

MINUTES
CITY OF DOVER
SPECIAL COUNCIL MEETING
MONDAY October 8, 2012 @ 5:00 p.m.
DOVER CITY HALL
699 LAKESHORE AVENUE, DOVER, IDAHO

DRAFT

CALL TO ORDER

Mayor Curless called the October 8, 2012 City Council Meeting to order at 5:01 p.m.

Present at this meeting:

Council Members: Marguerite Burge, Dave Darling, Annie Shaha and Denise Travis.

Others Present: see sign in sheet

Pledge of Allegiance

Mayor Curless introduced his appointment for City Attorney, Darrin Murphey and shared with the Council his previous experience.

Councilwoman Travis asked for information about Mr. Murphey's municipal experience.

Mr. Murphey reviewed his 12 years of experience in the municipal arena including small entities.

Councilwoman Travis asked about his experience with litigation.

Councilwoman Shaha asked for further details regarding land use litigation.

Mr. Murphey responded stating it had been some time due to his current position with Kootenai County the most recent being August, 2012.

Councilwoman Shaha asked if the applicant was full or part time with Kootenai County.

Mr. Murphey stated he is full time with Kootenai County and has a private practice office.

Councilman Darling asked what Mr. Murphey's working relationship is with the Attorney General's Office.

Mr. Murphey responded stating he has had a good working relationship with that office on most issues.

Councilwoman Travis asked the applicant to explain his fee structure.

Mr. Murphey explained various options for determining fees ranging from \$150 to \$250/hour.

Councilman Darling asked the applicant if he has been asked by a judge to do Pro Bono work.

Mr. Murphey responded in the positive.

Councilwoman Travis asked if in the past historically there have been delay issues with his responses.

Mr. Murphey shared his feelings regarding response times.

Councilwoman Burge asked what is your role as city attorney in the development of ordinances and resolutions?

Mr. Murphey stated that his role is to determine lawfulness, apply common sense and periodic review during the development of ordinances and resolutions. His role is not to draft the measures.

Councilwoman Burge asked the applicant what qualities he felt made him a good applicant for this position.

Mr. Murphey stated he felt he would provide competent legal advice and avoidance of litigation knowledge. He stated he has chosen to decline working for other cities.

Councilwoman Shaha asked what he felt other cities had done most incorrectly regarding public records.

Mr. Murphey stated retention of records too long. He felt a city must develop a good retention program including removal of records no longer current or beyond the required retention period.

Councilwoman Shaha asked if the applicant was aware of current mediation issues with Susan Weeks, Attorney. Mr. Murphey shared his feelings regarding working with Ms. Weeks and stated he had not discussed details with her regarding any current mediation issues but felt comfortable doing so if he should be confirmed.

Councilman Darling asked what his experience is with Urban Renewal.
Mr. Murphey stated it is limited except with Kootenai County Urban Renewal.

Councilman Darling asked if Mr. Murphey had previously worked with Brian Quayle or Rob Tate.
Mr. Murphey responded he had not worked with Brian Quayle but had worked with Rob Tate's firm.

Councilwoman Travis asked regarding availability for Council and or Mayor consult.
Mr. Murphey stated he preferred email

Councilwoman Travis asked the Mayor what his preferred method of reimbursement for the attorney would be. Mayor Curless explained the two different systems of reimbursement, salaried or hourly.
Mr. Murphey responded that an attorney is employed at will; may be let go at any time but he did recommend annual contract which automatically renews with a 30 or 60 day clause. He also stated that the appointment of an attorney is a long term relationship and should not be taken lightly. He then asked for further information regarding fees.
Mayor Curless discussed the financial considerations.

Councilwoman Travis asked "Can decisions be made in Executive Sessions?"
Mr. Murphey responded that affirmatively specifically regarding personnel issues. He advised that an attorney be present in all executive sessions.

Councilman Darling asked the Mayor if he had appointed Mr. Murphey as Dover's attorney.
Mayor Curless responded positively.

Councilwoman Travis asked if Council could go into executive session.
Mr. Murphey reviewed the process to add executive session noting it was already on the agenda.

A motion was made by Councilwoman Travis to go into Executive Session according to Idaho Code 67-2345 Subsection 1a. regarding personnel or City Officers, Councilwoman Shaha seconded, roll call vote: Shaha "aye", Darling "aye", Travis "aye" Burge "aye" all in favor, motion carried. At 5:57 pm.

A motion was made by Councilman Darling to come out of Executive Session, Councilwoman Shaha seconded, roll call vote: Shaha "aye", Darling "aye", Travis "aye" Burge "aye" all in favor, motion carried. At 6:38 pm. No decisions were made.

A motion was made by Councilman Darling to affirm the appointment of Mr. Darrin Murphey as City Attorney, Councilwoman Burge seconded, roll call vote: Shaha "nay", Darling "aye", Travis "nay" Burge "nay" motion failed.

ADJOURNMENT

A motion was made by Councilman Darling to adjourn the Council Meeting, Councilwoman Travis seconded, all in favor, motion carried.

Mayor Curless adjourned the October Special Council Meeting at 6:43pm.

Minutes by Marguerite Burge, Council President