

SPECIAL COUNCIL MEETING/STUDY SESSION MINUTES
January 13, 2011

The special meeting for Ontario City Council was called to order by Mayor Joe Dominick at 3:25 p.m. on Thursday, January 13, 2011, in the Council Chambers of City Hall. Members present were Norm Crume, Joe Dominick, Jack Fox, Charlotte Fugate, Dan Jones, David Sullivan and Ron Verini.

Members of staff present were Henry Lawrence, Tori Barnett, Larry Sullivan, and Chuck Mickelson.

Also present: Larry Myers, Argus Observer.

NEW BUSINESS

Election of Council President

Tori Barnett, City Recorder, stated the Council, by Charter, was required to choose a member of the Council to serve in the capacity of Council President. The Council President stood in for the Mayor in the Mayor's absence, or at the request of the Mayor. Any Councilor was eligible for the position. The process would be conducted by asking who wished to be considered for the position, and who did not. If more than one Councilor sought the position, there would be a written or verbal vote, with the Councilor receiving the highest number of votes winning the seat. If only one name was considered, that individual would be awarded the seat. Also, as Oregon law prohibited secret ballots, the results of a ballot vote would be read into the record.

The position was effective immediately, and continued until the Council President stepped down or the next general election was held. Seating for the Council President was to the right of the Mayor.

Councilor Crume voiced his interest in serving as Council President. Councilor Verini voiced his interest in serving as Council President. Councilors Sullivan, Fugate, Fox and Jones all declined to serve. Roll call vote of votes: Crume-Crume; Fugate-Verini; Sullivan-Crume; Fox-Crume; Jones-Crume; Verini-Verini; Dominick-Crume. Councilor Norm Crume was elected as Council President.

Authorization for City to Provide \$15K from Sewer Fund (615550) in Settlement of Personnel Issue

Henry Lawrence, City Manager, stated in 2009 a former City union employee's employment was terminated. As a result of the termination, the former employee filed a civil tort claim, administrative complaint and union grievance. The City and union had not yet gone to arbitration in the labor contract matter. Settlement negotiations had been ongoing for sometime. In an effort to bring the matter to a conclusion, it was proposed that the City provide \$15,000 to effectuate a global settlement that would dispose of all possible civil, administrative and labor contract claims. Bringing closure to the matter was a business decision now would be less expensive to the City than having to continue defending the case and arbitrating the labor issue.

The total cost to the City to settle a pending potential litigation claim and possible labor arbitration dispute with a past employee concerning termination of employment was \$15,000 for a full and complete settlement of all civil, administrative and union contract grievances. The alternative was to

continue to defend the case and proceed to arbitration in the labor matter. Even if the City was successful with the outcome, arbitration costs and staff time would cost the City well in excess of the proposed settlement contribution. Therefore, staff was recommending authorizing the settlement by approving the City payment of \$15,000.

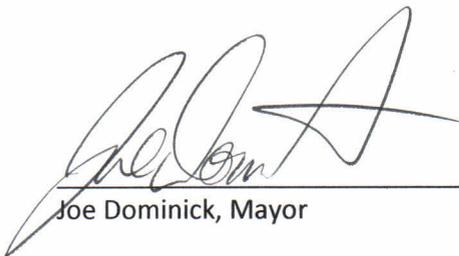
Councilor Fox recused himself from the voting as he did not feel he was well enough acquainted with the action to make an informed decision on the matter.

Norm Crume moved, seconded by Charlotte Fugate, to have the City Council authorize the City to provide \$15,000 from Sewer Fund #615550 in settlement of a personnel Issue and to authorize the City Manager to execute any documents necessary to complete the settlement. Roll call vote: Crume-yes; Fox-recuse; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 6/0/0/1.

ADJOURN

Meeting adjourned at 3:56 p.m.

ATTEST:



Joe Dominick, Mayor



Tori Barnett, MMC, City Recorder