

Official Proceedings of the City Commission of the City of Scottville, Michigan

The Special Commission Meeting of the Scottville City Commission was held virtually on January 18th, 2021. Called to order at 5:30 p.m. by Mayo Marcy M. Spencer.

ROLL CALL:

Rob Alway

Brian Benyo

Ryan Graham

Nathan Yeomans

Sally Cole

Bruce Claveau

Mayor Marcy Spencer

Also in Attendance: Chief Murphy, Clerk Lester, Treasurer Shafer, Attorney Alvarado

APPROVAL OF AGENDA:

Motion, by Spencer with support by Cole.

Roll Call Vote.

Motion Carried.

MEMORANDUM OF LEGAL OPINION

MAYOR SPENCER:

A Special Meeting had been authorized by the Commission at our January 4, 2021 Regular Meeting for today at 5:30 pm, to review and offer the opportunity to discuss the Report Regarding the Revenue Sharing Report and the Response of the Employee Subject of that investigation. Since then, the employee subject of the investigation, City Manager Courtney Magaluk, has authorized the release of her name in association with the investigation for purpose of discussing a mutual agreement and to delay or possibly waive her request to review the finding of the investigation. An offer for mutual separation has been presented to the City. The City Attorney has delivered a Legal Opinion to inform the Commission the legal options available to the City. The Memorandum of Legal Opinion drafted by the City Attorney was received on Friday.

MAYOR SPENCER:

Pursuant to the Open Meetings Act, I motion to move into closed session for the purpose to discuss and deliberate on the Memorandum of Legal Opinion submitted by the City Attorney regarding the City Manager's Offer to resign her position through a mutual separation agreement. The Open Meetings Act, Section 8 (h), allows the Commission to consider in closed session material exempt from discussion or disclosure by state of federal statute. The Freedom of Information Act, a state statute, exempts from disclosure "information or records subject to the attorney-client privilege" (MCL 15.243 Section 13 (1) (g)). The Memorandum of Legal Opinion represents a record exempt from disclosure.

Support from Benyo.

Roll Call Vote.

Motion Carried.

COMMISSION ENTERED INTO CLOSED SESSION- 5:38 PM

OPEN SESSION RESUMES - 6:20 PM

MAYOR SPENCER:

Upon discussion and deliberation on the Memorandum of Legal Opinion submitted by the City Attorney regarding the City Manager's offer to resign her position, I make a motion to authorize the Mayor, assisted by the Acting City Manager and the City Attorney, to respond to the City Manager's Offer within the terms deliberated and discussed at the closed session. Thus, the Mayor is further authorized to commit the City to an acceptance of terms, not to exceed any amount that the City Manager would have received in case of being terminated by the City absent of a willful breach of her contract.

Support from Cole.

Roll Call Vote.

Motion Carried.

PUBLIC COMMENT

David Bossick thanked the Commission for the reconsideration of the FOIA appeals submitted on behalf of the Ludington Daily News.

Bobbi Anne Wallager asked if City of Scottville taxpayers will have access to the terms of the negotiation with Manager Magaluk.

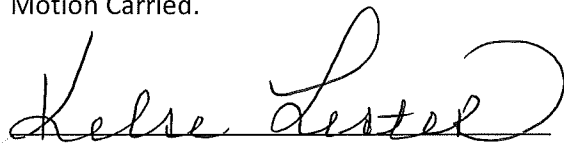
Tom Rotta questioned who was present at the closed portion of the meeting. He felt it was unclearly posted that it would be closed to the public.

ADJOURNMENT:

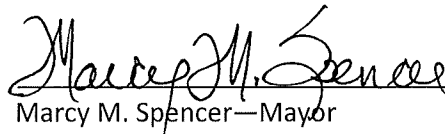
Motion, by Alway with support from Benyo to adjourn Special Meeting at 6:28 PM.

Roll Call Vote.

Motion Carried.



Kelse R. Lester—Clerk



Marcy M. Spencer—Mayor