

CITY OF GILBERT
MINUTES OF SPECIAL CITY COUNCIL MEETING
MONDAY, JUNE 25, 2018
COUNCIL CHAMBERS

Mayor Milos called the Special City Council Meeting to order at 4:37 p.m.

Present: Mayor Milos, Councilors Pontinen, Pulles, Robich and Ouke.

Absent: N/A.

Staff Present: City Attorney Bryan Lindsay and Clerk/Treasurer Debra Sakrison.

Clerk/Treasurer Sakrison informed the Council that this meeting cannot go on until she receives a copy of the investigation report.

Mayor Milos responded that Sakrison can discuss specifics with Attorney Lindsay. The meeting is to discuss why the investigation took place and the outcome of the investigation.

Councilor Ouke questioned who called the meeting. Attorney Lindsay called the meeting.

Attorney Lindsay came in late, Mayor Milos recapped. Attorney Lindsay stated the information was incorrect, the investigation report is private data at this point. Clerk/Treasurer Sakrison did submit a request for any data related to herself. Ms. Sakrison is entitled to a summary of her interview with Ms. Hastings but that is the only data that is able to be released at this time, the rest remains private.

Attorney Lindsay stated the purpose of the meeting is for the Council to make a determination of whether or not to sanction Ms. Sakrison.

Attorney Lindsay, meeting officially opened, this meeting was originally noted as a closed meeting to make a determination by the Council to either sanction or have a disciplinary hearing for Ms. Sakrison. Ms. Sakrison has elected to have an open meeting. I'd like Ms. Sakrison to confirm for the record that, that is still her continued election.

Clerk/Treasurer Sakrison confirmed it was her election to have the meeting open.

Attorney Lindsay confirmed that Ms. Sakrison understands that there may be discussion of things that may otherwise be private data related to her and her employment. Clerk/Treasurer Sakrison confirmed she understood.

Attorney Lindsay stated other employees that were asked to participate or make statements in the investigation and have not agreed to the same election and asked the Council to focus on Ms. Sakrison and avoid making comments about any other employees.

Attorney Lindsay, the Council reviewed the report and found a number of findings that could support a sanction with regard to Ms. Sakrison's employment. Primary findings were that Ms. Sakrison did attempt to obtain access to an email account by a former employee that is involved in litigation with the City. The finding was substantiated. Ms. Sakrison has been less than forthcoming with the Council. There is potential for discipline.

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Attorney Lindsay, the Council has the option to take no action, second option impose a sanction, unpaid leave paired with an action plan, include deadlines. Final option would be termination. If the Council would like to pursue termination a hearing would need to be set. Ms. Sakrison would have the opportunity to participate in the hearing. Open to discussion.

Mayor Milos asked what the recommendation of the investigator is. Attorney Lindsay, Ms. Hastings did not provide a recommendation of action. She confirmed the three options the Council has.

Councilor Ouke, newer to the Council. Read the investigation report.

Mayor Milos stated trust is broken. Information was given to a past employee. Difficult to trust that confidential documents won't be forwarded in the future.

Councilor Robich stated that taking no action is not an appropriate action for the Council.

Councilor Pontinen stated he thought the Council should move to the loudermill hearing. Questioned if the loudermill hearing is a closed session. Attorney Lindsay, stated it isn't necessarily closed.

Mayor Milos, unable to discuss much of the investigation and is unable to state much of what has happened. Difficult job. Should not have to worry about leaked documents.

Attorney Lindsay, Council should be mindful of the conduct of the employee. Take into consideration, the nature of the employment relationship. Principle issues brought forward, theme, difficult issue, and fundamental flaw in the way job duties are approached. Ms. Sakrison tended to not follow through with what was asked for. Needed to give exact wording, even if Ms. Sakrison understood what was being asked. Her conduct created concerns. A sanction could be imposed with an action plan and additional training to help Ms. Sakrison better understand what the Council is looking for.

Mayor Milos stated Sakrison forwarded information when she was told not to. Deal breaker. Should have been kept private. Integrity has been questioned. Doesn't feel that Sakrison has been honest. The Mayor has a duty to protect the City. The Council should not have to worry if private data is staying private.

Councilor Robich stated Sakrison's conduct is not in the best interest of the City. Has impacted the citizens. Can't continue.

