

Minutes of the Regular Meeting of the Syracuse City Council held on November 13, 2012, at 7:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Brian Duncan  
Craig A. Johnson  
Karianne Lisonbee  
Douglas Peterson  
Larry D. Shingleton

Mayor Jamie Nagle  
City Manager Robert D. Rice  
City Recorder Cassie Z. Brown

Department Heads Present:

Finance Director Steve Marshall  
Police Chief Brian Wallace  
Fire Chief Eric Froerer  
Parks and Recreation Director Kresta Robinson  
Community Development Director Mike Eggett  
Public Works Director Robert Whiteley

Visitors Present:	Sophia Watters	Mazie Watters	Greg Frei
	Boy Scout Troop 439	Daniel Holman	Sean Dixon
	Jamie Dixon	Ryan Carter	Josh Steele
	Nicole Rowley	Ashton Durbin	Jared Neville
	Nick Pehrson	Elias Kinikini	JR Page
	Richard Paul Amos	Laurel Bailey	Aidan Bailey
	Aldan Bailey	Colleen Thurgood	Jean Reniker
	KaLonni Stone	Kim Robison	Julie Stone
	Sandra Kimber	James Kimber	Katie Stone
	Robert Stone	Terry Stone	Ann Stone
	Ashlie Albrecht	Chandler Kotter	Rhett Barton
	Terry Palmer	Ried Sweilem	Sheri Maddox
	Breanna Maddox	Joe Levi	Noah Hardy
	Ray Zaugg	Pat Zaugg	Troy Shingleton
	Gary Pratt	Nate Duncan	Jaycie Smith

1. Meeting Called to Order/Adopt Agenda

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Mayor Nagle called the meeting to order at 7:00 p.m. as a regularly scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember. She asked all visitors present if any wished to provide an invocation or thought; Councilmember Peterson provided an invocation. Boy Scout Mitchell Fry representing Troop 439 then led all present in the Pledge of Allegiance.

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COUNCILMEMBER SHINGLETON MADE A MOTION TO ADOPT THE AGENDA. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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2. Presentation of the Syracuse City and Wendy's "Award for Excellence" to Clint Watts and Julie Stone.

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The City wishes to recognize citizens who strive for excellence in athletics, academics, arts and/or community service. To that end, in an effort to recognize students and individuals residing in the City, the Community and Economic Development, in conjunction with Jeff Gibson, present the recipients for the "Syracuse City & Wendy's Award for Excellence". This monthly award recognizes the outstanding performance of a male and female who excel in athletics, academics, arts, and/or community service. The monthly award recipients will each receive a certificate and be recognized at a City Council meeting; have their photograph placed at City Hall and the Community Center; be written about in the City Newsletter, City's Facebook and Twitter Feed, and City's website; be featured on the Wendy's product television; and receive a \$10 gift certificate to Wendy's.

Mayor Nagle stated the nominees for this month's award are Julie Stone and Clint Watts and she asked them to both stand and be recognized. She stated that Mr. Watts was recognized for showing excellent improvement during this school year and for challenging himself by taking rigorous courses. She stated she applauds Mr. Watts on those efforts. She then

stated Ms. Stone was nominated for earning an excellent grade point average and she has shown great potential by setting high goals for herself. Mayor Nagle then invited all those in attendance to give the two award recipients a round of applause. She then presented the Mr. Watts and Ms. Stone with their awards. She then stated that there are amazing youth in this community and she wants to commend them for their hard work; there are so many opportunities for youth to go astray and these teens haven't done that. She stated it speaks to the community and its ability to take care of its kids.

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3. Approval of minutes.

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The minutes of the Work Session Meetings of January 10 and March 14, 2012, the Regular Meeting of October 9, and the Special Meeting of October 23, 2012 were reviewed.

COUNCILMEMBER LISONBEE MADE A MOTION TO APPROVE THE MINUTES OF THE WORK SESSION MEETINGS OF JANUARY 10 AND MARCH 14, 2012, THE REGULAR MEETING OF OCTOBER 9, 2012, AND THE SPECIAL MEETING OF OCTOBER 23, 2012 AS AMENDED. COUNCILMEMBER SHINGLETON SECONDED THE MOTION.

