved.

The next question is whether there was a “convening.” As noted above, ORS 192.610(1) defines convening as including “using serial electronic written communication among participants” and “using an intermediary to communicate among participants.” Mayor Hoy communicated between herself, Councilor Gwynn, Councilor Matthews, Councilor Brown, Councilor Tigan, Councilor Varney, Councilor Nishioka, and Councilor Nordyke, to discuss leadership audit and Keith Stahley’s performance as City Manager. The evidence suggests that a quorum of the Council met through Mayor Hoy, the Chair of the Council, as an intermediary. Additionally, under the Salem City Charter and Salem Council Rules, the Mayor is the presiding officer and is to “preside over deliberations of the council” and “preside at all meetings.”[Salem Charter, Section 16; Salem Council Rules, Section 2(1)]. Meetings may be called by the presiding officer. Salem Council Rules, Section 4]. The evidence indicates that the individual with power to call Salem City Council meetings and preside over them “convened” a meeting through use of herself as an intermediary to speak individually with each Councilor. Therefore, the evidence establishes the Salem City Council “convened” as provided in ORS 192.510(1).

The City issued a press release stating “Mayor Julie Hoy had individual communications with different members of City Council concerning Keith Stahley's performance and potential separation from the City.” [#PR7]. Jill Gibson, the attorney for Mayor Hoy sent an email that contained first-person responses by Mayor Hoy to Investigator Sullivan’s questions. [#IR2]. Mayor Hoy stated when asked which Councilor she spoke to she stated “All, Tigan, Nishioka, Matthews, Gwynn, Brown, Nordyke and Varney.” [#IR2]. She stated she had these conversations between February 1 and February 6. [#IR2]. She stated: “I had the same basic message in each conversation with each councilor. The CMO’s audit, completed in April 2024 by consultants at Moss Adams, had not yet been brought to

1 council, and was not favorable for Keith. Staff has nowhere to go but to us for help with
2 this. It may be that at some point I have to sit down with Keith, then City Manager, and
3 ask for his resignation. I am not calling to count votes. I cannot do that. I am simply calling
4 to make you aware that this is a possibility and we've got some work to do in this regard."
5 [#IR2].

6
7 The next question is whether the body decided, deliberated, discussed, or gathered
8 information. As noted, "decide" means to means "any determination, action, vote or final
9 disposition upon a motion, proposal, resolution, order, ordinance or measure on which a
10 vote of a governing body is required, at any meeting at which a quorum is present." [ORS
11 192.610(2)]. "Deliberation" means discussion or communication that is part of a decision-
12 making process. [ORS 192.610(3)]. "Communicate" means the act of a person expressing
13 or transmitting information to another person through verbal, non-verbal, written, or
14 electronic means. Non-verbal means include gestures, such as thumbs-up and thumbs-
15 down, as well as sign language. [OAR 199-050-0005(1)]. "Communication" means the
16 expression or transmission of information from one person to another through verbal,
17 non-verbal, written, or electronic means. Non-verbal means include gestures, such as
18 thumbs-up and thumbs-down, as well as sign language. [OAR 199-050-0005(2)].
19 Discussion means "consideration or debate of the matter." [OAR 199-050-0005(6)].

20
21 In this instance, the Mayor and Councilors were deliberating, that is discussing or
22 communicating, about the performance of the city manager and whether to fire him or
23 request his resignation. These conversations involved each member of the City Council
24 and were conducted by the Mayor as the Chair of the City Council with express authority
25 to both call meetings and preside over them. At the very least a quorum deliberated.

