

SCA Statement – Allegations of Collusion in Mayor Appointment and Councilor Delays

Executive Summary.

- SCA finds the allegations of improper collusion to appoint Mayor Lena Richardson credible.
- SCA finds the allegation of quid pro quo by Mayor Richardson to delay Council appointments credible.
- Based on the pattern of support for Mayor Richardson, SCA believes that Councilor Steve Mitchell is acting in concert with Mayor Richardson to delay Council appointments.
- SCA has provided a timeline of various statements by the Mayor with documentation of when each candidate applied and their qualifications. The justification that more time was needed to find qualified candidates is patently false.

Update for 10/17/2025

- **Council made appointments for both open Council positions, and as expected “recycled failed leadership”**
 - Two-time quitter Kathy Nuckles was re-appointed
 - Mr. Jeffrey Vanier was appointed to the second seat
 - A citizen (Mr. Hank Hohenstein) of Shady Cove accused Councilor Mitchell of interviewing Mr. Vanier (and only Mr. Vanier) prior to the appointment; saying he’d personally witnessed Councilor Mitchell discussing Mr. Vanier at a Planning Commission meeting he attended recently.
- Both Councilor Mitchell and Mr. Vanier denied the allegations. No other potential candidates were apparently interviewed. **Mr. Hohenstein has indicated he is considering filing an ethics complaint, which per ORS 40.320 would force involved parties to testify under oath/affirmation**

SCA Research – Allegations of Collusion In City Leadership (Mayor & Councilor Delays).**1. September 18th Public Statement & Transcript Referencing Collusion.**

SCA would like to call residents' attention to an unusual public comment during the September 18th Shady Cove City Council meeting. The disruption at the beginning of the meeting seems to have overshadowed two very important allegations:

- It is alleged there was improper collusion between the two remaining Councilors to appoint Mayor Richardson, initiated by one of the two existing Councilors, who first contacted Lena Richardson.
- It is alleged that Mayor Richardson attached pre-conditions to her appointment, specifically
 - She wanted to be appointed immediately
 - She asked to delay the appointments to fill existing Council vacancies

The public comment statement can be listened to in full on the Zoom recording on the City's website, located here:

[September 18, 2025 City of Shady Cove City Council Meeting - City of Shady Cove, Oregon](#)

<https://zoom.us/rec/share/vvYSRFRk2cl0rSQbs2SZkBaRyfQZ7SyOoZu6GmN9eBpY-BZCkp0m3Y7FgdxijVNZ.ujlle3sPTNNVZCNZ>

We have also provided the following transcript of the public statement (red emphasis added by SCA).

Transcript of Resident's Statement regarding Collusion – 9/18/2025
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I'd like to inform the citizens of Shady Cove about the City Council's actions during its special and regular sessions held over the past couple of months. Their actions and conversations have violated the City Charter and Open Meetings Law ORS-192.610.

First, Mayor Richardson was not properly appointed by the remaining City Council members during the July 10th, 2025 special session, and should resign effective immediately. *Prior to that session Council Members Mitchell and Winfrey held a private meeting constituting an improper forum wherein the appointment of Mayor Richardson was discussed.*

Mayor Richardson was appointed under false pretenses. Prior to her appointment, *she and Councilor Mitchell had agreed to a quid pro quo wherein she said she would serve as mayor under two conditions. First, she demanded that upon her appointment, council members must immediately swear her in as mayor. Second, she demanded that the council vote with her to delay the appointment of council members to fill the other two remaining vacancies.*

These conditions of her appointment were not discussed during the public meeting, and there was no opportunity for the public to comment prior to Richardson's appointment, and that's exactly how this council meeting on July 10th went down.

You may remember the howls of the fix was in, and it was all a setup. You were right. It was all set up violating Oregon open meetings laws. You see, Councilman Mitchell called Lena Richardson prior to the July 10th meeting and asked if she would accept an appointment as mayor. Her response was absolutely not. Then, after about 60 minutes, she called them back with her demands.