Clerk/Treasurer Sakrison questioned how she can defend herself without proof of the allegations?

Attorney Lindsay stated the City has no obligation to defend itself.

Clerk/Treasurer Sakrison asked how they are allowed to say these horrible things without proof.

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Mayor Milos asked you are stating that you did not link Steve Peterson's personal email to his City email after you were told not to?

Clerk/Treasurer Sakrison stated no, she did not.

Mayor Milos, we have a report from CW Technology saying that you did and you said you did. You told us you did in a recorded meeting.

Attorney Lindsay stated this conversation is not meant to be engaging. Time for the Council to determine if discipline is warranted.

Mayor Milos asked where did they get Steve's email if you didn't give it to them and link it to that email. It's already recorded and you said you did it in the recording.

Clerk/Treasurer Sakrison stated, you're stating I gave him access to data and did not.

Mayor Milos stated, you deleted Rudy Vertachnik's email and added Steve Peterson's personal email.

Attorney Lindsay, consider the employee's history. The Council could consider an action plan and or training. Not just one item of information, taken into consideration full scope.

Mayor Milos stated, someone won't take responsibility, even when there is proof. Difficult to move forward. CW Technology has a report stating the email was linked, launching the investigation.

Councilor Pontinen stated, we need to work as a team. Hasn't experienced Deb acting as a team player.

Mayor Milos questioned what the Council should do.

Attorney Lindsay stated it's up to the Council. Impression that taking no action is not an option. Option of written reprimand, oral reprimand or suspension without pay for a period of time, those actions could be taken tonight. If the Council plans to pursue the option of dismissal that requires a loudermill hearing.

Mayor Milos expressed concerns about what other information is being sent out or forwarded via email. Doesn't believe that Clerk/Treasurer Sakrison should be allowed access to information.

Attorney Lindsay, considerations, if an action plan is developed, are there adequate remedies. Can the City handle issues that arise regarding that litigation?

Mayor Milos stated, in the Clerk position you have access to confidential information. Should not have to find someone else in the office to take on that responsibility.

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Councilor Pontinen questioned, is the Council allowed to close the session and continue the discussion privately? Attorney Lindsay responded, no.

Mayor Milos asked to hear from other Council members to discuss potential options.

Councilor Pontinen feels that a loudermill hearing is required. Has concerns about what will happen to the records at City Hall.

Attorney Lindsay stated, based on information, a suspension would be supported.

Mayor Milos suggested a suspension followed by a loudermill hearing or the option of looking into an action plan.

Councilor Robich stated she doesn't believe an action plan is sufficient to correct the behavior when the individual is actively working against the City's interest.

Discussion. Attorney Lindsay, the Council can make a motion. Mayor Milos expressed concerns that additional information may be released. Attorney Lindsay, option of monitoring information. Mayor Milos, which would cost the City.

Councilor Ouke, uncertain of what happened previously. Would like to see additional information.

Discussion about terms of suspension. Discussed option of direction and retraining. Attorney Lindsay, if an action plan is considered, it should be strict with an objective criteria. The investigative data remains private until the City Council has concluded discipline then it becomes public information.

Councilor Pulles is newer to the Council. Has concerns about information getting out. Would like to see more facts and have discussion.

Councilor Pontinen stated a suspension may require someone else to come in and assist the City in paying bills. Expressed being in favor of a suspension.

Councilor Robich questioned if a suspension is proceeded with, is the Council allowed a closed session to discuss? Attorney Lindsay responded if discipline is dicussed it's Ms. Sakrison's choice to have the meeting open or closed.

Discussion about discipline options.

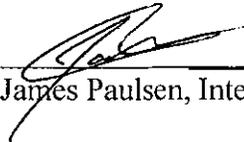
Motion by Pontinen, second by Robich to place Clerk/Treasurer Sakrison on a paid suspension for two weeks effective immediately until the loudermill hearing scheduled for July 11, 2018 at 5:00 p.m.
MCU

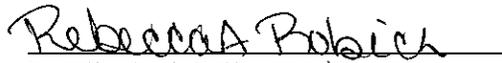
Access and invoice discussion.

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Motion by Ouke, second by Pulles to adjourn at 5:40 p.m. MCU

ATTEST:


James Paulsen, Interim City Clerk


D. Elizabeth Milos, Mayor