26
27 In addition, it appears a quorum also decided to request the resignation of the City
28 Manager. In this instance, the communications were coordinated and orchestrated to
29 avoid deliberating and deciding in public. As stated by Councilor Nishioka, "Mayor Julie
30 Hoy told [Councilor Nishioka] that a majority of councilors believe Mr. Stahley should
31 consider resigning." [#IR12, #PR5]. This was also stated by Councilor Nishioka to other
32 Councilors in text messages, where she states that "[Mayor Hoy] is the one that said all

1 Councilors with the exception of Vanessa wanted him to resign.” [#PR9] The Mayor
2 admits she spoke to every Councilor about the matter through one-on-one conversations.
3 Mayor Hoy then communicated the results of her conversations that a majority wanted the
4 City Manager to resign and communicated that to Councilor Nishioka. [#PR9, #IR2,
5 #IR10]. The two then had a discussion about who should deliver the message to the City
6 Manager [#PR9, #IR2, #IR10]. Councilor Nishioka then communicated that to the City
7 Manager in an attempt to have him resign. [#IR12, #PR5, #IR10]. Councilor Nishioka
8 stated that she knew the performance audit would be presented at a public meeting
9 where a motion regarding the City Manager could occur. [#PR10]. Councilor Nishioka
10 stated that to avoid a contentious public meeting, she met with the City Manager to ask
11 the City Manager to consider resigning. [#PR10]. This is further supported by the City
12 Manager’s resignation letter, where he stated, “I am submitting this resignation based on
13 a meeting that I had with Councilor Nishioka on Friday February 7, 2025, where she
14 represented that she was the duly authorized representative of the Mayor and a majority
15 of the City Council and requested that I tender my resignation.” [#PR3]. There is evidence
16 that a quorum of the Council decided to request the resignation of the City Manager, that
17 request was communicated by Councilor Nishioka, and the City Manager acknowledged
18 in his resignation letter that the request for him to resign came from a majority of Council.
19

20 Additionally, the communications and deliberations by the Councilors did not end when
21 the City Manager submitted his resignation letter. From February 10th to February 14th,
22 Councilors communicated by phone and by text, and in doing so, some of them continued
23 their deliberations about Keith Stahley’s resignation, including whether to conduct an
24 investigation and place him on administrative leave instead of accepting his resignation.
25 [#IR11, #IR13, #IR16, #IR18, #IR19]. Micki Varney participated in these additional
26 communications.
27

28 The Mayor stated during an executive session that the purpose of her individual
29 conversation with each Councilor was to discuss the performance of the City Manager
30 and begin a dialogue among the Council. [#PR10].
31 ///

1 Finally, the last question is whether the topic of the decision, deliberation, discussion, or
2 information gathering was within the governing body's jurisdiction. In this case, the matter
3 of the City Manager's performance is within the Salem City Council's jurisdiction. [Salem
4 Charter, Sections 11 and 23].

5
6 The foregoing establishes that the Council "convened" a "meeting." As a result, the
7 Council was required to comply with the notice, meeting minutes or recordings, and other
8 requirements of the Public Meetings Law. The Council did not do so in this instance. As a
9 result, the Council and Micki Varney violated ORS 192.610(1).

11 Meet in Private

12 Public Meetings Law also provides that "[a] quorum of a governing body may not meet in
13 private for the purpose of deciding on or deliberating toward a decision on any matter..."
14 [ORS 192.630(2)]. "The legislature intended the broad language of ORS 192.630(2)
15 ('may not meet in private') to reach some decision-making of a governing body that does
16 not occur in a 'meeting.'" [*TriMet v. ATU*, 362 Or 484, 497 (2018)]. OAR 199-050-0015(4)
17 further explains that "[a] private meeting where a quorum of a governing body engages in
18 discussions or communications that are part of the governing body's decision-making
19 process on matters within the authority of the governing body violates the Public
20 Meetings Law." [See e.g., *Handy v. Lane County*, 274 Or App 644, 664-665 (2015) *aff'd*
21 *in part* and *rev in part on other grounds*, 360 Or 605 (2016), (Under a "meet in private"
22 "the determinative factors are whether a sufficient number of officials are involved, what
23 they discuss, and the purpose for which they discuss it—not the time, place, or manner
24 of their communications.")].

25
26 To violate the "meet in private" provisions of ORS 192.630(2), it must involve: (1) a
27 quorum; (2) they must meet in private; and (3) it must be "for the purpose of deliberating
28 or deciding" a matter. To establish the last element, there must be some evidence of
29 coordination, orchestration, or other indicia of a "purpose" by a quorum to deliberate or
30 decide out of the public eye. [ORS 192.630(2); see also, *Handy v. Lane County*, 274 Or
31 App 644, 666 (2015) *aff'd in part* and *rev in part on other grounds*, 360 Or 605 (2016)].

