

CITY OF WHITE SALMON
City Council Special Meeting – April 23, 2008

I. CALL TO ORDER/ ROLL CALL

Mayor Poucher called the special council meeting of April 23, 2008 to order at 6:00pm. Council members Keene, Marx, Roberts, Landgren and Johnson were present. Staff members present were: Clerk Treasurer, Lori Kreps; Deputy PWD, Tom Smith, Police Chief Bruce Brending, Fire Chief Hunsaker. Also, present were: Attorney, Ken Woodrich; The Enterprise, Jesse Burkhart and approximately 15 members of the public

II. ACTION ITEMS (New)

- 1. Acceptance of Cortese Settlement** – Attorney Woodrich reviewed the settlement of claims and mutual release, employment agreement and job description for the Richard Cortese lawsuit. Woodrich is waiting for Department of Retirement to confirm the job description with approval that the job description meets the requirements for LEOFF II Retirement benefits. The City will pay Cortese the sum of Eighty Thousand Dollars (\$80,000), including the LEOFF contribution. Woodrich said DOR is reviewing the job description. The Employment Agreement is for a period of 20 months. The agreement mirrors Police Chief Brending's contract. Woodrich reviewed Section 1.3 Supervision; States the employee will perform such duties and will exercise such specific authority under the supervision of the Mayor. Notwithstanding the foregoing, the DPS shall neither report to nor be a subordinate of the Chief of Police. Similarly, the Chief of Police shall neither report to nor be a subordinate of the DPS. While serving or performing patrol duties, the DPS shall not have command or control over the police officers and shall defer to the command and control of the Chief of Police. The job description was reviewed by Mayor Poucher, Attorney Woodrich, Attorney Eling and Police Chief Brending. Attorney Woodrich asked for Council Approval of general terms outlined in the settlement agreement with the understanding that there may be some adjustments to the DOR after they review the Job Description C. Landgren made a *motion to* approve the Job Description of the Director of Public Safety subject to DOR approval. C. Marx *seconded* the motion. *Approved 4-1. Opposed C. Keene* because she does not agree with the Fire Protection Duties - The Director of Public Safety has the legal authority and responsibility to direct in a supervisory capacity and/or perform fire protection activities that are required for and directly concerned with preventing, controlling and extinguishing fires, including but not limited to the supervision of incidental fire fighting functions. C. Marx made a *motion to* approve the Employment Agreement. C. Landgren *seconded* the motion. Question: C. Roberts encouraged Mayor Poucher that due to the low staff of the police department that Cortese work as a Police Officer. Mayor Poucher said he would take it into consideration. *Approved 4-1. Opposed C. Keene.* C. Marx made a *motion to* approve the terms of the settlement agreement and authorize Mayor Poucher to sign a version of the Agreement approved by DOR with ratification by City Council May 7, 2008. C. Johnson *seconded* the motion. *Approved 4-1. Opposed C. Keene* because council is asked to make a decision and approve the agreement without all the information, budget figures, and no definitive word from DOR regarding LEOFF Benefits and that the agreement supersedes the exempt employees policies because changes may be forth coming that council has not seen. Mayor Poucher asked if Cortese could officially start on May 1, 2008. Attorney Woodrich said yes.

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III. EXECUTIVE SESSION / ADJOURNMENT

Meeting Adjourned at 7:05pm

David Poucher, Mayor

Lori Kreps, Clerk/Treasurer