









































































































- 1 (5) {On Plaintiff's Second Claim of Relief, declaring the Defendants who convened  
2 quorums and deliberated in private on or about June 22, 2015, August 10, 2015  
3 and/or August 24, 2015, violated the Public Meetings Law, ORS 192.610 et seq.  
4 , pursuant to ORS 192.680(2);}
- 5 (6) {Declaring the Defendants who convened quorums and deliberated in private on or  
6 about June 22, 2015, August 10, 2015 and/or August 24, 2015, willfully violated the  
7 Public Meetings Law, ORS 192.610 et seq., pursuant to ORS 192.680(2);}
- 8 (7) {On Plaintiff's Third Claim of Relief, declaring the Defendants who convened  
9 quorums and deliberated in private on or about June 22, 2015 and August 10,  
10 2015, violated the Public Meetings Law, ORS 192.610 et seq, pursuant to ORS  
11 192.680(2);}
- 12 (8) {Declaring the Defendants who convened quorums and deliberated in private on or  
13 about June 22, 2015 and August 10, 2015, willfully violated the Public Meetings Law,  
14 ORS 192.610 et seq., pursuant to ORS 192.680(2);}
- 15 (9) {On Plaintiff's Fourth Claim of Relief, declaring the Defendants who convened  
16 a quorum on or about August 24, 2015, and deliberated in private on a non-  
17 exempt document, violated the Public Meetings Law, ORS 192.610, et seq.,  
18 pursuant to ORS 192.680(2);}
- 19 (10) {Declaring the Defendants who convened a quorum on or about August 24, 2015, and  
20 deliberated in private on a non-exempt document, willfully violated of the Public  
21 Meetings Law, ORS 192.610, et seq., pursuant to ORS 192.680(2);}
- 22 (11) Declaring the Defendants who convened a quorum on or about August 24, 2015,  
23 and deliberated in private to hear charges against Mayor Williams, violated  
24 the Public Meetings Law, ORS 192.610, et seq., pursuant to ORS 192.680(2);}



1 (12) **{Declaring the Defendants who convened a quorum on or about August 24, 2015, and**  
2 **deliberated in private to hear charges against Mayor Williams, willfully violated of**  
3 **the Public Meetings Law, ORS 192.610, et seq., pursuant to ORS 192.680(2);}**

4 *[(3) On Plaintiff's Second Claim of Relief, voiding Councilor Sprague's motion that*  
5 *carried at the June 22, 2015 regular meeting to "disclose executive session discussion,*  
6 *confidential memoranda, and client confidences."]*

7 *[(4) On Plaintiff's Third Claim of Relief, voiding Councilor Wahlke's motion that*  
8 *carried at the August 10, 2015 regular meeting to submit ethics charges against*  
9 *Mayor Williams to the OGEC;]*

10 *[(5) Directing the City Council to restart the process of instructing the attorney to*  
11 *draft ethics charges against Mayor Williams, and require the City Council to do so*  
12 *in a properly noticed public meeting.]*

13 *[(6) On Plaintiff's Fourth Claim of Relief, declaring, pursuant to ORS § 192.680(2),*  
14 *et seq., that the actions of the City Council in convening in executive session on*  
15 *August 24, 2015, to consider disciplining Mayor Williams, without first asking if*  
16 *Mayor Williams wanted an "open hearing" or a "closed hearing", was a violation*  
17 *of the Public Meetings Law, ORS § 192.610, et seq.;*

18 *[(7) Voiding Councilor Ryan's motion that carried at the August 24, 2015 regular*  
19 *meeting to hire outside counsel to investigate and prosecute Mayor Williams;]*

20 (13) *[(8)] On Plaintiff's Fifth Claim of Relief, declaring[, pursuant to ORS § 192.680(2),*  
21 *et seq., that the actions of] the **{Defendants who convened a quorum of}** City*  
22 *Council **{members and deliberated privately}** [in convening in executive session]*  
23 *on **{or about}** August 24, 2015, to [decide on a prosecuting attorney, and to]*  
24 *authorize a specific budget amount, **{violated}** [was a violation of] the Public*

Meetings Law, ORS [§] 192.610[, ] *et seq.* {, pursuant to ORS 192.680(2)};

(14) {Declaring the Defendants who convened a quorum and deliberated privately on or about August 24, 2015, to authorize a specific budget amount, willfully violated of the Public Meetings Law, ORS 192.610 et seq., pursuant to ORS 192.680(2);}

(15) {On Plaintiff's Sixth Claim of Relief, declaring the Defendants who convened a quorum and deliberated in private on or about June 22, 2015, and August 10, 2015, violated the Public Meetings Law, ORS 192.610 et seq. , pursuant to ORS 192.680(2);}

(16) {Declaring the Defendants who convened a quorum and deliberated in private on or about June 22, 2015, and August 10, 2015, willfully violated the Public Meetings Law, ORS 192.610 et seq., pursuant to ORS 192.680(2);}

(17) {On Plaintiff's Seventh Claim of Relief, declaring the Defendants who voted to deny the Plaintiff's June 23, 2015 records request violated the Public Records Law, ORS 192.410 et seq., pursuant to ORS 192.460(1)(b);}

(18) Declaring the Defendants who voted to deny the Plaintiff's June 23, 2015 records request, willfully violated the Public Records Law, ORS 192.410 et seq., pursuant to ORS 192.460(1)(b);

(19) {Declaring the Defendants who voted to effectively deny the Plaintiff's June 17, 2016 records request violated of the Public Records Law, ORS 192.410 et seq., pursuant to ORS 192.460(1)(b);}

