

CITY OF TIOGA
City Commission Special Meeting Minutes
September 7, 2018

A special meeting of the Tioga City Commission was called to order at 6:00 pm on September 7, 2018, at Tioga City Hall, by President of the City Commission Drake McClelland.

PRESENT: Drake McClelland, Tim Christianson, Natalie Bugbee, Tim Sundhagen, Heather Weflen, Elizabeth Pendlay and Abby Salinas
ABSENT: None
Guest: Traci Papineau, Kelli Haider, Monique Lopez, Jeremy Johnson, Corey Murphy, Desiree Hanson, Ronica Pederson, Dan Larson

New Business:

1. Security Breach – McClelland asked Commission Board if they have any suggestions to assist previous and present employee's assistance on the security breach. Salinas stated that week prior Lopez used the data breach as a tool to clear her name and embarrass her, but she is not embarrassed to do the job the Commissioners that hired her to complete. Salinas states that Lopez was acquitted in court and the City was not the one who pressed charges on Lopez. Salinas states her job as City Auditor is to take care of City finances and take care of the people's money. The processes were in place prior to her employment and when she was hired the Commission asked her to continue to do this process. Salinas agrees there is lack of communication and it comes from Sundhagen and herself, she states that they are working on it and hopefully they can find some resolution. Salinas also stated the City does not take this breach lightly, have apologized and have taken all measures as stated in North Dakota Century Code, that in 2016 there were over 2 million people were affected by other data breached. Salinas stated that she is upset at how the Commission handled the last meeting, she was not on trial and had not committed a crime. Salinas is asking the Commission Board not to allow what took place at the previous meeting to happen again. Salinas also feels that communication issues need to be fixed, but that needs to be done in house and before discussing these issues with the newspaper. A better solution would have been to discuss with her. Salinas stated her job is to provide a high and fair level of service to the people of Tioga and she believes that she has done that. McClelland would like to hear from each Commissioner some remedies. Weflen suggested life lock but would like to hear from other Commissioners on how far back to provide these services to and who would they give the services to. Weflen feels its something important to provide even though there are free services out there, but the City wants to show that they do not take the breach lightly. City Attorney Pendlay stated that she would like to add to what Salinas previously stated the City does not feel the disclosure was insignificant and it is significant to anyone whom may have been affected by it, but the City is not aware that it has lead to any issues however, the City is not stating that in the future there won't be any development, so the city would like to give previous and current employees assurance that there is some level of continuing protection. City Attorney Pendlay completed some research on breaches that affected North Dakota. The biggest breach was Equifax, the credit burrow that reported 248,000 people in North Dakota and they offered 1 year of life lock. Pendlay also states that the difference with the Equifax breach is that Equifax was hacked, and we do not know where that information went to. In the case of the City breach the City knows where the information went to they were not hacked. Pendlay states she understands concerns and a level of reassurance should be done and its up to Commission to decide. Discussions held.

Sundhagen made a motion to reimburse any previous employees hired after 2014 and current employee 1 year of life lock upon proof of receipt, second by Bugbee. Roll call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland

Weflen made a motion to go into Executive Session at 6:39 to consult with Attorney on Security System Plan NDCC 44-24.04, second by Christianson. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland

Weflen made a motion to reopen Special Meeting at 7:27, second by Sundhagen. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland

Weflen made a motion to have Salinas get quotes on a new updated comprehensive Security System, second by Bugbee. Call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland

