
City of Bethel City Council Meeting Minutes

October 30, 2006

Special Meeting

Bethel, Alaska

I. CALL TO ORDER

A Special Meeting of the Bethel City Council was held on October 30, 2006 at 6:30p, in the Council Chambers, Bethel, Alaska.

Mayor Leinberger called the meeting to order at 6:30p

II. ROLL CALL

Members present:

Mayor Leinberger Dan
Vice-Mayor Tundy Rodgers
Council Member Dave Trantham
Council Member Andrew McGowan
Council Member Mary Kenick
Council Member Eric Middlebrook
Council Member Yolonda Jorgensen

Others present:

City Clerk Sandra Modigh
City Attorney Sharon Sigmon
City Manager Wally Baird

Comprising a quorum of the Council, the following were present:

III. PEOPLE TO BE HEARD

None

IV. APPROVAL OF THE REGULAR AGENDA

MOVED:	Middlebrook	To approve the Regular Agenda for the October 30, 2006 Special City Council Meeting.
SECONDED:	Jorgensen	
MOVED:	Middlebrook	To amend the agenda to allow Council

	on the agenda
VOTE ON MAIN MOTION	Carried unanimously.
VOTE ON MAIN MOTION	Carried unanimously.

V. NEW BUSINESS

Item A-City Council Travel Policy

Mayor Leinberger stated that he has called this Special Meeting to discuss the previously passed City Council Travel Policy and whether or not there was violation of the policy by a Council Member as well as giving an opportunity to make amendments to the policy prior to the upcoming travel for Council Members to Juneau.

Mayor Leinberger stated that it is up to the Council to decide whether or not there has been a violation of the policy.

Council Member Trantham inquired as to whether or not this is an investigation or a hearing.

Mayor Leinberger stated yes, this is for Council to determine whether or not a violation has occurred.

Council Member Trantham also inquired whether or not there has been advanced notice to Council Member McGowan prior to this meeting.

Mayor Leinberger stated that he has had as much advanced notice as the rest of Council by the posting of the agenda.

Council Members discussed the current policy.

Council Member Rodgers stated that Council Member McGowan should be given the option to discuss this matter in Executive Session.

MOVED:	Trantham	To provide Council Member McGowan Indemnification of City Employees and Officials against claims per BMC 2.48.020 A. 3.
SECONDED:	Rodgers	
<p>Council took a brief brake while copies of the BMC referenced were made for Council.</p> <p>The Staff Attorney Sigmon stated that this section does not apply to this matter.</p> <p>The Mayor stated that the motion is out of order.</p> <p>Council Member Trantham appealed the Mayors decision.</p> <p>Council by a vote of 4-2 (Dan, Middlebrook voting against, McGowan abstaining) appealed the Mayors decision to call the motion out of order</p> <p>Council, the Staff Attorney, and the City Clerk discussed whether or not a Council Member could be discussed during open session without it being placed on the agenda.</p> <p>Council discussed that the agenda was not clear about the evening's discussion.</p> <p>The Staff Attorney and the City Clerk advised Council that it would be more appropriate to give the City Council Member the option to discuss this matter at a later date and to have it placed on the agenda for public notice.</p>		
VOTE ON MAIN MOTION	Motion declared out of order due to mention of a specific Council Member within the motion.	

Mayor Leinberger requested to have the agenda item: Discussion Topics for AML added to the 11/8/06 Council Meeting agenda.

Council Member Middlebrook provided Council proposed amendments to the policy previously passed.

MOVED:	Rodgers	To have the City Council Travel Policy simplified and re-written.
SECONDED:	McGowan	
<p>VOTE ON MAIN MOTION Carried unanimously.</p>		

Council Member Jorgensen no comment.

Council Member Kenick no comment.

Council Member McGowan this is quite a shocker guys, a colossal waste of his time, if this is an investigation then lets say it. We wasted an hour of our time doing what, attempting to hold an illegal investigation, let's not start the year out like this. I spend a lot of personal time and money on water and sewer and quite frankly this is a slap in the face and is absolutely ridiculous.

Council Member Middlebrook stated that he hopes that the Mayor and whomever chooses to call a Special Meeting be very considerate I the manner that they do so, I think this could have been handled at the regular meeting and he is still not aware of the time sensitive issue. He stated that he would not like to see the Council end up as a dysfunctional family which is what's going to happen if we continue like this. Anybody that has ideas about the travel policy you are encouraged to contact the City Clerk or Staff Attorney.

