

Special Council Meeting Minutes

June 13, 2018

7:00 PM

Meeting Called to Order by Mayor

Present: Mayor, Linda Waite, Deb Bader, Chris Mead, Phyllis Agee, Paul Umble, Joyce Link.

Mayor asked that the records reflect the presence of the City Attorney, Ron Smith.

Agenda: Possible Lawsuit/Legal Issues

Mayor stated at outset that there would be **no** going into Executive Session because issue involves spouse of member of council, and the threat of a lawsuit from the spouse, which from the audience, the spouse denied threatening a KORA lawsuit when speaking to the Clerk.

Mayor read City Clerk Report on KORA issue from the clerk.

City Attorney addressed

- 1) Clerk is employee of City, she is not liable for KORA violation, if anything it would be City which would be sued if there was a KORA violation. That means the City Council and Mayor would be defendants, not the clerk.
- 2) Mr. Mead cannot file a KORA violation, it must be filed by Attorney General or BT County Attorney.
- 3) Was not sure what KORA violation being in this instance. Clerk does not have to come up with documents immediately. Clerk has authority if a lot of time is required looking up documents to re-imbursement for time involved looking up documents, this is to be paid prior to giving out the documents.
- 4) Concern on Executive Session, they need to be used only for issues allowed under the law.
- 5) If a spouse of Council member is going to sue City there is a conflict of interest for that Council member.

Some discussion followed on what is reason for this fencing issue coming back a year after City Attorney thought it was resolved by City between City and Mr. Mead.

Still question on what email Terry wanted access to. Terry clarified it was the email Clerk sent to City Attorney after May 8, 2017 meeting that he wanted as KORA request. Not the email response back from City attorney. At this point the mayor read this email to the Council and Mr. Mead who was present at meeting.

It was emphasized that this email is a work product between the Attorney and the City and is considered attorney/client privilege. It is exempted from KORA requirement unless the Council says otherwise.

Mr. Mead stated he was happy with that reading of the email. It answered his question. Also stated he never said word sue to clerk in previous days' conversation, only used the word fine.

Joyce Link motioned to adjourn, Phyllis Agee seconded. Carried 5-0.

Adjourned at 7:25 PM.

Approved July 2, 2018

Mayor Linda McCowan-Waite *Linda C White*