Transcript of Resident's Statement regarding Collusion (continued)

After this second phone conversation, but prior to the July 10th Council meeting, Councilman Steve Mitchell called Councilman Winfrey and told her about the agreement he made with Richardson. This is city business being discussed between two council members constituting a quorum outside a formal city council meeting, another violation of Oregon Open Meeting laws. Next, Mayor Richardson has improperly raised motions during Council Comments section of the City Council meetings. The City Council has two council member vacancies since Richardson's false appointment. During both the July 10th and August 7th meetings, Mayor Richardson used the Council comment sections of the meetings to make a motion to delay the filing of the two vacant Councilmember positions. However, such item was not listed on the agenda for those meetings, so the public had no notice and was not able to provide comment on the Mayor's unilateral actions.

The mayor we have in place, by all accounts, is acting in a capacity that she was improperly appointed to, and as such, should resign her position if she has an ounce of integrity. After her resignation, a full city council should be appointed from the original group of five qualified candidates, and that council should appoint a Mayor. Due to his improper involvement in this charade, Councilman Mitchell should also resign. I appreciate Councilman Winfrey, because she understands how she was duped into this. Thank you.

The SCA was provided a copy of an email which seems to imply someone in the community was concerned enough about the allegations to initiate potential legal action. Due to confidentiality, we have chosen to publish the email with redacted information.



Shady Cove - Privileged & Confidential Attorney-Client Communication

3 messages

To: [Redacted] 2025 at [Redacted]
Cc: [Redacted]

We have discussed a phone call that Councilor [Redacted] had with Councilor [Redacted] wherein the latter stated two conditions under which Ms. Richardson would apply to be Mayor: a) that she be sworn in immediately and b) that they vote to delay filling the two vacant Council seats. The legality of this communication depends on whether it constituted deliberation to appoint

Richardson as Mayor, or instead was for the purpose of information sharing only. Only the latter is permissible.

[Redacted] would want to interview Councilor [Redacted] to learn more about the conversation, but consider it entirely possible that it did constitute deliberation. If a judge were to agree with such an allegation, then the decision is "voidable," and the City and the involved Councilors subject to potential financial liability.

Note that, if the conversation occurred on or before 7/1 (when two Councilors would not have constituted a quorum), then the conversation would not have been illegal. Councilor [Redacted] expressly stated at the 7/1 meeting that [Redacted] and Councilor [Redacted] could not have conversations about City business going forward, so [Redacted] clearly knew the rules about public meetings and that their presence would constitute a quorum. As such, we need more information from Councilor [Redacted] before making legal conclusions about whether the phone call violated public meeting law.

2. Overview of Timeline/Events for City Council Vacancies.

July 10th, 2025 City Council Special Session.

- Mayor Richardson was appointed.
- First Motion to delay Council appointments to August 20th, 2025.
- Six qualified candidates apply prior to July 10th.

August 7th, 2025 City Council Meeting

- Mayor Richardson extends deadline again, to September 5th, supported by Councilor Mitchell.
- Motion made five minutes before meeting ended, with no prior public notice.
- Councilor Winfrey objects
- One more qualified candidate applies, bringing the total to 7.

August 21st, 2025 City Council Meeting

- Mayor Richardson claims to have a timeline, claims she isn't questioning the qualifications of applicants, but admits she hasn't read any of the applications.
- Several residents speak against the delays in non-agenda public comments.
- One more qualified candidate applies, bringing the total to eight.
- Councilor Winfrey formally objects to delays and rescinds votes to delay

September 4th, 2025 City Council Meeting

- Mayor Richardson extends the deadline for a third time, to Sept 12th, again supported by Councilor Mitchell.
- Mayor Richardson says "I want everybody who is qualified to apply"
- No apparent effort is made to review the existing candidates
- Councilor Paige Winfrey makes a motion to commit to selecting candidates on Sept 18th.

September 10th, 2025

- Former Council President Kathy Nuckles (who has twice quit) applies for one of the vacancies

September 18th, 2025

- Meeting is adjourned early, due to disruption
- No Council appointments are made

October 16th, 2025

- City Council finally makes appointments to the vacant positions
- There was no attempt to interview any of the candidates in advance, except for – allegedly – one of them.