Councilmember Lisonbee stated that she wanted to amend the October 9 minutes, page three, line 20, by adding the statement "of the Mayor" after "assumptions and accusations".

Mayor Nagle stated there has been a motion and a second to adopt the minutes; she called for a vote. ALL VOTED IN FAVOR.

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4. Public comment.

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Joe Levi stated that he wanted to note for the record that the City's website says the next Council meeting is October 23, 2012 and it does not give proper notice of this meeting or any of the meetings held today. He then stated that he would like to voice his thanks and appreciation to Police Chief Wallace; he has had several discussions with him and he has always found him to be professional and polite and he is one of the best Police Officers he has had the opportunity to meet. He noted his brother is a Police Officer and has been for over 10 years and he has a great respect for the men of service in blue. He stated that leads him into what he really wants to talk about today; one question he has is who the Police Chief works for and he answered that he works for the citizens as do all of the people that report to him. He asked who pays the paychecks for everyone that works for the Police Department and stated the answer to that question is the citizens. He asked who the Police Officers are supposed to protect and serve and he answered all of the citizens. He stated that they do not work for the City or the City Council; rather they are supposed to serve the citizens and work for them. He stated working together with the Police Department will enable a better and safer community as well as mutual respect for one another. He stated that something that concerned him was that the Mayor recently asked when the Councilmembers had gone to the Police Department and asked about what they wanted in a Police Chief. He stated that he would like to turn that question around; when has the Mayor asked the citizens what they want in a Police Chief and when has the public been given a public hearing to give them the opportunity to voice what they want in a new Police Chief. He stated there hasn't been an opportunity for public comment on the topic to his knowledge. He stated that his next question is who the City Council represents and the answer is the citizens. He stated he has not had his chance to tell the Council what he would like to see in a new Police Chief and he asked if the Council has gotten any input from any citizens about concerns they have about the potential replacement for Police Chief; if the answer to that is no, how can the Council advise based on what their constituents have said about what the new Police Chief would be.

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TJ Jensen stated that he wanted to comment about something that everyone takes for granted. He stated that over the last several weeks there have been some tragic accidents in the City and both were very unfortunate; it is sad that the events happened and sad that both situations got to the point they got to. He stated it is very easy for people to feel isolated in this world and he wondered what the citizens, Council, and staff could do about that. He stated that sometimes just taking the time to go and see how your neighbor is doing would show them there is someone else in the world that knows they are there and is generally concerned about how they are doing. He stated that sometimes that outreach can make a world of difference in situations where people are feeling trapped. He stated he would encourage everyone to check in on their neighbors.

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Troy Shingleton stated that he would like to first address the Syracuse City utility bill. He stated he has talked to some of the Councilmembers about this issue before; the City is trying to see through the construction of Chloe's Park and one of the things he had mentioned is that the City place a spot on the utility bill to encourage citizens to participate in helping to fund that park. He stated the same thing was done for the construction of the Museum; it was a community oriented effort and he thought it went very well. He stated he thinks that would help move that project along. He then stated he wanted to talk about the discussion of the Government Records Access and Management Act (GRAMA) and he is the citizen that submitted a GRAMA request to the City. He stated that GRAMA request was initially denied, but later granted though not granted according to how the GRAMA request was given. He stated that he was given three of the applications and resumes he asked for and if this information is protected under GRAMA, then it would seem to him that those three applications should not have been released to him. He stated that if some can be released then all should be released. He stated that he does not think "we" should pick and choose which information or which applications can be released. He stated that often the battle is that someone may not have a lot of interest in the Police Department or questions are asked about the interested party's expertise and he wanted to offer an analogy to answer those questions. He stated the ultimate officer in Davis County is the Sheriff and even the Police Chief has some responsibility to the Sheriff, but the citizens vote for the Sheriff rather than him being selected by a committee and appointed. He stated that in the end that person is selected via a vote. He stated the expertise of the Councilmembers really does not matter because their vote counts and so does the vote of the citizen. He stated that he requested the applications so that he could view them and give advice; similar things have been done in other cities and he explained that in Orem City there was a similar situation that went to the Fourth District Court for a decision, but the case is different because the City Council did have access to the resumes but they did not allow the public to have access. He stated that a judge carried out his decision. Mayor Nagle informed Mr. Shingleton that his three minutes had expired.

