

City of Springdale

Council Investigative Committee
Special Meeting
June 6, 2018

Mr. Anderson called the Council Investigative Committee Special Meeting to order at 7:00 p.m.

Mr. Anderson took roll call. Mr. Anderson, Mrs. Sullivan-Wisecup, Mr. Vanover (President of Council), Mr. Forbes, Mrs. Webster, Mrs. Matheny, and Mr. Hawkins were also in attendance.

New Business

Mr. Anderson: We have one item of new business. It is the discussion on Committee Procedures. Before we get into that, I know there's people that probably want to speak to it. I think there's some things we need to talk about. In order to make sure that we are in order from our last meeting. Reviewing the minutes; I'll start, and then obviously Meghan will be given an opportunity to speak as well. After reviewing the minutes of the last meeting, which still haven't been approved, and we'll do that tomorrow at our regular meeting. It was not clear to me what the officer positions that were assigned were. I want to make sure that we take care of that before we get into any business that would be taken under with either this special meeting or going forward. I think it's important that we do everything by the book as much as possible and that's something that I think we had good intentions going in, but I'm not sure that we executed as well as we could. So, to make sure that is clean, I wanted to provide Meghan with this (document was produced) as well as Tom Vanover's here. This is just a letter of intent from me to resign any officer positions that were assigned in the last meeting. There was discussion about co-chairs and chairman and secretary. Reviewing the minutes, it wasn't clear, I think, to me or to other people that were in attendance what officer positions were actually filled. I think we had intended to vote on them separately and in reviewing the minutes, it looked like there was just one vote taken which I don't believe is appropriate for a committee. So, before we got into any of the work tonight around committee procedures, I felt that we had to address that. So that is my resignation of the officer appointments of whatever was made. Chairman, co-chair. For the record though, I believe that, at the time of the meeting, that I was voted in through the nomination process as Chairman and co-chair and Meghan was recognized as co-chair and Secretary. I believe the minutes reflect that, but I think that it is open to interpretation, so I just want to make that clear and clean. Any actions that I took prior to that meeting and following that were based on that assumption. I don't believe that we took any official business that would be affected by that, but we can review that after this procedural step. So, let me say that. Let me pause. So I want to make sure that is available and I will ask, since Mr. Forbes is here, if there is anything else that I would have to do to resign those positions; if they have to be accepted or motioned on or are we okay with just that?

Mr. Forbes: You just did. You resigned.

Mr. Anderson: So Meghan, I'll leave it to you now as well. You may. I believe you have a co-chair position and a Secretary. I'm not sure what the parliamentary standard is for that. Which was already on the agenda for tomorrow. I think we need to fill the vacancy before we do anything else.

Mr. Vanover: Well, that's kind of why I called this and wanted to sit down. Co-chair is really not an option according to rules. You need a chair and another officer. We really don't need to

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Mr. Vanover (continued): worry about minutes because we're having those taken care of. I think that a Secretary would confuse the issues. I think that it's better that we have one individual recording doing the minutes and that. You always have the chance, just as in Council, that to add or subtract, correct or amend the minutes as they are. I've seen a lot of confusion in emails going back and forth. I want to voice some clarity for direction for you guys from this point forward. Fill the officer's positions. I have no problem. Know that each member of the committee has an equal voice and has equal say in direction. Quite honestly, the Chair position gets overstated because, when I'm in Council, my first job is to run the meeting; plain and simple. That's it. If I have something to say, fine. If I don't; that's no issue there. I think that we needed to kind of get that ironed out, because there was some question/discussion (We'll do this; we'll do that). No committee of Council has one person controlling the outcome or the production of that committee. I wanted to get that out. The other thing that; there's some discussion and this is probably the most concerning is in the hiring the legal person. You guys can make recommendations. As we have clearly outlined, Council will actually do the official hiring. I don't know. I've gotten comments that we really might not necessarily have to do an RFP.