32 ///

1 As noted above, a quorum of the Salem City Council was involved in the series of
2 communications. The “meet” did not occur in public, but through private conversations.
3 Therefore, the first two elements are present. The last question is to determine if there is
4 an indicia of purpose such as coordination or orchestration.

5
6 Under the Salem City Charter and Salem Council Rules, the Mayor is the presiding
7 officer and is to “preside over deliberations of the council” and “preside at all meetings.”
8 [Salem Charter, Section 16; Salem Council Rules, Section 2(1)]. Meetings may be called
9 by the presiding officer. Salem Council Rules, Section 4.

10
11 In this instance, the communications were coordinated and orchestrated to avoid
12 deliberating and deciding in public. As stated by Councilor Nishioka, “Mayor Julie Hoy told
13 [Councilor Nishioka] that a majority of councilors believe Mr. Stahley should consider
14 resigning.” [#IR12, #IR10, #PR5]. The Mayor admits she spoke to every Councilor about
15 the matter through one-on-one conversations. [#IR12, #PR5]. The Mayor then
16 communicated the results of her conversation with each Councilor to Councilor Nishioka.
17 [#IR12, #IR10, #PR5]. Councilor Nishioka then communicated that to the City Manager in
18 an attempt to have him resign. [#IR12, #IR10, #PR5]. Councilor Nishioka indicated she
19 knew the performance audit would be presented at a public meeting where a motion
20 regarding the City Manager could occur. [#PR10]. Councilor Nishioka indicated that to
21 avoid a contentious public meeting, she met with the City Manager to ask the City
22 Manager to consider resigning. [#PR10]. The City Manager in his resignation letter stated,
23 “I am submitting this resignation based on a meeting that I had with Councilor Nishioka on
24 Friday February 7, 2025, where she represented that she was the duly authorized
25 representative of the Mayor and a majority of the City Council and requested that I tender
26 my resignation.” [#PR3]. The evidence establishes that a quorum of the Council
27 coordinated communications to acquire the resignation of the City Manager and that this
28 coordination occurred outside of a public meeting.

29
30 On this record, it appears that a majority of the Salem City Council, including Mayor Hoy,
31 at least “deliberated” and gathered information in a series of telephone calls and emails
32 over the course of several days, toward a decision to request the City Manager resign.

1 The private communications amongst the quorum of the Salem City Council from
2 February 1st through February 7th was for the purpose of deliberating or deciding on a
3 matter within the Council's jurisdiction; thus, the communications constitute a "meet in
4 private" in violation of ORS 192.630(2).

5 6 *Micki Varney's Participation*

7 Micki Varney spoke with Julie Hoy on February 2, 2025 about the City's leadership audit
8 and Keith Stahley's performance as City Manager. During this conversation, Micki Varney
9 asked Julie Hoy if Keith Stahley would be terminated as a result of the audit. Micki Varney
10 stated that she had a lot of concerns that should be discussed with the City Council when
11 the audit was released. She also told Julie Hoy that she needed more information before
12 making a decision about Keith Stahley's employment, but she suggested placing him on
13 administrative leave while the City Council worked toward a resolution. [#IR4]. On
14 February 10th, Micki Varney and Linda Nishioka exchanged text messages about Keith
15 Stahley's resignation; they discussed alternate ways to resolve the matter, such as an
16 investigation. They also discussed how the situation could put the upcoming levy in
17 jeopardy, and they discussed possible litigation. Micki Varney continued her conversation
18 about these topics with Linda Nishioka on February 11th, 12th, and 14th. [#IR11]. On
19 February 10th, prior to the executive session, Micki Varney had a conversation with
20 Vanessa Nordyke who told her what she planned to do in the executive session. [#IR19,
21 #IR21]. Micki Varney also spoke to Irvin Brown asking if Julie Hoy contacted him, and he
22 stated that she had not. [#IR18]. Micki Varney drafted a public statement for the City
23 Councilors to consider releasing. [#IR11, #IR16]. Micki Varney sent Paul Tigan the draft
24 statement and discussed Keith Stahley's resignation. Paul Tigan told Micki Varney that he
25 did not think the letter was appropriate and suggested that they focus on the upcoming
26 levy. He also suggested that they reach out to the City attorney before releasing a
27 statement. [#IR16].