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5. Proposed Resolution R12-26 appointing a Police Chief for Syracuse City.

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COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED RESOLUTION R12-26 APPOINTING GARRET ATKIN AS POLICE CHIEF FOR SYRACUSE CITY. COUNCILMEMBER JOHNSON SECONDED THE MOTION.

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Councilmember Peterson stated that he thinks it is very important that the Council separate two things when considering this item. He stated that the issue of viewing resumes and the denied GRAMA request along with people not trusting each other is a totally separate issue that the Council needs to work out and it should not be considered when appointing a Police Chief today. He stated that he sat in on the interviews for the position as did Councilmember Johnson and they saw all the resumes. He stated many of the members of the panel were very impressed by several candidates, especially the last three that were interviewed, but in the end all members of the panel put their support behind Mayor Nagle in her selection of Garret Atkin. She stated that discussion regarding the issue can take place, but he cautioned the Council to be very careful and keep in mind that there are two different issues to consider. He stated he feels the Council needs to appoint a Police Chief tonight.

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Councilmember Lisonbee stated that she agrees that there are two separate issues and she said during the work session meeting that this is not about Mr. Atkin; it is about transparency and the Councilmembers that were not privy to the interviews being able to fulfill their statutory duties. She stated that the Council was also not privy to the resumes – at least all of them as she did have time to peruse some of them, but not all and Councilmember Duncan has not had the opportunity to review any of them. She stated that while she agrees that there are two separate issues, the issue before the Council is whether there are Councilmembers that are able and prepared to properly give advice and consent. She stated that unfortunately because of the Mayor being unavailable for a meeting for three weeks and because of the fact that the Council has been denied access to the resumes for that same amount of time after she repeatedly emailed the Mayor and warned her that she would not be prepared to vote if she could not give her full consent. She stated that she did not want to do a disservice to Mr. Atkin of voting no or yes to appoint him because that would be a disservice to him, the citizens, and the Governing Body to vote having no idea what she is voting for, other than for him. She stated that she feels that Mr. Atkin's resume and application look great and that is a wonderful thing, but she does not have anything to compare it to and she needs to be able to make superlative judgment to say that she believes Mr. Atkin is the best candidate. She stated that right now she cannot do that because she has not been privy to all the information.

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Councilmember Duncan stated that he also has some concerns. He stated that he wants to first follow-up on comments he made during the work session; there was a discussion about trust in the last meeting and his question is as follows: the Council was denied access to the resumes because of distrust and he wondered if that is the same reason that the resident was denied access to the same documents. He stated that he has a problem with that whole idea. He stated that he wants to go back to comments that were made by Troy Shingleton during public comments regarding a court decision in Orem where the City was ordered to release resumes to the citizens that had originally been denied access. He stated the decision declared that the citizens have a right to know who is going to be working in their city as department heads and it is the citizens' responsibility and right to vet the candidates and the city must turn the documents over to them. He reviewed other decisions that relate to the issue; first was a decision from the Utah Supreme Court where the Court stated that it is the policy of the State that public records be kept open for inspection to prevent secrecy in public affairs. He noted the Supreme Court also said the presumption has always been in favor of public access subject only to specific statutory restrictions, personal privacy rights, and countervailing public policy; and agency that withholds information bears the burden to justify its action. He stated the Supreme Court also said, in 2008, that courts reviewing GRAMA request should apply the legislature's clear and preeminent intent to favor public disclosure when countervailing interests are of equal weight. He stated that his point is that it has been unrefuted tonight that according to Section 308 of the GRAMA law the resumes should be released if private information is redacted from them and they can be given to, not just to the City Council, but to the general public. He stated that he does not see why the information should not be given to the general public without a GRAMA request being made. He stated that he agrees with the comments that this is not the Mayor's or Council's Police Chief and instead it is the citizens Police Chief. He stated this is not about a man that has a political agenda; rather, this is about a man that the community can come around; it is about a many that is a public servant and has no real role in the politics of the City, but has a real role in being a man of the citizens. He stated this is the citizens Police Chief and he finds it appalling that the reason the Council has not received the resumes is that there is mistrust in the City. He addressed the Mayor and stated that if she does not trust the Council, that is fine and she can deny them access to the resumes, which will result in a battle with the review board. He stated that he wanted to know why the Mayor did not trust the citizen that requested the information. He asked if the Mayor distrust the citizens. He stated it is very clear to him according to the law, and it has been unrefuted, that if the information has been redacted there is nothing in GRAMA prohibiting the disclosure of the documents.

