

I. CALL TO ORDER

A special meeting of the Matanuska-Susitna Borough Assembly was held on October 13, 2000, at the Matanuska-Susitna Borough Assembly Chambers, Palmer, Alaska. The meeting was called to order at 4:30 p.m. by Mayor Timothy L. Anderson. The purpose of the special meeting was to conduct an executive evaluation of the borough manager.

II. ROLL CALL

Assembly members present and establishing a quorum were:

Mr. Larry DeVilbiss, Assembly District No. 1
Ms. Sara Jansen, Assembly District No. 2
Mr. Talis Colberg, Assembly District No. 3
Mr. Dan Kelly, Assembly District No. 4
Ms. Jody Simpson, Assembly District No. 5
Mr. Jim Colver, Assembly District No. 6
Ms. Kelly Lankford Ladere, Assembly District No. 7

Staff in attendance were:

Ms. Sandra Dillon, Borough Clerk
Mr. Michael J. Scott, Borough Manager

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Assemblymember Jansen.

IV. EXECUTIVE SESSION:

MOTION: Assemblymember Jansen moved to enter into an executive session for matters, that tend to prejudice the reputation and character of any person provided the person may request a public discussion; in particular, an executive evaluation of the borough manager. Those in attendance to be the mayor, assembly members, and manager.

VOTE: The motion passed with Assemblymembers DeVilbiss and Ladere in opposition, and the assembly entered the executive session at 4:38 p.m. in the assembly chambers. Those present during the executive session were the mayor, the entire assembly, and the borough manager.

MOTION: Assemblymember Ladere moved to exit from the executive session.

GENERAL CONSENT: The motion passed and the assembly exited the executive session at 5:34 p.m.

Ms. Dillon and Mr. Gatti re-entered the meeting.

MOTION: Assemblymember Jansen moved to accept Mr. Scott's resignation as the borough manager effective October 17, 2000, contingent upon assembly approval of six months' severance pay with the following provisions:

1. The six months' severance pay will be distributed in equal, by-weekly payroll days with deductions and matching funds as currently calculated under the existing contract. The bi-weekly payroll will continue uninterrupted from the time of termination until January 12, 2001, at which time a lump payment will be made for the remaining balance of the six months' severance pay. Michael J. Scott's last day of work is October 16, 2000, with the resignation effective at 12:01 a.m. on October 17, 2000.
2. Notwithstanding the 60-day notice requirement of the existing employment contract between the borough and Mr. Scott, all accrued leave at the time of termination on October 17, 2000, shall be paid in full.
3. A positive letter of recommendation prepared and approved by Mr. Scott and the Assembly shall be signed by all assembly members and mayor and provided to Mr. Scott no later than October 18, 2000.
4. All persons (mayor, assembly members, Mr. Scott, and any other persons) in attendance at the executive session of October 13, 2000, are strictly prohibited from discussing, writing, or otherwise communicating anything whatsoever discussed or displayed during the executive session. Furthermore, the mayor, assembly, officers, employees, or others associated with the borough and Mr. Scott agree to refrain from any comments to the media and others that tend to prejudice the reputation and character of the mayor, assembly, officers, employees, or others associated with the borough and Mr. Scott arising out of his employment and resignation from the borough.

Discussion ensued concerning the ability to obligate officers, employees, or others associated with the borough who were not part of the executive session.

Mr. Gatti advised that the assembly cannot obligate those who were not in executive session as people have a first amendment right to speak on matters of public interest. He further stated that there are legal protections with regard to defamation, but didn't believe the provision would be enforceable with respect to general expressions of matters of public concern. He further stated that public figures have different tests for those types of issues.

MOTION: Assemblymember Jansen moved a primary amendment to strike the words "employees" from the fourth provision.

Mr. Gatti reminded everyone that what goes on in executive session is confidential and should remain so.

Discussion continued regarding a broader removal to include "officers" and "others associated with the borough."

WITHDRAW: Assemblymember Jansen withdrew her primary amendment.

Discussion continued concerning the ability to obligate officers, employees, and others associated with the borough who did not participate in the executive session.

MOTION: Assemblymember Simpson moved a primary amendment to strike the words "officers, employees, and others associated with the borough" in the second sentence of the fourth provision so the sentence would read:

"Furthermore, the mayor, assembly, and Mr. Scott agree to refrain from any comments to the media and others that tend to prejudice the reputation and character of the mayor, assembly, officers, employees, or others associated with the borough and Mr. Scott arising out of his employment and resignation from the borough."

GENERAL CONSENT: The primary amendment was adopted without objection.

VOTE: The main motion to accept Mr. Scott's resignation, as amended, passed with Assemblymembers DeVilbiss and Ladere in opposition.

MOTION: Assemblymember Jansen moved for immediate reconsideration.

VOTE: The motion to reconsider failed with Assemblymember DeVilbiss in favor.

VI. ADJOURNMENT

The special assembly meeting adjourned at 5:55 p.m.



TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:



SANDRA A. DILLON, Borough Clerk

Minutes approved: November 7, 2000