Mr. Anderson: Sorry, so if we can just take the things in order. I hate to interrupt. We did have discussion outside of/after the meeting. Which we said in the meeting that we were going to do. To follow up with Administration to make sure we had the process. I want to make sure that we discuss that in tomorrow's meeting if possible.

Mr. Vanover: Sure. That's fine.

Mr. Anderson: We discuss what we would do there and I think it's appropriate to meet that agenda. I think we did cover. We did get to some closure on that I think we could share. I don't think that's an issue. We went into that meeting intending to cover the bases and move as quickly possible and move even more quickly if possible. Which is what we said. We attempted to do that. I'd like to park that if that's alright.

Mr. Vanover: My intent is a guidance more so than as an official. But, because both of you are present, we have to consider it an official meeting. I wasn't expecting any action of the Committee per se from this. I really just wanted to get some discussion and guidance provided. Going back to the legal issue/the legal person. We're in uncharted territory; no doubt. Jeff, you've mentioned several times that we want to keep everything above board and by the letter. So, if something would be challenged, we're in the best defensible position for that. I think that being said, probably the best person to do the actual interviews, if we call it that, would be a legal person. Because that's what you're pooling to get that experience from him. Let's be honest, it gets touchy, if you want to use that adjective, when you're investigating your peers. This part of why this is special. Jeff, if you want to speak and have anything to add, please do. That's how I perceive the perception and part of this probably should have been talked about beforehand and we probably should have made a step before we made this step on the Committee to kind of give guidelines, so to speak. I've never been one to run committees or subcommittees of Council. As President, we're all big people here, and I expect that we behave that way. I wanted to give because we are in uncharted waters, some, if you want to call it "guardrails" that we can safely operate within and be as legal and deliberate as possible. I wanted Mr. Forbes kind of to speak. I haven't seen or been involved in this from experience. What do you perceive that direction to be?

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Mr. Forbes: I guess all I would say to that is when you're ready, go through the steps to get counsel and then my advice would be that whoever that person is, is going to be there to advise and counsel the committee on how to proceed. I would defer to that person to tell you or to guide you on the process. That's part of what you're bringing that person in for. They're going to advise you and counsel you on how to, if you're going to bring people in, interview people; however that happens, my only suggestion is work with whoever this legal counsel is to come up with the process. Because the Committee has been formed. You'll go through whatever steps you need to figure out your officers. Who's going to be what? I assume your next step will be to move toward this legal counsel issue. Do that, and then let that person guide you through the process.

Mr. Anderson: I believe we have a path for that. We started down that path in the last meeting with the intent of moving forward. I think we got hung up with the parliamentary procedure when the co-chair term was introduced without firming up a chairman. I don't know that that harmed us. The only decision we made that I think we need to go back and visit is going to be the motion we made to get that legal counsel as a Committee. Which is already on the agenda or at least I would propose that it be on the agenda for tomorrow. With the feedback that we have from Mr. Forbes and Mr. Parham after reviewing the RFP, there's everything there we need to solicit because we've outlined the scope of services, we can solicit that help. What they gave us the opportunity to do was to do it more directly and maybe maintain our schedule that an RFP may not be required. We can deal with all of that tomorrow. Because tomorrow, the agenda is around the legal counsel. I think the feedback is received, although not unexpected; it was already on the schedule for tomorrow. I think it's fine to have it today as a special meeting so that we can proceed with normal business tomorrow, so I have no problem with that.

Mr. Vanover: The only intent was that we need to assist you guys and give you some pathway, some guardrails that you can navigate within that area. Because, we jumped on forming a committee and started and there really, as I keep saying, we're in a different universe now. I thought that this would be the best way to offer that support. From the legal side, you guys throw the questions together, again working with him/her/whoever, then I have no issue. As I stated before, we don't want to get bogged down. We want to keep this moving quickly and freely. That really was the sole purpose of this.