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City Attorney Carlson stated that using the term "unrefuted" is inaccurate. He stated that he means no disrespect, but to say that it is unrefuted would not been an accurate statement. Councilmember Duncan asked where his opinion has been refuted. Mr. Carlson stated that he sent an opinion to the Council two weeks ago where he referred to GRAMA Section 302, subsection 2, which says "the following records are private if properly classified by a government entity. . .records concerning a current or former employee of, or applicant for employment with a governmental entity." Councilmember Duncan stated that Section 308 says that if the private information is redacted, the government entity shall release the public information. He stated that he wondered what it is about Section 302 that prohibits the release of the information, especially in light of the fact that several court decisions have said that redaction is the appropriate way to make sure that private information is not disclosed. Mr. Carlson stated that if all the information concerning a current or former employee or an applicant for employment with the government entity from the record then the sheet of paper would be blank. Councilmember Duncan disagreed and stated that the Supreme Court said the preeminent role is for disclosure and the courts have been very clear that everything should be done in order to interpret the law for full disclosure and to say that the whole record would be redacted is inaccurate; if the private information is redacted from the record it would no longer be a resume and therefore it is no longer a private record. Mr. Carlson stated that he believed he and Councilmember Duncan were talking about two different subsections of the law. He stated that subsection 1F talks about specific identifiable information and he agrees with Councilmember Duncan's interpretation of that section, but subsection 2 talks about the application itself and there is an exemption for current and former employees, which is specifically why he advised the Mayor to release any applications made by current or former employees with specific information redacted. City Recorder Brown stated that is the same reason that she released the same information to the resident that filed the GRAMA request. She stated that the Mayor did not have anything to do with denying the request. She noted she is the records officer for the City and she denied the request on her own based on the reading of the law that says that application and resumes are private, noting the exception for current and former employees. She stated the secondary classification for applications and resumes for current and former employees is public after certain private information has been redacted. She stated that she is not the only City Recorder that feels this way; there are several city recorders across the state that agreed with her interpretation of the GRAMA law. She stated that this is not the first time that she ever dealt with a GRAMA issue. She added that she would have appreciated the opportunity to talk to Troy Shingleton and she tried to contact him via phone and he said he would call her back and he never

did. She stated that she would have liked to talk to him about the denial and also the reasons why she released the three records that she ultimately released. She stated that she would like for the Council to understand that there is a clear distinction in the law between the two record types and she reiterated that this is not the only GRAMA issue that she has every dealt with in her career as a City Recorder. Councilmember Duncan stated that he does not know that the appeal process for the resident has gotten to the Mayor yet, but he does know that Councilmember Lisonbee appealed to the Mayor and her appeal had been denied and he wanted that to be clear. Mayor Nagle stated she did not deny the appeal. Councilmember Lisonbee stated that the law says that if the appeal is not responded to within five days the appeal is essentially denied. Mayor Nagle stated today was the fifth day and she did not deny the appeal and she asked for the records to be released. Councilmember Lisonbee stated that according to the GRAMA law, when an appeal is made to the Chief Administrative Officer and it is not replied to after five business days it is considered a denial and she did not receive anything from the Mayor. Mayor Nagle stated today is the fifth business day because yesterday was a holiday. Councilmember Lisonbee agreed and stated that she did not receive anything from the Mayor. Mayor Nagle stated that she received the resumes and she was reviewing them at 2:00 p.m. today. Councilmember Lisonbee stated the fifth business day would have expired at 9:00 a.m. today. Mayor Nagle stated the business day is all day long and today is the fifth business day. Councilmember Lisonbee stated she did not have time to review all of the resumes. Mayor Nagle stated told Councilmember Lisonbee not to be inaccurate; she did not deny the request and instead it was granted and it was granted within the time period for the appeal. Councilmember Lisonbee stated that she was informed that yesterday was the fifth business day. Mayor Nagle stated yesterday was a holiday. Councilmember Lisonbee stated it was a federal holiday. Mayor Nagle clarified that it was a state holiday as well.

