

**MINUTES OF THE SPECIAL MEETING OF THE
CITY OF DALTON GARDENS MARCH 14, 2019
CITY HALL 5:00 PM**

Meeting was called to order by Mayor Roberge.

Roll Call: Councilmember Jordan, Lundy, Myers & Smith were in attendance.

RECALL PROCESS AND PROCEDURES GOING FORWARD

Attorney John Cafferty thanked the Governor's Office for the article in the CDA Press explaining the process for the vacancies for the City of Dalton Gardens. He has addressed the process and procedures for the recall in the following letter which is attached per his approval.

After Mr. Cafferty's process and procedures talk the council had the opportunity to ask questions of Mr. Cafferty on the overall process. The Council discussed having another Special Meeting next Monday, March 18, 2019 to deal with any other City business which needs to be address before the canvas of the recall votes on Tuesday, March 19, 2019.

Councilmember Jordan made a motion adjourn the meeting. Councilmember Smith seconded the motion. Motion carried.

Steve Roberge, Mayor

Valerie Anderson, Clerk/Treasurer

See letter attached.

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March 15, 2019

City of Dalton Gardens
Mayor and Council
6360 N 4th Street
Dalton Gardens, ID 83815-9254

Re: *March 12, 2019 Recall Election Processes and Procedures Going Forward*

Dear Mayor and Council:

Let me begin by thanking all of you for your diligent and professional work for the benefit of the City of Dalton Gardens and the citizens residing therein. While the election results were clearly not what any of us had hoped for, we must deal with the situation.

Unless and until the election is canvased by the Board of County Commissioners and a proclamation is issued by the Kootenai County Clerk's office, the election results are not official. As such all of you are, at this time, elected officials of the City of Dalton Gardens with the associated privileges and duties.

Based upon discussions I have had with the Kootenai County Prosecutor's office, I anticipate that the canvas of the election will take place on March 19, 2019 in the County Commissioner's Boardroom at 2 pm. There is not a set date for the canvas under Idaho law the canvas may occur any time after the election up until 10 days following the election. However, the county standard protocol is to perform the canvas at the regular county commissioner meeting following the election, which in this case would be March 19th. Should that date or time change, I will advise you as best as I am able should I become aware of it.

Following the canvas of the election the Kootenai County Clerk, Jim Brannon or his designee, will issue a proclamation that will result in the vacancy of the two council seats and the mayor's position, assuming the election numbers do not change.

Upon the issuance of that proclamation, the City of Dalton Gardens will not have a mayor and will not have quorum of city council members. Without a quorum the City will not be able to take any formal action. Following the receipt of the proclamation, the Governor's office will appoint one council member in order to create a quorum of the city council.

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March 15, 2019

Page 2

While I have been in contact with the Governor's office, I do not have any firm time frame to bring to the council as to when the vacancy may be filled by the Governor. There are no time limits for the Governor to exercise his appointment authority under Idaho Law. I do anticipate the Governor's office being diligent in filling this vacancy.

Following receipt of the appointment of a council member by the Governor's office; the City of Dalton Gardens will have a quorum of city council members who can conduct business. The actions of the quorum of council members will most notably include the appointment of a mayor in accordance with Idaho Law. Following the appointment of the mayor, the new mayor will then be empowered to appoint a person to fill the remaining city council vacancy. The mayoral appointment is subject to confirmation by a majority of the city council. Following the council's action, if the appointment is confirmed, all vacancies will have been filled and the City of Dalton Gardens will be able to proceed to conduct business in the normal course.

It should be noted that all appointees, the two council members, as well as the mayor, will be temporary appointments that will stand until the next regular city election, which in this case, is November 2019.

The council positions that will be filled by appointment in the near future and which will stand for election in November, 2019, will have only the remainder of the term of the council member that was replaced. By way of example, the person who is successful in the November, 2019 Election in filling the vacancy left by Councilmember Lundy will only complete the remainder of Councilmember Lundy's term from January 2020, through January 2022. The same would hold true for the individual that is successful in the November, 2019, election for Councilmember Myers' position. The November 2019, newly elected city council members will only serve the remainder of the unfilled term of their predecessor, Lundy or Myers.

The person who is successful in the November, 2019 election for the mayoral position will have a 4-year term that will run from their seating in January, 2020, through the end of their term in January 2024.