Mr. Anderson: I think we need to address the issue at hand though. I agree. I think there is an opening that we have to address though. So, currently there is no Chairperson of the Committee. So, as I understand it, we need to fill that position in order to comply with the Springdale Ordinances. The subcommittee says that it has at least a Chairperson and a member. So, I'm not sure where, if there's any formality with what you have currently Meghan with what we voted on last time, because we did vote a co-chair that doesn't have definition in our Charter.

Mrs. Sullivan-Wisecup: I don't care if we have a Co-Chair at this point. I'm a rule follower.

Mr. Vanover: Chair and Vice-Chair.

Mr. Anderson: Yes, I'm fine with that.

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Mrs. Sullivan-Wisecup: I don't have a problem with that at all. I'm a rule follower. You sent the rules, I read the rules; we're fine. My whole thing was that prior to coming in, you had already put yourself down as Chairperson. You had already, on your own, written an RFP without any consultation whatsoever prior to that saying, "Here's what I'm planning on doing." There was no communication on which direction you had already felt this was supposed to go. If we're on a Committee of two people, I kept saying that I could care less who's Chairperson or who's not. Because I've never really cared about titles. Never will; never anything. My whole thing is that I just don't like feeling like there's already been a decision made without speaking to anybody else on the Committee. Because I've been on committees my entire adult life and I've never ever, ever, come in to anything like that and I'm not just talking about how the email didn't come to me. I'm saying there was no discussion prior to that. No texting me, no emailing me prior saying, "Hey, I'm thinking about writing this up." I was completely blindsided and I was like, "What the hell?"

Mr. Anderson: So, I do want to answers those questions, because I think they are important. We also still need to make sure we have the Chairperson filled. Quickly, in the RFP that you mentioned, in the email I said that I was the Placeholder and that whatever name we end up with in our Committee, would be filled in there. There were four lines in that item that was sent out as part of a proposed Committee packet. Listing me explicitly as a Placeholder, I don't believe, is the same thing as inserting myself as the Chair. I was quite explicit. That is in public record. You can pull the email and see that. That's one of the items. Number two; I don't feel it would be appropriate to have discussions over text about the content of items that we would discuss in a meeting. We have the agenda that we discussed ahead of time that included legal counsel. We agreed on that. We had a thread. We said we would discuss legal counsel and the means to get it.

Mrs. Sullivan-Wisecup: Right.

Mr. Anderson: As well as setting up the Committee. That was our agenda that we agreed upon.

Mrs. Sullivan-Wisecup: Right and I thought we were . . .

Mr. Anderson: Any discussion about the content of that, I don't believe would be appropriate to have as a sidebar outside the meeting. Which is why I presented it as part of the Committee packet ahead of time for you to read. That's not a surprise. I did not show up at the meeting with a document saying, "Surprise. Here." Two weeks before, I said this is the agenda. We agreed back and forth.

Mrs. Sullivan-Wisecup: Right, the agenda. There was nothing about RFP anywhere on the agenda.

Mr. Anderson: And then I said,

Mrs. Sullivan-Wisecup: Not one single word, Jeff.

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Mr. Anderson: Okay, then inside of it I presented a potential packet for review ahead of time. I didn't show up in the meeting with it. Then we could discuss it in the meeting. Which is different than what you provided. This isn't about going back and forth on that. I told you. I tried to show everything I could ahead of time. If I failed at that, on record, publically, I apologize. It was never my intent. I feel like I sent those emails out. If you go back and look at them, I think I was quite deliberate in making sure that it was clear what I was doing. That aside, I have no interest in going back and forth on that. So, as I said in here today, I'm happy to do it again tomorrow. I have no problem with having you as the Chairperson. In fact, I would encourage you to do that, which is the same thing I said before. So, on to the matter at hand, do we want to assign a Chairperson, and if it's okay to do that, are you okay with us doing that or do you want to talk about those items.

Mrs. Sullivan-Wisecup: No, we're good. We're good.

