

CITY COUNCIL

Kent Harding
Buford McComas
Tad Miller
Agnes Phillips
Ruth M. Richardson, Mayor
Stanley Rodgers
Wally Wallace



CITY MANAGER

Ken Weaver

CITY CLERK

L.J. Tanner

City of Bethel
Special City Council Meeting Minutes
April 3, 1996

I CALL TO ORDER

The meeting was convened at 6:30 p.m. by Mayor Richardson at the City Offices.

II ROLL CALL

Present: McComas, Harding, Miller, Richardson, Rodgers, Wallace
Absent: Phillips (excused)

III APPROVAL OF AGENDA

motion M/M by Wallace, 2nd by McComas, to approve the agenda.

motion M/M by Miller to add Resolution #96-13, Supporting a Plan of Action for Implementing Specific Police Audit Recommendations. No second.

withdrawn Mayor Richardson told Council Member Miller she would prefer to consider the Resolution at the regular meeting scheduled for April 9, 1996.

vote Voice vote on Main Motion. Motion carried unanimously.

IV. NEW BUSINESS

Item A: Police Department Audit Report

Mayor Richardson opened the discussion. Copies of the Police Department Audit Report have been anonymously mailed to various citizens of Bethel, without the permission of the City Council, City Manager, or Police Department. Mayor Richardson stated that she would ask for the immediate resignation of any Council Member connected with these actions. If a member of a City of Bethel Committee or Commission is found to be involved, she would also ask for their resignation or removal. She believes this to be a serious breach of the Oath of Office taken by Council Members and Commissioners. Mayor Richardson then solicited input from the rest of the Council, beginning with Council Member Miller.

Council Member Miller remarked that he believes the act of mailing the confidential audit report to be more scurrilous than any problems listed in the audit itself. Further, he stated that the report was discussed in Executive Session, and the breach of Executive Session is a violation of the public trust in the City Council. He declined to speculate on who might be responsible, but believes it was the work of a high-placed person connected with the City. Mr. Miller asserted that the leak of confidential information, discussed in Executive Session, gives people cause to question the confidentiality of anything discussed in Executive Session, including lawsuits, union negotiations, personnel matters, etc.

Council Member Harding read a letter from the State Troopers, in which they declined to investigate the unauthorized reproduction and distribution of the report. Reasons cited were a lack of evidence and their belief that this is an internal City matter. Mr. Harding expressed that the person or persons accountable for the mailing should have the courage to take responsibility for their actions, and be subject to "Due Process." "Due Process" with the Police Department's P.O. Box number, was used as the return address on the copies mailed.

Council Member Wallace stated that he was out of town during the week the copies were mailed, and hasn't personally received an un-authorized copy. Further, Mr. Wallace stated his belief that the audit should have been made public in the first place. He thinks that by keeping the document confidential, the Council has given the impression that they have something to hide.

Council Member McComas denied any involvement with the matter. He stated that he is glad the document was released, and believes it should have been made available to the public, since they are the ones who paid for the audit. He doesn't think the leak should be investigated, and questioned the Mayor about a member of the Council calling for an investigation without a positive vote of the Council to do so. He believes that this was a circumvention of the Council's authority. Further, Mr. McComas asserted that in not releasing the report, the Council has given the impression that they are doing things "under the table."

Council Member Rodgers stated that he admires the people who leaked the audit report, but at the same time, he is very angry at the breach of confidentiality of personnel issues that were reported in the audit. He thinks the person or persons involved should have blacked out those sections containing confidential personnel matters, and because they did not, the City is now more vulnerable to liability.

Dave Trantham, Bethel, asked Mayor Richardson if she would allow for public comments on the matter. Mayor Richardson responded that she would allow public comments, but asked that people limit the length of their comments.

Mr. Trantham advocated for an investigation of the un-authorized distribution. He spoke against the person(s) responsible, stating that they are preying on the Council itself.

Gary Vanasse, Public Safety Commission Chairman, asked for a confirmation that the City has now made the document officially public. City Manager Ken Weaver replied that he had

indeed declared the document to be public, on Friday, March 29th, at the advice of the City Attorney. The reason given was that the document is now, for all intents and purposes, public. Mr. Vanasse asked the Council to not let this incident taint future Executive Sessions.

Mayor Richardson asked Police Chief Chris Liu if the leak has had a negative effect on the Police Department. Chief Liu responded that the department has discussed the matter, and while it has been a difficult time, the department remains intact, with no effect on operations or services.

Mayor Richardson stated that the Post Office has been contacted. Using the Police Department's P.O. Box number as the return address on the un-authorized copies is not considered a crime. It is possible that a postal worker does know who purchased the stamps to mail the copies. This person may or may not be required to divulge this information if an investigation is held.

