

**CITY COUNCIL
SPECIAL MEETING MINUTES
January 18, 2011**

A Special Meeting of the Monroe City Council was held on January 18, 2011, in the Council Chambers at City Hall. Mayor Robert Zimmerman called the meeting to order at 6:30 p.m.

Councilpersons present: Balk, Rodriguez, Cudaback, Tuttle, Williams, Stima, and Goering.

Councilperson Rodriguez entered Council Chambers at 6:35 p.m.

Staff present: Brazel, Feilberg, Quenzer, Harris, Nelson, Roberts, Swanson, Smith, and Martinson.

City Attorney Zach Lell was also present.

City Attorney Lell explained that his presentation was aimed at covering pitfalls that can cause problems for elected officials. It's easier to prevent a problem rather than to clean it up.

He reviewed the key points in the Open and Public Meetings Act (OPMA), as well as when executive sessions are allowed. In the OPMA, it's the City's burden to prove that there has not been a violation of the Act. He explained "Special" meetings and that no items can be added to the agenda for a special meeting, unless there has been 24 hours advance notice.

Serial communications; for example, e-mail messages that are sent out, then forwarded to other Councilmembers, are not allowed. Four or more Councilmembers should not discuss City business in public, as it constitutes a quorum. It would be considered a serial meeting, if three Councilmembers discuss City business and then share that discussion with one or more additional Councilmembers.

City Attorney Lell explained the Public Records Act (PRA), and that all public records are subject to disclosure upon request. There are limited exceptions, such as attorney privilege, police investigative files, and personnel issues. Technology today may make public officials less careful in some situations. Embarrassing materials are not excepted from the PRA.

State and local Ethics Code prohibits self-dealing; i.e., public officials can't be on both sides of a transaction. The local code in Monroe is more stringent than state law.

The Appearance of Fairness doctrine requires public officials to disclose any interest they might have in the project/topic and/or any contact or communications with people involved. Officials should avoid any conversations while topics are being discussed or subject to public hearings. If violations are found later, the decision can be overturned.

The main point regarding general rules of mayor/council/staff communications is to understand that Council's chief role is to establish policy. The Mayor and staff implement that policy. There is a problem when Council oversteps and tries to enact policy, or the Mayor tries to make policy. It's a discretionary decision for each Councilmember in communications with staff. However, it can become abusive if one councilmember overburdens staff.

City Administrator Brazel explained that he plans to reach out to Council to get their questions and then share individual Council questions and staff responses with the entire Council.

It is not allowed to use public resources or funds for furtherance of a particular political position, except in certain instances. Those exceptions require a vote in open session, and Council must follow a process before taking the vote. Council can individually support or not support a particular ballot issue.

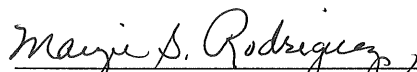

City meeting spaces can be made available for activities that are part of regular and normal conduct, as long as it is available to all political parties. Council can't pressure staff members to support political positions or candidates. They can encourage them to vote, but not to support a specific person or cause.

The dividing line between private and political activities is often blurred. Officials don't forfeit their rights to free speech. However, officials need to be careful that they aren't lending their office, or using public funds, or public property in support of those activities. If they make statements publicly in support of a candidate or proposition, they need to clarify that they aren't using public funds and are not speaking on behalf of the Council.

Mayor Zimmerman encouraged Council send any questions they might have to city Administrator Brazel to forward to City Attorney Lell.

MEETING ADJOURNED: 6:58 p.m.


Eadye Martinson, Deputy City Clerk

 Mayor
Robert G. Zimmerman, Mayor  Pro Tem