Mr. Anderson: So, I would formally open the floor for nominations for Chairperson of the C.I.C. (Council Investigative Committee) and would like to nominate Meghan Sullivan-Wisecup as the Chairperson for the Committee.

Mrs. Sullivan-Wisecup: I decline. I told you I didn't want to be Chairperson in the first place. What I said to you was I had no problem keeping a Chairperson, I just didn't like the way that you did it. That was all that I had said. I just wanted that to be very known that from the beginning I just wanted everything to be out in the open and I understand, and I get what you're saying, and I appreciate everything. I know that you're frustrated with me. You can be frustrated with me. But, from the very beginning, all I said was I wanted openness and I felt very blindsided by it. I see what you were saying, and that's fine.

Mr. Anderson: The first time we talked about Co-Chair was when you introduced that concept during the nomination process in the meeting which cost us two weeks. If it any point in time it was open for Chairperson. . . .

Mrs. Sullivan-Wisecup: How did that cost us two weeks exactly?

Mr. Anderson: So, we haven't continued with the process of retaining counsel while we address this situation.

Mrs. Sullivan-Wisecup: Having Co-Chairs had nothing to do with getting counsel. We could've already called them prior to even meeting. It didn't have to have a Chairperson to call these people and say, "We need to meet in the next couple of weeks as a Committee." We didn't have to have that. We could've set that up for after our first meeting. It would not have mattered.

Mr. Anderson: And you are welcome to do that. I told you that, as an agenda item, I wasn't comfortable retaining counsel unless there's a Chairperson assigned to the Committee because the Committee can't vote on obtaining counsel if the Committee isn't formed correctly. So, I don't see how it would be possible to proceed without doing that. Although, you did send an email that you would not feel comfortable with me as the sole Chairperson of this Committee.

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Mrs. Sullivan-Wisecup: That's what I said before and then I just told you why and that was it. Then you said you were sorry and you explained and so that's fine.

Mr. Anderson: We can't fight throughout this process. We have too much to do. So, how do you want to proceed? All I was doing as Chairperson was putting together agendas and creating packets of information for us to review in the meeting. If that is not what you're looking for. . .

Mrs. Sullivan-Wisecup: No, that is fine. That is fine. I just wanted to make sure that going forward that that's all that it is and that everything else has to be together; on the same page. Together; not copying me a week later on something. Copying me immediately on something. Not because I'm a Co-Chair, but because I'm on your Committee.

Mr. Anderson: I'm struggling with that. So, you have more experience in committees than I do in Springdale.

Mrs. Sullivan-Wisecup: Yes.

Mr. Anderson: I'm not sure why you would be uncomfortable chairing the Committee with the experience that you have.

Mrs. Sullivan-Wisecup: Okay. I will chair it. That's fine. That's fine.

Mr. Anderson: Okay, I don't want to bully you into it. I'm just saying I'm not comfortable because you said you don't want me as Chairperson, I feel it would be a distraction.

Mrs. Sullivan-Wisecup: I feel like even if I was a Chairperson that you would still want it, and you would talk over me. I don't want to argue and I don't want to fight. I like you as a person and I don't want to get into arguments over this. This, as I've said from the very, very beginning, my sole purpose in this, was to find out who leaked. Find out if somebody leaked. What the situation was, because that's what we're supposed to do. That's it. I just want to find factual truths. Do you know what I mean though? That's pretty much all. That's my goal in this is to find factual truth. You; I don't know why you wanted to be in it other than to make sure that everything was done by the book, which it should be. What I'm not at all faulting that. I love that. I think it's awesome. It should be done by the book. I'm all about that. I just don't understand what your endgame is, because you've had contact with Mr. Higgins, you've had these different things and I just want to make sure that you're here for the same reasons that I am. I don't want that to be a thing. I just want to make sure that you want to find out the truth too.

Mr. Anderson: I'm not sure what you mean by contact with Mr. Higgins. I resent the implication that my motives would be any different or in contrast with what you just described.