- Over the course of the past three months, the Council chose to implement no process for an unbiased selection of candidates.
 - During the public meeting, there was no process to question candidates, no effort to listen as candidates advocated for their abilities, and no public discussion of the pros and cons of any candidate, except for Councilor Mitchell's long-winded defense of Kathy Nuckles.
- Council then chose to re-appoint Kathy Nuckles and selected Jeffrey Vanier for the other vacancy.
- A citizen (Mr. Hank Hohenstein) of Shady Cove accused Councilor Mitchell of interviewing Mr. Vanier (and only Mr. Vanier) prior to the appointment; saying he'd personally witnessed Councilor Mitchell discussing Mr. Vanier at a Planning Commission meeting he attended recently.
- Both Councilor Mitchell and Mr. Vanier denied the allegations. **Mr. Hohenstein has indicated he is considering filing an ethics complaint, which per ORS 40.320 would force involved parties to testify under oath/affirmation.**

3. Detailed Timeline of Actions on City Council Vacancies.

a. July 10, 2025. Mayor Richardson appointed, first motion to delay Council appointments to 8/20.

During the special session, Mayor Lena Richardson was appointed and (as per the alleged quid pro quo) makes her first motion to delay appointment to vacant Council seats to August 20th (six weeks delay). Councilor Steve Mitchell and Counselor Paige Winfrey both approved the motion.

Statement from Mayor Richardson concerning delay of appointment

“Shady Cove has recently been caught in a whirlwind of judgements, rumor and misinformation. I believe that we need a cool down period to thoughtfully examine our current state and formulate a plan to move forward with the positive momentum that has been building for the last 2 and a half years. For that reason, tonight I make a motion that we extend the application period for council positions till at least August 20th to give potential applicants time to familiarize themselves with our city goals, our charter, our city council, rules of government, and other documents you find on the city website to determine what experience, skill and knowledge you can bring to council in our efforts to successfully reach our goals.”

Source: July 10th, 2025 Special Session Meeting, Zoom Recording (starting at 39-minute mark).

<https://zoom.us/rec/share/7bDJWeb4Pt7yHkhmM6prVDyhPmW-DRJLZxhdHJRtuqVilfhdy6Dq2FtEIOLvqJAn.drJD765lJaJiUUZX?startTime=1752193879000>

As of 7/10/2025, six individuals had applied for a Council vacancy. (Based on the date of their application as published in the September 18th Council meeting packet.)

Name	Date Applied	Qualifications
Jay Taylor	7/4/2025	Former Shady Cove Councilor (2021-2022), former member of planning commission, member of Budget Committee (2024, 2025).
Hank Hohenstein	7/7/2025	Former Shady Cove Councilor (2019-2020), former member of Shady Cove Planning Commission (21-22). Extensive experience in Planning & Community development.
Samuel Clark	7/7/2025	Six years on Costa Mesa CA Planning Commission (2 as Vice-Chair)
Terry Rasmussen	7/7/2025	22 Years on Board of Directors, Trail Christian Fellowship, 12 Years as Founder and Board Chair of Redemption Ridge (a non-profit organization for support and healing for female victims of sex trafficking).
Thomas Swendener	7/8/2025	25+ year Software Development Manager focused on collaborative problem-solving and ensuring that all voices are heard.
Jared P. Considine	7/9/2025	President of Non-Profit Friends of the Woods, Forester, USMC Veteran (Infantry Company Commander)

b. August 7th, 2025. Mayor Richardson extends the deadline again.

Two weeks before the original deadline expires, Lena Richardson makes a second motion to extend the deadline for Council appointments, even though the original deadline hadn't expired. She alluded to the need to handle outstanding personnel matters as part of her reasoning. The motion is made at 7:25 pm, almost an hour and a half into the meeting during Council comments, after the public comment period had closed. The motion was made less than 5 minutes before the meeting ended. The motion was approved 2:1, with Councilor Steve Mitchell & Mayor Richardson approving, and Councilor Paige Winfrey dissenting. As the deadline was one day after the Sept. 4th City Council meeting, this effectively extended the deadline to at least September 18th, which is a 10-week delay.

