

CITY OF DUNSMUIR
CITY COUNCIL MEETING MINUTES
JANUARY 5, 2014

CALL TO ORDER:

Meeting was called to order at 2:02 pm by Mayor Keisler.

City Clerk Wilson read a statement regarding the legality of the meeting, stating that she did not believe that the meeting was noticed properly pursuant to California government code 54956. She also cited a potential Brown Act violation in the form of a serial meeting as a majority of the Council were in communication in order to establish the need for the meeting.

Mayor Keisler stated that he would conduct the meeting under protest.

ROLL CALL:

Council members present: Welch, Wilde, Padula, Keisler

Council members absent: Steele

City staff present: Bains

City official present: Wilson

Flag salute.

ELECTION OF NEW COUNCIL OFFICERS (MAYOR AND VICE MAYOR):

Mayor Keisler reiterated before moving on that he felt that the meeting was unethical and that all items on the agenda should be discussed at a regular meeting, not a special meeting.

Council member Wilde made a motion to elect new officers.

Mayor Keisler stated that he had the gavel, and made a motion to table (at this point council member Padula made a second) the meeting until the regularly scheduled meeting time. Council member Wilde stated that there was a motion and a second to elect new officers. Mayor Keisler reiterated his motion, seconded by Welch.

Council member Welch stated that government moves slowly, that the meeting was being done in haste, and that people were upset. He stated that council member Padula came by his house on Friday, and then council member Wilde came by. Mr. Welch stated that he felt that the clerk had a good point. He stated that there is no easy way around a hard situation, that these are items that need to be discussed, but nothing that would merit a Sunday afternoon meeting. He stated that he just went along with it and probably should have gotten more information. Mr. Welch stated that he would like to adjourn the meeting in light of what the City Clerk said, to a regular scheduled meeting.

Council member Padula stated that he called the meeting. He stated that he felt the items were legal and in the interest of the people. He expressed concern about a Mossbrae tour that had occurred on the previous Friday. He stated that there are five people on the Council, not just one. Mr. Padula stated that he is the one that called Union Pacific to schedule the tour, and that he had wanted the Council and the representatives to get to

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know each other. He stated that he and the other council members were left out, and he was angry and wanted to do something about it. Mr. Padula stated that if he could not do something today, he would do it another day, however, his job was calling him away for long hours. He stated that he may not be able to make it to the January 16 meeting, and that was his reason for calling the special meeting.

Council member Wilde stated that the issues go beyond what had happened on Friday. She stated that Mayor Keisler had arbitrarily determined that he and Dick Kelby would develop a test for Planning Commission appointment. She stated that he had let people sit for three hours during a meeting thinking they were going to be appointed. Ms. Wilde stated that City Manager Bains had known nothing about it either, nor what would be going into the packet. She stated that council member Welch had told her that Dick Kelby had informed him that he and Mayor Keisler had devised a test to give to prospective Planning Commissioners. She stated that it was probably geared toward installing Guy Shoop on the Commission. She stated that this is very disturbing as no one has had to take a test in the past. Ms. Wilde stated that the Dunsmuir Municipal Code states that the Mayor will nominate someone for the position and Council will vote. She felt that the rest of the Council should have been involved in this decision. She felt that in less than a month, Mayor Keisler had created/tried to put people on committees. She stated that she then read in the newspaper that there was going to be a Mossbrae tour, and that she had asked the City Manager on multiple occasions to keep the Council informed about hearings, trainings, ceremonial dinners, tours, but that she had to find out from the newspaper that CM Bains and Mayor Keisler were both going on the tour. She stated that this came on the heels of Mayor Keisler attending a dinner with the same people, and expressed concern that the Mayor is representing the City on City business without Council's knowledge. She stated that there is no way to bring accountability, transparency, and fairness to the Council with Mr. Keisler as Mayor.

Mayor Keisler stated that council member Wilde is wrong. He stated that all he has done so far is in the tradition of the past, that the Mayor makes the appointments with the consent of the council. He stated that the way he has done things is the way he has been told. Mayor Keisler stated that he received from UP representative Lisa Stark asking if he wanted to go on the Mossbrae tour. He stated that he asked if the other council members could go and was told no. He stated that the following day he spoke to Buck Groeschel and was informed again that council member Wilde could not go. He stated that he is on the Mossbrae Committee, that his job is to go, observe, come back to council and inform them on what he saw. He stated that he did nothing wrong, that he had just done his job. Mayor Keisler stated that there was a motion on the floor to postpone the items until the January 16th meeting. Mayor Keisler call for a vote: Keisler Aye, Wilde Nay. Welch and Padula declined to vote.

Audience member Chris Raine stated that it is confusing for private citizens to hear about a transparency ordinance and then find out about a special meeting, discussing serious issues, called on a Sunday. He stated that the Council had unanimously appointed Mr.

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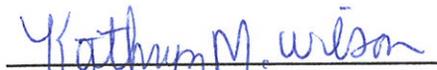
Keisler as Mayor. He stated that Mr. Keisler did his job, and council member Wilde didn't get to go. He reminded council that if three members are to attend a City related function, it has to be noticed. Mr. Raine questioned if there was an issue with the City Attorney. He stated that Mr. Kenny has decades of experience with the City and that he is highly spoken of. He questioned the key employee replacement being done on a Sunday afternoon. He stated that there had been no notice, no request for proposals, no 30 day application period, that it had not been put in the paper. He stated that this smacked of good-ol'-boy croneyism, and that in this small town, everyone sees who's cars are parked at who's houses. He asked how council could advocate for transparency, to say that they want to be more transparent, and then pull something like this off. He suggested that Council table the meeting and think about what they are trying to do. Council member Padula stated that there was nothing against Mr. Kenny, but that it was about creating jobs in Dunsmuir for people who live in Dunsmuir. Mayor Keisler again took the vote for the adjournment of the meeting. Welch and Keisler voted Aye, Wilde voted Nay, Padula declined to vote.

ADJOURNMENT: 2:20 pm



Mayor Keisler

ATTEST:



City Clerk Wilson

One duty of the City Clerk is to ensure that agendas are posted and City Council members adhere to the government code and the Brown Act.

I did discuss my concerns with Vice Mayor Wilde via email yesterday, and did inform her that I would be voicing my concerns.

California Government Code 54956 pertains to special meetings and notification of.

The code indicates that council members will be notified 24 hours in advance of a meeting unless waived. My email indicated that it was sent at 2:53, it is unclear if Council Members were notified previously as they did receive the same email.

Council Member Steele is currently in Colorado-it is unclear if he received notice early enough to be posted at his location. The agenda would have to be posted 24 hours in advance in order to allow for his participation.

Written notice is to be given to the newspaper 24 hours in advance, I was informed that the editor was contacted, but it is unclear if that notification was in writing.

Notice is to be posted on the City Website 24 hours in advance.

Additionally, there could be a potential Brown Act violation in the form of a 'serial meeting.' A majority of the Council called the meeting, however, it is unclear as to how these Council Members communicated. It can not be certain that discussion or deliberation of items did not occur. Typically these issues are avoided through staff preparation and notification.

Again, I want to reiterate that this does not come from a place of animosity, I believe it is my duty to help prevent litigation and potential controversy.