28
29 The communications among the City Councilors constitute a quorum of a governing body
30 engaging discussions or communications that are part of the governing body's decision-
31 making process on matters within the authority of the governing body; in Micki Varney's
32 case, she participated in the unauthorized deliberations when the Salem City Council

1 conducted a “meet in private.” Thus, she violated ORS 192.630(2) and OAR 199-050-
2 0015(4).

3 4 Public Notice

5 ORS 192.640(1) requires governing bodies to provide public notice of meetings. Because
6 the City Council is a governing body for the purposes of Public Meetings Law, the public
7 meeting and notice requirements in 192.640(1) apply. When the City Council convened
8 through an intermediary outside of public meetings, they did not publicly notice these
9 meetings or make them available to the public. Therefore, Micki Varney and the other City
10 Councilors failed to comply with the public meeting notice requirements in ORS
11 192.640(1).

12 13 Meeting Minutes

14 The Salem City Council did not provide for the sound, video or digital recording or the
15 taking of written minutes of all its meetings when they convened through an intermediary
16 outside of a public meeting. As a result, Micki Varney and the other City Councilors
17 violated ORS 192.650(1).

18 19 Prohibited Serial Communications

20 The information available indicates that between February 1, 2025 and February 6,
21 2025, Mayor Julie Hoy had a series of individual conversations with a majority of the City
22 Council through text messages, phone calls, and in-person meetings. These
23 conversations included discussions of the City’s leadership audit, City Manager Keith
24 Stahley’s performance, and his continued employment with the City—each of which is a
25 topic within the jurisdiction of the City Council. During these conversations, Julie Hoy
26 was gathering information from City Councilors that could be used by the City Council to
27 make a decision about Keith Stahley’s ongoing employment with the City. Julie Hoy
28 weighed this information and determined that a majority of the City Council was in favor
29 of Keith Stahley’s resignation. Julie Hoy then shared this determination with multiple
30 members of the City Council, including Council President Linda Nishioka. Finally,
31 following her receipt of this information, Council President Nishioka informed Keith
32 Stahley that a majority of City Councilors wanted him to resign, before asking him to

1 consider submitting a letter of resignation. By discussing Keith Stahley's performance
2 and his possible resignation with multiple City Councilors, and by telling multiple City
3 Councilors, including Council President Nishioka, that a majority of other City Councilors
4 wanted Keith Stahley to resign, Julie Hoy acted as an intermediary through whom the
5 City Council convened through in violation of the requirements of public meetings law.

6
7 The evidence in this case indicates that the communications Julie Hoy had with City
8 Councilors do not fall within the exceptions set forth in ORS 192.690(1)(m). The
9 communications were not "purely factual" and instead conveyed deliberation or decisions
10 that "might reasonably come before the governing body." At the time the communications
11 were made, it was reasonably foreseen that the matter of the City Manager's
12 performance could come before the governing body for deliberation and decision.
13 Finally, the communications were substantive. Therefore, it is also clear that the
14 communications are not exempt under ORS 192.690(1)(m) and are subject to the
15 requirements of Public Meetings Law.

16
17 The City's grievance response states that Julie Hoy did not act as an intermediary
18 because she only shared City Councilor views with one other member of City Council,
19 Linda Nishioka, and she did not share Councilor views amongst a quorum of the City
20 Council. Despite this contention, the evidence establishes that Julie Hoy shared City
21 Councilor views with multiple members of City Council.