Statement from Mayor Richardson concerning second delay of appointment

"The city has outstanding personnel matters to handle, and recent events have brought those concerns into the public spotlight. To work through this process requires thoughtful deliberation and informed decision making, the process will take time to collect information, schedule an executive session and make decisions, and it must not be rushed.

Also, decisions must be made by those who have worked closely with City Hall and have the knowledge and experience to make fair and rational decisions in the best interest of Shady Cove and its citizens.

Therefore, for these reasons I move to extend the deadline to apply for open council seats until September 5th. "

When a meeting attendee objected Mayor Richardson subsequently told them "You are out of order, sir, you're out of order. No, the public comment is, the time is over."

Upon seconding the Mayor's motion to delay, Councilor Steve Mitchell said this (emphasis added by SCA):

*"So I will second the Mayor's motion in that regard, and I'm saying that because I know that we have, as far as I last know, we only have 3 applications. Of which those were part of the interview for Mayor. **And I don't know if we've received any more, but to extend a little bit further out, so we get some qualified people that have a real interest,** who participate in our meetings and speak up as necessary. I appreciate it a lot. So I try and nurture that to get people involved in their community, especially in Shady Cove, so I would support her motion to extend it out to September "*

Councilor Paige Winfrey vehemently objected, stating:

"I completely disagree, I think it's been way too long already. I think that there's been only one new applicant past the date that we decided to extend it."

SCA notes that Councilor Steve Mitchell didn't appear to be well-informed on the status of Council applicants. **None of the Councilors or Mayor asked the City Administrator for a recap on the status of who had applied.** Had they done so, they would have realized another extremely qualified applicant had applied, bringing the total to seven as of August 7th.

Name	Date Applied	Qualifications
Jeffrey Vanier	8/5/2025	Former City Councilor for 4 years for the City of Reedsport OR, including serving two years as Council President. California Class A Engineering License, Nuclear Testing Technician Certificate.

c. August 21st, 2025. Mayor Richardson claims to have a timeline, claims she isn't questioning the qualifications of applicants, but admits she hasn't read any applications.

At the August 21st City Council Meeting, several members of the community spoke up in public comments on non-agenda items objecting to the extension of the deadline for Council vacancies. Community members noted it was difficult to believe none of the applicants were qualified and asked about timelines. One resident recommended that Council create a written list of interview questions to help eliminate bias. At the end of public comments on non-agenda items, a resident commented on the urgency to fill vacancies and Mayor Richardson responded as follows:

Resident: "I think we're burning time, and again, as Mr. Hohenstein has already said, I'd really like to see a timeline to get this done."

Mayor Richardson: ***"Well actually, we do have a timeline, and I don't want anybody to believe that uh the uh we have questioned the qualifications or the ability to hold the position by any applicants. Matter of fact, I haven't seen any of the applicant... applications myself. They've not been passed on."***

Mayor Richardson then went on to recap her previous statement from Sept. 5th noting that decisions must be made by those *"who have worked closely with City Hall and have the knowledge and experience to make fair and rational decisions in the best interest of Shady Cove and its citizens. And that's the reason I moved the deadline. I made the motion to move the deadline to September 5th for these applications. And, I still firmly believe that, because the citizens... See... Have... who have not been involved in... the, on... Council, and the Budget Committee, and the Planning Commission, and, Activities like that have limited interaction with what City Hall and what Staff, so that's why I requested that."*

SCA would like to note that at this point, a total of eight candidates had already applied, with the latest being Lelah Doyle. Six of those candidates had direct experience with City Council, Budget and Planning. **Mayor Richardson stated a timeline existed, yet offered no specifics. SCA finds it surprising that she also claimed she hadn't received or read any of the applications. As Mayor, she would have had full authority to ask for applications to be passed on.**

Name	Date Applied	Qualifications
Lelah Doyle	8/18/2025	8-years as OAWU (Oregon Association of Water Utilities) Certified Small Water System Operator). Part of the implementation of 2 separate community water systems, member of Tigard Water District Budget Committee and member at-large.