(20) {Declaring the Defendants who voted to effectively deny the Plaintiff's June 17, 2016 records request willfully violated of the Public Records Law, ORS 192.410 et seq., pursuant to ORS 192.460(1)(b);}

- 1 (21) {On Plaintiff’s First, Second, Third, and/or Six Claims of Relief, voiding  
2 Councilor Wahlke’s motion that carried at the August 10, 2015 regular  
3 meeting to submit ethics charges against Mayor Williams to the OGEc;
- 4 (22) {Directing the Defendants to unseal and release to the Plaintiff, and the general  
5 public, the first 24 pages of the ethics complaint the Defendants (other than  
6 Mayor Williams) filed against Mayor Williams on or about August 20, 2015,  
7 pursuant to ORS 192.460(1)(b) and/or ORS 192.680(2);}
- 8 (23) {Declaring that neither the Plaintiff nor Mayor Williams violated any state  
9 statute, city charter, city ordinance, or city council rule, in releasing the ethics  
10 complaint to the public, pursuant to ORS 192.460(1)(b) and/or ORS  
11 192.680(2);}
- 12 (24) {On Plaintiff’s Second, Fourth, and/or Fifth Claims of Relief,}/(9) Voiding  
13 Councilor Ryan’s motion that carried at the August 24, 2015 regular meeting to hire  
14 outside counsel to investigate and prosecute {the Plaintiff and/or} Mayor  
15 Williams;
- 16 (25) {Directing the Defendants to unseal and release the August 24, 2015 memo  
17 labeled “Confidential Council Communication,” containing an email Mayor  
18 Williams forwarded on May 20, 2015 to Newport News Times reporter, Rick  
19 Beasley, pursuant to ORS 192.460(1)(b) and/or ORS 192.680(2);}
- 20 (26) {Declaring that Mayor Williams did not violate any state statute, city charter,  
21 city ordinance, or city council rule, by forwarding an email on May 20, 2015, to  
22 Newport News Times reporter, Rick Beasley, pursuant to ORS 192.460(1)(b)  
23 and/or ORS 192.680(2);}

24 //

1 (27) {On Plaintiff's First, Second, Third, Fourth, Fifth, and/or Six Claims of Relief,  
2 directing the Defendants who voted to initiate the investigations/prosecutions,  
3 or filing of charges involving the Plaintiff and/or Mayor Williams, repay any  
4 and all costs associated with the investigations to the taxpayers, pursuant to  
5 ORS 192.680(2);}

6 (28) {On Plaintiff's First, Second, Sixth, and/or Seventh Claims of Relief, directing  
7 the Defendants to unseal and release to the Plaintiff, and the general public, the  
8 full and complete (unedited and un-redacted) minutes (recordings) of the  
9 meetings labeled as "Executive Sessions" the Defendants held between July 11,  
10 2011 and June 22, 2015 that the Plaintiff requested on June 23, 2015, pursuant  
11 to ORS 192.460(1)(b);}

12 (29) {Directing the Defendants to unseal and release to the Plaintiff, and the general  
13 public, the full and complete (unedited and un-redacted) minutes (recordings)  
14 of the meetings labeled as "Executive Sessions" the Defendants held between  
15 July 11, 2011 and August 10, 2015 that the Plaintiff requested on June 17,  
16 2016, pursuant to ORS 192.460(1)(b);}

17 (30) *[(10)] Imposing {civil fines} [a civil fine] against {each of} the {Defendants*  
18 *{other than Mayor Williams} [City Council], pursuant to ORS [§] 192.680[(3)];*

19 (31) {Equitable compensation in an amount to be determined at trial;}

20 (32) {All other equitable relief and damages in amounts to be determined at trial,  
21 consistent with the claims above against the Defendants;}

22 *[(33) Punitive damages consistent with the claims above against the Defendants in*  
23 *amounts to be determined at trial;]*

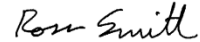
24 //

- 1 (33) [(11)] Awarding of {**reasonable**} attorneys' fees and {**litigation expenses/**} costs {**herein,**  
2 **including expert witness fees, and expenses, consistent with the claims above against**  
3 **the Defendants**}[to Plaintiff], pursuant to ORS [§] 192.680(3); and  
4 (34) [(12)] Granting such other equitable relief as the Court deems {**just and proper**}  
5 [appropriate], including {**, but not limited to,**} enjoining the {**Defendants and the**  
6 **other**} City Council {**members**} from future violations.

7 DATED this 11th day of October, 2017.

8 Respectfully submitted,

9 ROSS R. SMITH,  
10 Plaintiff in pro per,

11 

12 Ross R. Smith

13 310.985.9642 (m)

14 541.996.6232 (h)

15 877.600.9642 (f)

16 [rasa7777@gmail.com](mailto:rasa7777@gmail.com)

1 **CERTIFICATE OF SERVICE**

2 I certify that on **October 11**, 2017, I served or caused to be served a true and complete copy of the  
3 foregoing [**AMENDED** PROPOSED] FOURTH AMENDED COMPLAINT on the party or parties listed  
4 below as follows:

5  
6  Via First Class Mail, Postage Prepaid

7  Via the Court's E-filing System

8  Via Email

9  Via Personal Delivery

10 Jens Schmidt  
11 Harrang Long Gary Rudnick P .C.  
12 360 East 10th Avenue, Ste 300  
13 Eugene, OR 97401-3273  
14 jens.schmidt@harrang.com  
15 Attorney for Defendants

16  
17 By: Ross Smith  
18 Ross Smith  
19 rasa7777@gmail.com  
20 Plaintiff in pro per