Mrs. Sullivan-Wisecup: I haven't heard from you. That's why I wanted to know. That's all that I was asking.

Mr. Anderson: I'm on record and Council several times stating exactly that. If you want to go back and review the minutes, I would encourage you to. Because I was both in the meeting

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Mr. Anderson (continued): that we had for C.I.C. (Council Investigative Committee) and the Council meeting prior echoing those identical sentiments. I had no ulterior motive. My only concern is that we do it quickly, efficiently, deliberately, and transparently because it is a distraction from other important City business.

Mrs. Sullivan-Wisecup: Yes, I agree.

Mr. Anderson: The implication that I have any other motivation is offensive.

Mrs. Sullivan-Wisecup: Oh, I do apologize. I did not mean to imply that. I just said because there had been that contact which you had admitted to in the beginning, I wanted to make sure. I had never heard you say, "I want this for that." You've always said, "procedural", "procedural" and I'd never heard, "I want facts. I want the truth." I'd always heard, "Well, procedurally we have to do this." Not that it's something that you had to do. I wanted it to be something that you wanted to do to find out the truth. I'm sorry. I did not mean to offend you whatsoever. I hope you know that. I really did not. That was not my intention. I really did not.

Mr. Anderson: So, I'll nominate again Meghan Sullivan-Wisecup for Chairperson of the Council Investigative Committee.

Mrs. Sullivan-Wisecup: I will accept it. Do we need to vote on it?

Mr. Anderson: I think we should. All those in favor? Aye.

Mrs. Sullivan-Wisecup: Aye.

Mr. Vanover: That's pretty much it. Just to kind of get everybody on the same page, on an even keel. Provide some "bumpers" if you want to call it that to give you a path to operate. Because this is new to all of us. This has taken control of my life for the last several months and it's just sickening to this point. Do give us your best effort and if you need any input or questions, I'm available. Mr. Forbes is available, but as I'd stated before, I would like to see this sooner than later. I think both of you have reflected that. That is your concern. That's all I had. Did you have any other things you wanted to talk out?

Mrs. Sullivan-Wisecup: Any more discussion on it?

Mr. Anderson: Nope.

Mrs. Sullivan-Wisecup: Any more Communications from the Audience? (None)

Mrs. Webster: Does anybody have an extra copy of your minutes from the last meeting?

Mrs. Sullivan-Wisecup: We didn't approve them yet. We will tomorrow.

Mrs. Boggs: For the record, I did send an email to Amanda and also to Debbie Dunfee because I wasn't sure since we were talking about having everything out in the open and everything that perhaps we should create a separate page on the website for this. I wasn't sure.

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Mrs. Boggs (continued): I've not heard anything back yet, but I did put that out there because I know that if people wanted to look at the minutes once they were approved, just like we do as Council, but I haven't heard anything. I just wanted to let you know that I put that out there.

Mrs. Webster: Can I ask a question? When are you going to interview your counsel?

Mrs. Sullivan-Wisecup: That will be done tomorrow at our meeting. We will be discussing the legal process going forward and then both Jeff and I will meet with the prospective lawyers once we set up those appointments.

Mrs. Webster: But not tomorrow.

Mrs. Sullivan-Wisecup: No. That won't be until later. They'll be subpoenaed at a later. Hopefully once we come back to Council with our choice.

Mr. Vanover: Recommendation.

Mrs. Sullivan-Wisecup: With our recommendation and they vote on who if we can go forward with that and will start the subpoena stuff or however.

Mrs. Webster: It won't be tomorrow?

Mrs. Matheny: No mother. They need to decide.

Mr. Vanover: They've got to develop a recommendation and then it has to come before Council to approve the contract.

Mrs. Webster: Thank you.

Mr. Vanover: Thank you all for taking extra time out of your day.

Adjournment

Mrs. Sullivan-Wisecup made a motion to adjourn. Mr. Anderson seconded.

Meeting adjourned at 6:28 p.m.