Source: City Council Public Records of August 21st, 2025.

<https://zoom.us/rec/share/TUI0FzNwjv8hFJdLyb9SmxMehV6UAiH3yu4pljWiz2Oi5enDAKMv2U9yBZFgigbj.35bOQT91y-xU3s77>

01:04 minute mark starts public comments, 01:15 minute mark starts Mayor Richardson's comments cited above.

d. August 21st, 2025. Councilor Winfrey formally objects to delays and rescinds votes.

At the same Council meeting, Counselor Paige Winfrey formally registered her objection to the continuing delays and formally rescinded her two previous votes on the matter, citing violations of ORS 192.640 and City Charter. Note: Per SCA's understanding, Councilor Winfrey had only 1 prior affirmative vote to extend the vacancy deadline for applicants, on July 10th. You can read her full statement in Appendix 1.

e. Sept 4, 2025 City Council Meeting.

At the Council meeting, Mayor Richardson again extended the deadline to September 12th, claiming as her excuse that the website date for Council applicants was wrong. Per Mayor Richardson:

"Until yesterday, the website still had August 20th. And the application form still said July 9th. Then, yesterday, that was changed till September 3rd, which still wasn't the actual date, and then about 1 o'clock today, it was corrected to September 5th. So, for about two weeks there, anybody who went on the website would have assumed that it was too late to fill out an application for council... a council position. **And I want everybody to... who's qualified to have that opportunity.** And so I don't know at this point".

In SCA's opinion, this was another blatant attempt to delay the appointment of Councilors to the vacant position. **Mayor Richardson appears to have made no effort to correct the website and no effort to review the existing eight applicants.** Despite the professed concern to allow yet more time for qualified applicants, the only additional person who applied (after the third extension) was former Council President Kathy Nuckles who finally put her application in on Sept 10th.

Name	Date Applied	Qualifications
Kathryn Nuckles	9/10/2025	Resigned from City Council twice, most recently along with Mayor Jon Ball on 7/1/2025.

Councilor Paige Winfrey apparently agrees with the SCA, and she makes a motion that City Council commit to appointing candidates to the two existing vacancies on September 18th.

Source: City Council Public Records of August 21st, 2025 (00:24 minute mark).

https://zoom.us/rec/share/jy4bX_2Fyv5ISKjPJBXl8KCjDMM_Y-af62SanS053Z2qUcc27oLrJK9QM0CxK5am.djKlQDJJaLLTq-gfY

4. Appendix – Statement of Councilor Paige Winfrey on 8/21/2025

Paige Winfrey

Councilor , City of Shady Cove

August 21st, 2025

To: Mayor Richardson, Councilor Mitchell, and the citizens of Shady Cove

CC: City Administrator, City Attorney

To my colleagues, and citizens of Shady Cove,

Over the course of the last three consecutive council meetings, motions have been made and voted upon during the “Council Comments” period which were neither placed on the published agenda nor properly noticed to the public. After reviewing the applicable provisions of Oregon law, our City Charter, and our adopted Rules of Government, I must respectfully register my objection to these actions and formally rescind my two prior affirmative votes on these matters.

One of these votes pertained to pushing out the acceptance date for Council applications, postponing the appointment of candidates to fill two vacant city council seats—from July 9 to August 20th purportedly to be voted upon August 21st. Which subsequently was pushed out from August 20th to September 5th, the day after council meeting pushing the selection of two very much needed and anticipated councilors out to Sept 21st. Keep in mind that we had 5 applications as of July 9th, some of which are very qualified candidates. When I voiced my strong objection to the second postponement, I was told this was transparency. There is nothing about this that I find as being transparent. Based on the numerous comments I have received from our citizens, the feeling is mutual.

While my vote corrections do not alter the outcomes, However, they reflect my growing concern about our current governance structure's inadequacy and legal vulnerabilities. I felt that what was happening was just wrong, so I did a little research and what I discovered is alarming to me. I am bringing this information out into the light and my earnest prayer is that the wrongs will be righted and that the necessary corrections will be made so we can move forward in governance of our city in transparency and integrity.