Council Member McComas questioned who is authorized to call an investigation. He pointed out that Council Member Harding asked for an investigation by the State Troopers without the consent of the Council. Mayor Richardson replied that it was her understanding that any citizen can ask for an investigation if they believe a law has been broken. This was confirmed with the City Attorney. Mr. McComas replied that Mr. Harding's letter stated that he was writing "as a member of the City Council."

Council Member Miller stated that this incident has strengthened his support for the Police Chief, and he believes that actions such as leak are the real reason why Police Officers leave the City's employ. Further, he stated that funds should still be left in the budget, even after paying for the audit, and these funds could be used for an investigation.

motion M/M by Miller to spend the \$3,000 leftover from the \$10,000 budgeted for the audit, to investigate the leak of the confidential audit report. No second.

Discussion followed on whether the leak should be investigated.

City Manager Weaver informed the Council that in fact there is not \$3,000 remaining in the budget line item.

Jay Barrett of KYUK asked for a clarification of Council Member McComas' remarks.

Council Member McComas clarified his position to Mr. Barret. He opposes an investigation, and believes that the money would be much better spent on fixing the problems outlined in the audit, for example, purchasing new evidence lockers.

Council Member Wallace asserted that he would vote against the motion, believing that an investigation would be a waste of both time and money.

John Hastie, Bethel, stated that he hoped the Council would allocate time and money to be spent investigating the Sophie Shomler murder. He would also like to see a Justice

Department investigation of the way evidence is handled by the Police Department. Mr. Hastie referred to an allegation of alcohol in the Police Department's evidence room being stolen and used to contribute to the delinquency of a minor.

Gary Vanasse assured the Council that the Public Safety Commission would not involve themselves with any personnel issues mentioned in the report. Tom Hildreth, also on the Public Safety Commission, confirmed that the commissioners follow their governing ordinance very closely.

Mayor Richardson stated that she would support an investigation. She feels it is very important to find out who breached the confidentiality of the report. She does think that the Council could have simply blacked out the personnel-sensitive portions of the report, and then released it.

Council Member Miller stated that the leak does need to be investigated, to restore the public's confidence in the Executive Session confidentiality, not only for personnel matters, but to help the City's negotiating position in any litigation.

motion M/M by Miller, 2nd by Harding, to direct the City Manager to recommend an appropriate investigation plan, with an adequate budget, at the April 9, 1996 regular council meeting, so that a formal vote may then be taken.

Council Member Wallace questioned if it had been proven that the leak did in fact come out of information released in executive session. Mayor Richardson replied that that is the point of the investigation, and that at this point, every Council Member is potentially suspect.

vote Roll Call Vote. Motion failed, 3-Yes, 3-No (McComas, Rodgers, Wallace)

motion M/M by McComas, 2nd by Rodgers, to call the Justice Department and ask for an investigation of evidence tampering at the Police Department, and the cover-up of that tampering.

Discussion followed. Council Member Harding stated that he believes Council Member McComas is motivated by a desire to fire the Police Chief. Council Member Miller called for the question.

vote Roll Call Vote. Motion failed, 2-Yes, 4-No (Harding, Miller, Richardson, Wallace)

Council Member Miller proposed that the Council stop spinning their wheels, take the audit recommendations to heart, and work toward some common goals as a community.

Council Member Rodgers questioned where is honesty and public service? He also questioned why all the politics? Council Members are public servants.

Council Member McComas asserted that the Council should stay away from pointing fingers at other Council Members. The finger-pointing hasn't done anything to help the Council.

Mayor Richardson confirmed that the audit report was intended as a blueprint for improvement, and that the relationship between the Police Chief and the Council has been improved as a result. She continues to advocate for a review of the progress made on the audit recommendations, in 6 months.

Council Member Miller asked the Mayor what would prevent the Police Department from conducting their own internal investigation. Mayor Richardson replied that nothing needs to prevent that from happening. Council Member Wallace asserted that an investigation will happen regardless of whether the Department is encouraged by the Council. The Police Department will feel like they have a black eye, and will find out who gave it to them.

V. COUNCIL MEMBER COMMENTS

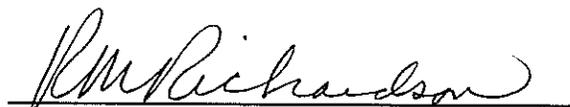
Council Member McComas requested that the trackhoe not be sold. Council Member Rodgers suggested that the Council go to work as public servants.

VI. ADJOURNMENT

motion M/M by Miller, 2nd by Wallace to adjourn the meeting at 7:30 p.m.

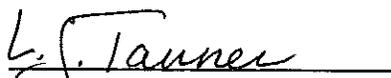
vote Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 9TH DAY OF APRIL, 1996.



Ruth M. Richardson, Mayor

ATTEST:



L.J. Tanner, City Clerk