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Councilmember Duncan stated the question he has is that if the City has determined that the denial of the records were a violation of GRAMA because the Council is a separate entity from the Mayor, what authority under GRAMA does the Mayor now have to release them today, especially since the private information was not redacted from the records. He asked why the Council has been told for three weeks that they were denied access to the records according to GRAMA, but the Mayor ultimately granted access to the records. Mayor Nagle stated that if the appeal would have been denied Councilmember Duncan would have been satisfied by that, but now that the appeal has been granted he wants to know why she granted it. She stated that the appeal process is in place for a reason; if issues were always rubber stamped there would be no reason for an appeal process. Councilmember Duncan stated his point is that the Council has been told that they could not have access to the records, but now they have been given access and his question is what has changed. He asked if the City's legal opinion has changed or has the Mayor made a decision contrary to the legal opinion and released the records. Mayor Nagle stated that Councilmember Duncan was told why she made the decision during the work session held prior to this meeting. Mr. Carlson added that first of all he never prohibited the Mayor from releasing the records. He added that when the appeal was filed on November 5 he sent an email to the Mayor and Councilmember Lisonbee explaining the appeal process and he outlined the weighing that the Mayor needed to make when making her decision by comparing the relative interests. He noted that he told the Mayor that, according to GRAMA, she needed to make her decision within five business days. He stated today is the fifth business day and if the Mayor had remained silent that would have constituted a denial, but that is not what happened and the Mayor elected to release the records. He stated the appellate balancing test is something she considered in making that decision and there were other interests she also considered when making her original decision to not release the documents.

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Councilmember Lisonbee stated that she wanted to point out that she asked Human Resources Specialist Monica Whitaker to email the records to her because it was inconvenient for her to come in and spend hours in her office. She noted that Ms. Whitaker claimed that it would not take her hours to go through the documents, but it did take her a very long time. She stated that in her original request she asked that the records be emailed to her and she still wants them emailed to her. Mr. Carlson stated that is something that can be addressed. He stated that once the decision was made to grant her access. . Councilmember Lisonbee interjected that the GRAMA law says that if she can view them, she can have them. Mr. Carlson stated that Councilmember Lisonbee just cut him off to say what he was about to say. Councilmember Lisonbee apologized for interrupting and reiterated that she would like the documents emailed to her. She stated that she also went to the trouble of contacting the County Attorney and asking him about this issue and it was the legal opinion of him and the attorneys under him that the City Council constitutes the same Governing Body as the Mayor. Mr. Carlson stated that they are part of the same government entity and he noted that in the legal opinion that he sent to the Council two weeks ago. Councilmember Lisonbee agreed.

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Councilmember Peterson stated he wanted to try to appeal to the common sense of the Council one last time. He stated that the Council can argue the law, but they are never going to get anywhere. He stated there is a resolution before them tonight to appoint a Police Chief and that is a yes or no decision and the rest of the issues can be ironed out later. He stated that right now the Council is embarrassing itself by having this discussion when the actual agenda item is to appoint a Police Chief. Councilmember Duncan stated that there is a citizen with a pending GRAMA request; that citizen has been denied access to the records he is seeking and he asked Councilmember Peterson if the Council is embarrassing itself by not moving forward and appointing a Police Chief or if it is embarrassing itself by saying there is something more important to do in appointing a Police Chief while ignoring what the citizens want. He stated that at some point in time the Council needs to recognize the citizens appeal rights. He added the citizen may have had an opportunity to give input if his request had not been denied and he asked who should be embarrassed and who did the wrong thing at this point in time. Councilmember Peterson stated it is still two different issues and, the following comments he has to make will not be popular, but the citizens had input when they elected the Council to make decisions. He stated the Council has the job to make a decision about this issue. Councilmember Duncan stated part of the problem is that he has not had a chance to review the resumes and if this is just an issue about the City Council making the decision, he has a problem with voting tonight because he has not had a chance to review enough information. Councilmember Peterson stated the Council has the opportunity to bridge the trust gap. He stated there were five very intelligent people on the hiring panel that interviewed the applicants.