It is important to remember that until the proclamation is issued by the Kootenai County Clerk, all current city officials, including Mayor Robergh, Councilmember Lundy and Councilmember Myers are seated and elected Dalton Garden officials. Your duties and obligations as the mayor and councilmembers continue until such time as the proclamation is issued. It is my suggestion that the mayor and council work within their respective powers to make the transition as smooth as possible for the benefit of the residents of Dalton Gardens. I would suggest any actions that have begun, be allowed to continue; however, I would not suggest any exceptional or extraordinary actions or expenditures be undertaken while this time of anticipated transition is ongoing.

Going forward I believe there are issues that will need to be considered and direction given to staff during this time of transition. At the forefront is the pending April 4, 2019 public hearing

March 15, 2019

Page 3

for the LID. I have discussed this pending hearing with Danielle Quade in my office, as well as with Clerk Anderson and we believe that it is reasonable to continue forward with the April 4, 2019 public hearing on the LID to allow for objections to the assessment by interested parties. I believe there may be open houses or other public involvement with the Forth Street matter as well as the comprehensive plan. I believe it is important that these matters not be acted upon with final determination; however, moving them forward and involving the public, to the extent possible, is reasonable during this transition period.

Should a proclamation be entered by the County Clerk that results in the removal of office of Mayor Robergh and Councilmembers Lundy and/or Myers, those positions will be immediately vacant according to law and the individuals will need to vacate immediately and return any city property in their possession to the City of Dalton Gardens. There may also be logistical matters to be considered should the need to vacate occur; such as security codes, keys, credit cards and the like. Presumably the city has a process in place for transitioning between elected officials. It is my suggestion that this current situation be handled in your standard fashion, so as to make it less stressful for the city as well as any members that may be vacating. Should the vacancies occur, the remaining councilmembers, Councilmembers Smith and Jordan will be tasked with the appointment of a mayor with the assistance of the third councilmember that will be appointed by the Governor. As previously noted, the process requires the Governor appoint a councilmember; the quorum of three councilmembers would appoint a mayor who would then fill the final council member vacancy in the board, subject to confirmation by a quorum of the City council. The requirements, to be a council member of the City of Dalton Gardens, are fairly straightforward and only require that the individual be qualified as an elector in the City which constitutes, being over the age of 18, having resided in the City of Dalton Gardens for more than 30 days and not having their voting rights removed. However, it is within the appointing entity's powers to vet any potential appointee to insure their qualifications, not just within the bounds of the law, but also their skills and abilities, are such that they would compliment the existing council. This may be accomplished by the process of seeking out applications, resumes or any other information that the appointing authority deems pertinent. Another option is that a nomination and appointment may simply be made. To the extent that Councilmembers Smith and Jordan have an interest developing a selection process, I would gladly assist them. Alternatively, if it is their direction to have the city staff simply accept letters of interest that is also within their authority.

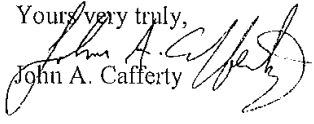
It is with much regret that I am writing this letter. I had hoped as I am sure, all of you had, that the results of the recall election would have been different. I like you have an obligation to the citizens of Dalton Gardens, and it is in an attempt to fulfill those obligations, that I have requested the clerk to have the council convene a special meeting on Thursday, March 14, 2019, at 5:00 pm to discuss these matters moving forward. I am providing you this letter in advance of the meeting in hopes it will give you an opportunity to think through these matter and bring forth any questions you may have. It should be noted that the Special Meeting on Thursday will be an open public meeting; wherein the public will be able to observe the process. The Special Meeting will not be a public hearing and public comment is not required. I believe it is important to keep

March 15, 2019
Page 4

this meeting open to the public as well as encourage staff's attendance so that we can provide clear information and guidance to both staff and the public as to the process going forward and what they may expect. My impetus for this rather swift meeting is to avoid the proliferation of misinformation about the process for filling the vacancies which may cause greater consternation and challenges for staff in trying to answer questions that may be posed by the public.

Thank you for allowing me to assist you in these trying times. I look forward to meeting with you on Thursday and answering any questions you may have.

Yours very truly,


John A. Cafferty

JAC:mf