Council Member Trantham stated for the record that his title is Council Member Trantham, Mr. Trantham is his father. I too feel very strongly that I have wasted my time and the people's time lighting this place tonight. I had a different thing I was supposed to attend tonight and I had to cancel, I'm very sorry that I had to cancel. I wasted my time, wasted the people's money, and had to feel very uncomfortable coming here tonight because I smell a rat. I smelled that something was going to happen that wasn't spelled out clearly on the agenda and that should never happen. I'm very sensitive to investigations. I was raised differently under different standards of conduct and behavior, I try to understand but I cannot comprehend what took place here tonight.

Vice-Mayor Rodgers stated hug an elder and good night.

Mayor Leinberger I want to first start off by saying I take full responsibility for this meeting tonight; that again one of the responsibilities I think as Mayor is that when one of us and this has been true of when I sat in that Chair that Mrs. Kenick is in right now that if a Council Member did something against policy against the rules that I felt it was incumbent upon the Mayor to address that and now I sit in that chair and I have to hold myself to that same task, it would be very easy to simply shoo away and turn a blind eye to where I believe a violation of Council policy has occurred and it's very easy to do that, however no action by any Council Member no matter how laudable it is excuses violations of existing policy no matter what good intentions may arise out of that there still has to be rules to follow and I just simply kind of think about that and I'm not making the accusation here but we can all think about things that have happened in the past within the City of Bethel, within the State of Alaska, within the United States, where something negative occurs and yet

no discussion, no sanctions are even discussed about it and it's simply viewed as whether it's the good old boys network. That well it's alright, we like him, lets just look the other way and certainly as Mayor, the Mayors position is more visible and right two weeks out of the gate this is certainly not what I had in mind as to what I thought the most important thing was to discuss, those of you who have sat with me during the last year or two years know that I loath Special Meetings. There is, there was a time sensitive nature to this and without going into detail and without being able to address those issues as we've decided as a body to put this into executive session, if Mr. McGowan so chooses, it's at that time that I can address the time sensitive nature, that I honestly felt that this could not have waited until next Tuesday, so if anybody's going to take the heat for it, it's me, that's why they pay me the big bucks. Again this is not something that I took lightly, I met with the City Clerk, the City Attorney, the City Manager, and others within the City that had relevant input into this matter and on one day during the week last week I was here for 2 hours wrestling with this idea on whether or not this is an issue to begin with. Do we have better things to do, certainly we do, I closed my own business for 2 hours wrestling with this, that's certainly not what I signed up for but that's the responsibility of this position that I hold, I do not take this responsibility lightly and that should prove that I don't take this lightly, so if there's blame to be had it sits right here with me and only me. That concludes my remarks.

McGowan stated that since he's just kind of learning the BMC, where in the Mayortorial powers do you derive that you're the police officer of Council.

Mayor Leinberger stated that he thinks we addressed this a month or so ago that the Mayor has duties for decorum that both inside meetings and outside meetings and we went round and round that there is no litmus test for what decorum is but in my personal view it's like pornography, you can't define it but you know it when you see it and I have been preaching this for 2 years that this is the responsibility that the Mayor has and I continue with that, and feel free at any such time four of you can decide that I'm not the right person for this position. So I'll leave you with that thought if that's what you decide, three of you can call a Special Meeting and have it in three days and boot me out, but is that how we want to proceed, is this a lawless body that decides well whatever we want to do is fine, whatever any of us does, we're not held accountable and that's what it really comes down to, are we accountable for our own actions when we are sitting as Council Members or are we not and if we are then what and when is that time to be called into question. Is that a fair enough answer.

Council Member McGowan stated that he was just kind of looking for what section of the BMC; I really wasn't looking for...

Point of order called by the City Clerk for debate during Council Members Comments.

VI.

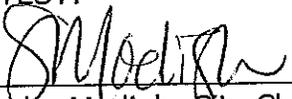
ADJOURNMENT

MOVED:	Rodgers	To adjourn meeting at 7:36p
SECONDED:	Middlebrook	
VOTE ON MAIN MOTION	Carried Unanimously	

With no further business before the Council, the meeting adjourned at 7:36pm.

APPROVED THIS 8th DAY OF NOVEMBER, 2006.

ATTEST:



Sandra Modigh, City Clerk



Daniel C. Leinberger, Mayor