The unexpected July 1, 2025 resignations of Jon Ball and Kathy Nuckles created significant institutional instability. Our current city council structure presents multiple risks:

City of Shady Cove Charter

A complete Shady Cove City council is comprised of a mayor and four councilors. Under the City Charter, the council's authority is to be liberally construed so that the city may exercise, to the fullest extent, all powers granted under this charter and under United States and Oregon law.

The question before us is whether, with our current diminished Council, we can truly fulfill the essential democratic functions required by this body. **My answer is no for the following reasons:**

- A full council structure prevents dangerous concentration of authority.
- A full council ensures appropriate oversight, community input, and governmental accountability
- A full council upholds the principle of collective oversight, providing proper checks and balances, particularly during contentious situations requiring objectivity and careful deliberations.
- A full council preserves transparency in governance and ensures that all citizens are fairly represented.
- A full council provides structure for decision making processes that are less susceptible to external pressures, thereby protecting the integrity of democratic governance.

With the continued postponement of filling vacancies, these dangers of a diminished Council are no longer theoretical- they are real and evident. This condition is unnecessary and inconsistent with the Charter. There is no valid reason for the City of Shady Cove Council to continue operating without a full Council when qualified applicants are available and ready to serve.

Why Motions Under “Council Comments” Are Impermissible

A. Violation of OPML Notice Requirements

- “Council Comments” is noticed to the public as an opportunity for statements—not deliberation or action

- . ORS 192.640(1) the subject must have been itemized in the agenda.
- **Per Marks and TriMet**, acting on an un-noticed subject is voidable and exposes the Council to injunctive relief and attorney-fee liability.

B. Conflict with City Charter Structure

- § 12 mandates pre-adopted rules; any action outside those rules exceeds authority.
- § 16 makes OPML compliance a precondition to legality.
- Entertaining a motion under “comments” contradicts § 13’s requirement that meetings (and therefore motions) follow designated procedure and agenda order.

C. Procedural Ambush and Due-Process Concerns

- Stakeholders, staff, and the public cannot prepare for debate or provide input.
- Handy condemns tactics designed to skirt public participation; courts construe such conduct as “deliberation in disguise.”

D. Governance & Ethics

- Surprise decision-making undermines public confidence and violates the spirit of ORS 244.040(1) (the statewide ethics mandate to act in the public’s interest).
- Best-practice manuals (e.g., League of Oregon Cities) treat “Council Comments” as informational only; action items belong under “New Business” or “Action Items,” posted in advance.

Practical & Legal Risks

- Invalidation: Any measure adopted during “Council Comments” is susceptible to being declared void under ORS 192.680(1).

“Surprise” action under the guise of comments is viewed by courts and the public as an attempt to thwart open governance, eroding legitimacy and exposing the Council to litigation, invalidation of its acts, and fee-shifting under ORS 192.680(3).

Ethical and Governance Concerns

This practice undermines transparency, due process, and public confidence in our governance. Stakeholders, staff, and the public are denied the opportunity to prepare input or attend for matters of interest. As emphasized in Handy and other Oregon case law, such tactics are viewed as attempts to evade public participation.

Rescission of Votes

Pursuant to my duty under ORS 244.040(1) to act in the public interest, I hereby rescind my two affirmative votes cast in favor of matters decided through these procedurally improper surprise motions.

I respectfully request that these rescissions be recorded in the minutes and that the Council take immediate action to nullify the affected measures as void for failure to comply with OPML and our governing rules.

Qualified candidates await appointment to restore proper governance and balance. Continued delays not only violate our established standards and policies but expose the city to legal liability. We must prioritize institutional integrity and citizen representation by immediately filling these vacant positions.

The City of Shady Cove deserves—and our legal obligations demand—a fully functional council capable of providing proper oversight, diverse representation, and transparent governance.

Respectfully submitted,

Paige Winfrey

City Councilor, Shady Cove, Oregon