22
23 More importantly, even if Julie Hoy only shared City Councilor views with Council
24 President Nishioka, she still had private conversations with a quorum of governing body
25 members to deliberate toward a decision within the City's jurisdiction. A person acts as
26 an intermediary when they facilitate communications about a matter from one governing
27 body member to other governing body members. On each occasion Julie Hoy
28 communicated with individual City Councilors to share her concerns about Keith Stahley,
29 and to ask about their positions on his performance, information was shared between
30 members of the City Council, and this information was related to a decision within the
31 jurisdiction of the City Council. These discussions about Keith Stahley's performance
32 and possible resignation were part of the City Council's decision-making process. And,

indeed, these discussions culminated in the City Council President having a conversation with Keith Stahley that resulted in Keith Stahley submitting a resignation letter. This series of communications constitutes a “meeting,” as a quorum of City Councilors were “convening” through Julie Hoy as an intermediary in order to deliberate toward a decision. Micki Varney deliberated about Keith Stahley’s resignation with Julie Hoy, Paul Tigan, Vanessa Nordyke, and Linda Nishioka. As these deliberations did not occur in a public meeting, Micki Varney violated ORS 192.630(1) and OAR 199-050-0020(1).

RECOMMENDATIONS: The Oregon Government Ethics Commission should make a preliminary finding that Micki Varney engaged in prohibited serial communications and thereby violated ORS 192.630(1), ORS 192.630(2), ORS 192.640(1), ORS 192.650(1), OAR 199-050-0020(1) and (2); OAR 199-050-0015(4). The Commission should further order that the case be moved to a contested case proceeding or that a negotiated settlement be entered. [Motion 10].

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ASSOCIATED DOCUMENTS:

#PR1 Blog PDF Complaint submitted 3/12/2025

#PR2 Elliott Lapinel Complaint submitted 3/17/2025

#PR3 Stahley Resignation Letter dated 2/9/2025

#PR4 Lapinel Grievance on 2/14/2025

#PR5 Salem Grievance Response to Both Complaints on 3/7/2025

#PR6 Julie Hoy Response received 4/9/2025

#PR7 Salem City Attorney's Statement on 2/15/2025

#PR8 Varney_Nishioka Text Messages received 3/24/25

#PR9 Nishioka_Namburi Text Messages received 3/24/2025

#PR10 Executive Session Meeting on 2/10/2025

#IR1 Leadership Audit 2024

#IR2 Email from Jill Gibson received 9/5/2025

#IR3 Paul Tigan Statement on 3/21/2025

- 1 #IR4 Micki Varney Statement on 3/28/2025
- 2 #IR5 Deanna Gwyn Statement on 3/26/2025
- 3 #IR6 Shane Matthews Statement on 4/8/2025
- 4 #IR7 Irvin Brown Statement on 3/20/2025
- 5 #IR8 Vanessa Nordyke Statement on 3/21/2025
- 6 #IR9 Nishioka's Initial Communication received 3/20/2025
- 7 #IR10 Linda Nishioka Statement on 3/21/2025
- 8 #IR11 Varney_Nishioka Text Messages 2/5/2025
- 9 #IR12 Final Press Release Statement from Nishioka on 2/15/2025
- 10 #IR13 Nordyke_Nishioka 2 on 2/10/2025
- 11 #IR14 Minutes of Salem City Council Meeting on 2/10/2025
- 12 #IR15 Nordyke_Nishioka Messages on 2/11/2025
- 13 #IR16 Varney_Tigan Text Messages on 2/12/2025
- 14 #IR17 Nishioka_Varney Messages on 2/14/2025
- 15 #IR18 Micki Varney Statement response on 9/19/2025
- 16 #IR19 Vanessa Nordyke Statement Response on 9/22/2025
- 17 #IR20 Paul Tigan Statement Response on 9/23/2025
- 18 #IR21 Varney_Nordyke on 2/10/2025

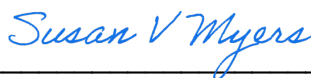
PREPARED BY
Josh Sullivan
Investigator



9/29/2025

Date

APPROVED BY
Susan V. Myers
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9/29/2025

Date

REVIEWED BY Via Email
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Date