Sundhagen states since he was elected into position on June 2016, when he came into the position there had been huge issues between City Hall and the Police Department, the Commissioners at that time by June of 2016 had fired the individuals that they felt were the problems were coming from. When Sundhagen came on Larry Maize (former Police Chief) announced his retirement and hired Corey Murphy. Since Murphy has been on there has been some terminations and there is no one left except for Officer Nelson. There were huge tensions it was the Jeff Spivey era. The Commissioners decided they needed change and cleaned house. The tension has not gotten any better with all the changes. Murphy is a good and decent person full of integrity and highly recommended from Williams County Sheriffs Dept and BCI to be the next Chief. Murphy is not having an easy time doing his job because there is still this tension that exist between the both departments. Sundhagen feels that people given job duties under Century code over step their bounds. Sundhagen states he will take the blame for lack of communication but it's the back and fourth and this town needs to heal and these departments need to do what they are suppose to do. The Police department need to be focused on the bad stuff in town and City hall needs to focus on the bills and keeping track of the money and they just don't work well together. Sundhagen states he was told that Murphy and himself were fingered for the break in at City hall and he does not know if the detective was lying or someone else. Sundhagen states he doesn't take that lightly because he can just ask for anything that is in here and it takes allot to get into a building. Sundhagen states that the City can't heal with certain people working here. Sundhagen states because of the election, the breach, the not being able to get along he would like to call for Salinas's termination. Sundhagen states he does not believe the tension can be made better. McClelland states Spivey and Mosser were not fired they were laid off due to budget cuts. Salinas states the issues between departments have to do with her asking Police department to follow procedures and issues between Sundhagen and herself that have now transferred over to the Police Department. Salinas also states that she has never said anything bad about Murphy other than he is untrained and needs good leadership. Weflen states that allot of this came from the separate handbooks and they were trying to be combined and that's what started this abrasiveness. Sundhagen states the City is not still handing out the same handbook. Weflen states that we need to ensure the same handbook is handed out. City Attorney Pendlay states she sent her Paralegal Stephanie Nygaard to review all hand books and there is a discrepancy between the Police handbook that City Hall has and the one that the Police Department has. Sundhagen states there are discrepancies in the City Policies that are not the same. Bugbee states that she is aware that Lopez stated that she was helping rewrite previous policies. Sundhagen states that policy was never approved. Paralegal Nygaard states the employee handbook is the same, the differences are in the Policies and procedures for the Police Officer questions, Salinas said that during the Police Officer interviews Murphy asked questions that were not on the list so she has made changes to accommodate more of what Chief Murphy was asking but that she had informed Murphy that those questions had not been approved and Murphy had even stated in a Commission Meeting he did not like the questions on the list. City Attorney Pendlay states Salinas is appointed and North Dakota Century Code States any person appointed to any office in the

City operating under the Commission system of Government may be removed by a majority vote of all the members of the Board of City Commissioners but no officers shall be removed except for cause and unless charges are preferred against a person (Pendlay states they don't mean criminal charges it means a discreet allegation that explain the cause for termination) and the person is accorded an opportunity to be heard in the persons own defense. Within 10 days after the charges are filed in the office of the City Auditor the Board shall perceive to hear and determine the case upon its merit. The president of the Board of the City of Commission or the Board may suspend an Officer until disposition of the charges. The President may appoint someone to fill the vacancy temporarily. Pendlay translates that for an appointive officer Commission Board does not have the authority to fire anyone to an appointive office until you have given them in discrete and clear form and that conforms with the rules of due process. In writing, advise them of the basis or cause of termination in clear fashion and offer them an opportunity to be heard so they can speak in their own defense and then the Commission Board would vote. Discussions continued. Sundhagen said he resigns, City Attorney Pendlay states requesting a 10-minute recess. McClelland allows a 10-minute recess. Commission Board resumes from recess and Sundhagen rescinds his resignation for now.

Sundhagen made a motion to terminate Salinas, motion dies due to no second.

Pendlay states that she feels Sundhagen motion had no merit, he would have to bring a preferred charge before the Commission written, detailing the cause. The Commission Board would have to review it and determine if it was appropriate and then if they wish to take any disciplinary action that involves a termination the Commission board would have to approve the charges and set up for a hearing. Then it would have to be presented and placed on the agenda for consideration. Discussions continued.

Weflen advised Commission Board that for the Life lock amount was there a specific amount that would be reimbursed to the individual because there are different packets, discussions held that it would be \$109 for the year.

With no further business, the Special meeting of the Tioga City Commission was adjourned by unanimous vote moved by Weflen, second by Christianson at 8:14 p.m. call: Ayes; Christianson, Bugbee, Sundhagen, Weflen, McClelland

The next meeting of the City of Tioga is scheduled for Monday September 17, 2018 at 7:00 p.m., to be held at the Tioga City Hall.

Drake McClelland, President of the City Commission

ATTEST:

Abby Salinas, City Auditor