

CITY OF POCA TELLO, IDAHO
CITY COUNCIL AGENDA
SPECIAL CITY COUNCIL MEETING
JUNE 27, 2016

AGENDA ITEM NO. 1: The Special City Council meeting was called to order at 10:04 a.m.
ROLL CALL by Mayor Brian Blad. Council members present were Roger Bray, Steve Brown, Jim Johnston, and Gary Moore.

AGENDA ITEM NO. 2: Council was asked to adopt a resolution and authorize execution of
STATE/LOCAL an agreement between the State of Idaho and City of Pocatello for the Lewis Street Bridge Project, subject to Legal Department review.
CONSTRUCTION This federal aid project consists of the complete replacement of the
AGREEMENT AND bridge on Lewis Street at the concrete channel section of the
RESOLUTION-LEWIS Portneuf River. Highway Technical Assistance Council (LHTAC)
STREET BRIDGE PROJECT will administer this project for the State. Funding is available in the
amount of \$1,316,000.00 with a local match of 7.34% or approximately \$96,000.00.

Funding for the City's Construction match has been programmed into the Fiscal Year 2016 Fund 70 budget. Construction is anticipated to begin in the fall of 2016 or spring of 2017.

A synopsis of the project was given by Engineering Department Intern, Sukriti Panthi.

A motion was made by Mr. Moore, seconded by Mr. Johnston, to adopt Resolution 2016-08 and authorize execution of an agreement between the State of Idaho and City of Pocatello for the Lewis Street Bridge Project, subject to Legal Department review. Highway Technical Assistance Council (LHTAC) will administer this project for the State and funding is available in the amount of \$1,316,000.00 with a local match of 7.34% or approximately \$96,000.00. Upon roll call those voting in favor were Moore, Johnston, Bray, and Brown.

AGENDA ITEM NO. 3: Council was asked to consider a possible violation of the
DECLARATION OF requirements of Idaho Code Section 74-208(7)(b) of the Idaho Open
POSSIBLE OPEN MEETING Meeting Act by the Fact Finding Panel during the negotiations of
VIOLATION AND the IAFF Local 187 Collective Bargaining Agreement held on
RESOLUTION December 2, 2015. The following considerations are:

-VIOLATION a) Should the Council declare the open meeting violation occurred by
DECLARATION acknowledging the Fact Finding Panel deliberated and made
decision in a closed meeting and said action is a violation of the
requirements of Idaho Code Section 74-206A and the Open Meeting Act; and

-RESOLUTION b) Adopt a resolution that the actions of the binding Fact Finding
Panel as set out in the December 2, 2015 decision are null and void;
and direct the applicable staff to return to the negotiation process for the issues related to the decision of the Fact Finding Panel.

In response to a question from Mr. Brown, Dean Tranmer, City Attorney, explained how a violation of the Open Meetings Act can occur, the potential consequences of an open meeting violation under the Idaho Open Meetings Act, and the proper protocols for reporting and curing the same.

Mayor Blad mentioned that effective July 1, 2015 the Idaho Legislature amended the Open Meeting Act to require negotiations to be in open session and shall be available for the public to attend. Previously, negotiations could be in closed session if the parties agreed to do so.

Mr. Tranmer noted part of the amended law also covers designated representatives and “arbitrators, mediators or similar labor dispute meeting facilitators” which the Fact Finding Panel falls under. At the December 2, 2015 Fact Finding Hearing regarding the IAFF Local 187 Collective Bargaining Agreement, deliberations and a decision were made in a closed session.

Mr. Bray reminded the Council that their task is to acknowledge and rectify that a decision was reached in a closed session and that the decision was not made in accordance with the Open Meetings Act.

Richard Diehl, Deputy City Attorney, clarified the matter before the Council today was not if the decision made by the Fact Finding Panel was right or wrong, it was that the decision was made in violation of the Open Meetings Act, therefore the decision made is null and void by State Law.

A motion was made by Mr. Bray, seconded by Mr. Johnston, to declare an open meeting violation occurred as outlined in Agenda Item No. 3 (a) and adopt resolution 2016-09 as outlined in Agenda Item No. 3(b) further directing the applicable staff to return to the negotiation process for the issues related to the decision of the Fact Finding Panel.

Mr. Bray reiterated that the Council does not have a choice in the matter. The Council has been advised by two City Attorneys that the Fact Finding Panel deliberated and made a decision in a closed session; which was illegal. In order to cure the violation, negotiations would need to start over.

Mr. Johnston concluded it was the right thing to do especially since the Council received training from the Idaho Attorney General’s Office on the Open Meetings Law.

Mr. Bray’s motion was voted upon at this time. Upon roll call, those voting in favor were Bray, Johnston, and Brown. Mr. Moore voted against the motion. The motion passed.

There being no further business, Mayor Blad adjourned the meeting at 10:30 a.m.

APPROVED:

BRIAN C. BLAD, MAYOR

ATTEST:

RUTH E. WHITWORTH, CMC, CITY CLERK

PREPARED BY:

TIFFANY OLSEN, PARALEGAL/ASSISTANT TO CITY ATTORNEY