



TOWN OF LOOMIS
ACTION MINUTES
SPECIAL COUNCIL MEETING
LOOMIS TOWN COUNCIL
LOOMIS DEPOT
5775 HORSESHOE BAR ROAD
LOOMIS, CA 95650

TUESDAY

DECEMBER 7, 2010

11:00 A.M.

CALL TO ORDER Call to order by Mayor Liss at 11:00 a.m.

ROLL CALL

Present:

Mayor Liss
Councilmember Kelley
Councilmember Morillas
Councilmember Ucovich

Absent: Councilmember Scherer

PUBLIC COMMENT: This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please **note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker is five minutes.**

Jo Carol Arisman, 6160 Rachel Lane, pointed out that people have the right to know what is going on and reminded them of the Brown Act.

Tom Millward, 3893 South Holly Street, stated the following:

- 2700 people voted for Measure A and it passed
- the public have the right to know what is going on with Measure A
- Councilmember Liss and Scherer should say nothing behind closed doors

Hazel Hine, 3443 Barker Road, stated the following:

- the Council should have told them in the beginning that it wasn't legal
- two terms is enough, council will start thinking their opinion is what everyone believes
- people out there are not agreeing with this and Council needs to do what is fair

Sonja Cupler, 5630 Tudor Way, asked Council to reclude themselves from having anything to do with the measure.

Councilmember Ucovich questioned whether we need to go into close session.

Dave Larsen, Town Attorney, stated the following:

- Council never has to go into close session
- he would like to discuss various strategies, strengths and weaknesses, conflict of interest, and personal issues that sometimes people are not privy to
- he recommends swearing in Councilmembers Scherer and Ucovich at the next regular meeting

Following further discussion a motion was made to go into close session at 11:34 a.m. to get information only and not deliberate until they come out to open session. On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by voice vote with Councilmember Kelly abstaining.

CLOSED SESSION – Pursuant to cited authority, the Town Council will hold a closed session to discuss the following listed items. A report of any action taken will be presented prior to adjournment of the regular meeting.

- CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.** Initiation of litigation pursuant to subdivision (c) of Section 54956.9: Two potential cases

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

Council came out of close session at 12:15 p.m.

Dave Larsen pointed out that both Councilmembers Ucovich and Scherer have conflicts of interest.

At this time Councilmember Ucovich left the room.

Dave Larsen stated the following:

- if we go to court than it could go all the way to a trial and cost a lot of money
- by seating Councilmembers Scherer and Ucovich next Tuesday night we would have available a process where we could go to the Attorney General
- the Attorney General would have to weigh in whether or not they were properly seated and we would get an opinion on the retro activity
- he had another suggestion (less expensive) to have the proponents and the Town strike an agreement outside of court
- the proponents of Measure A could have their attorney look at the Town Attorney's opinion and if they agree it could be settled and done as cheaply as possible and in a way that has a neutral third party

JoCarol Arisman stated the following:

- there are 2200 people out there that say they want term limits
- if you are going to make changes to what the people already voted on than when will they be able to make their comments and how will they be noticed

Hazel Hine, 3443 Barker Road, stated the following:

- she also asked how the staff is going to notify the people
- it hasn't been addressed on how the chronological events led to having the Measure put off until November

Tom Millward stated the following:

- the Town is already paying for two lawyers to work on Measure A
- now Council is saying we have to pay for a lawyer to bargain with the Town's two lawyers and they don't have any money for this
- the Town should be paying a lawyer for the 2200 voters

Dave Larsen expounded on the sequence of events that led to this.

Sonja Cupler, committee member for Yes on Measure A, stated the following:

- she is just one vote and cannot make an agreement or decision on behalf of other voters
- we are citizens trying to do what the citizens of Loomis want done
- she is thoroughly disappointed how some of the Council has handled this whole thing
- when they did the petition they always had in mind that it would go to the June ballot
- we still need the public input because no one knows about the retro dates

Joyia Emard, Loomis News, pointed out that two issues need to be addressed, the date that was put on Measure A and whether it applies to their past terms.

Dave Larsen stated the statute says term limits have to be applied after the election (not prior to the election) and expounded on the retro activity issue that can be looked at in different ways.

Following further discussion on the matter, a motion was made to:

- certify the election at the regular meeting in November
- swear the candidates in
- pursue the Attorney General Quo Warranto action

On motion by Councilmember Morillas, seconded by Councilmember Kelley and passed by voice vote (3/0). Councilmember Scherer was absent and Councilmember Ucovich had left the room.

ADJOURNMENT

Mayor Liss stated there was no further business and adjourned at 1:35 p.m.

Mayor Gary Liss

Town Clerk