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COUNCILMEMBER LISONBEE MADE A MOTION TO TABLE PROPOSED RESOLUTION R12-26 APPOINTING A POLICE CHIEF FOR SYRACUSE CITY IN THE INTEREST OF BEING TRANSPARENT BEFORE THE CITIZENS AND DOING THE COUNCIL'S STATUTORY DUTY, WHICH SHE BELIEVES IS ONLY POSSIBLE WITH A FULLY INFORMED COUNCIL WHO ARE REPRESENTATIVES OF THE PEOPLE. COUNCILMEMBER DUNCAN SECONDED THE MOTION.

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Councilmember Peterson encouraged Councilmember Lisonbee to address the questions they would like answered to himself and Councilmember Johnson. He stated they sat in on 10 interviews. Councilmember Lisonbee stated that the point is that she cannot ask questions until she has all the information in front of her.

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Councilmember Johnson stated that his take on this issue is that he thinks the City has selected a good candidate that will either be appointed today or another time and he thinks the process was a good process. He added, however, that out of respect and fairness to his colleagues he feels that the rest of the Council and the citizens need to have ample time to perform their review of the information. He stated he had ample time to review the information and Councilmember Peterson likely feels the same, but he does not know if the other three Councilmembers feel that they had ample time to review the resumes. He stated they were only released today and that is not a lot of time for the Council to review and digest the information. He stated that in his opinion, the candidate is good and the Council can move forward with appointing them, but he reiterated that it would be fair to allow the Council and the citizens time to vet the candidate properly; they need to feel that they have done their job and if that means tabling the issue that is what should be done. He stated if the rest of the Council does not have the information on which to base their decision, that is not fair. He stated it is also not fair to the citizens for the Council to make a decision without allowing them access to the full information. He stated that he feels that the resumes should have been released a long time ago and the issue would not have come to this point. He stated he believes that the same candidate would have been chosen even if the resumes had been released because he feels the process vetted out the right person. He stated there will be no problems created for the City if a Police Chief is not appointed tonight; the City will be fine no matter what decision is made. Councilmember Peterson agreed that tonight's decision will not impact the safety of the City, but the Council is going to look as ridiculous as it did last year when they tried to appoint a Fire Chief. He stated that Mr. Atkin is here tonight with his wife and he wants to work for the City. He stated he would not blame Mr. Atkin if he leaves tonight after hearing this discussion and decides he no longer wants to work for the City.

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Fire Chief Froerer stated that he is saddened and disappointed by what he is seeing and hearing tonight. He stated that he wanted to remind the Council of an evening in January and the Council is going down the same road as they did back then. He stated he is sorry there is so much animosity and distrust and contention over the GRAMA issue, but that is a separate issue. He stated that he is sorry that Councilmembers Duncan, Lisonbee, and Shingleton have so little faith in Councilmembers Johnson and Peterson who sat on the interview panel along with several others that chose a very good candidates; he is sorry that they cannot support the decision the panel made. He stated Councilmembers Johnson and Peterson are a part of the same body as the other three. He stated that he is the Fire Chief; a common man with common sense and he believes that all five Councilmembers could have participated on the hiring panel if they wanted to, but,

nevertheless, the two Councilmembers were there and he feels that the rest of the Council should support their decision that was made with collaboration from two other Police Chiefs, the Mayor, and the City Manager. He stated that it would be nice to have a good news story in the newspaper about Syracuse City for once rather than constant negativity. He stated that if the Council does not like the way he is serving as the Fire Chief, they have the power to recommend to the City Manager that he be dismissed. He encouraged the Council to give Mr. Atkin a chance as he is the person that was chosen by the panel as the top candidate for the Police Chief position. He stated that the Council has said that it does not matter if he is appointed tonight, but Chief Wallace is retiring at the end of the year and it would be good for him to have a chance to provide information to Mr. Atkin. He stated it would have been good for him to have the luxury of having time to work with the previous Fire Chief, but he did not get that chance as the previous Chief had resigned before he was appointed. He reminded the Council that the Assistant Fire Chief got so upset about the process that he resigned the night that Chief Froerer was supposed to be appointed. He stated that in an effort to provide some continuity in the office of Police Chief he thinks it would be great if Chief Wallace and Chief Atkin could work together for a month instead of waiting for the Council to look at the rest of the resumes. He encouraged the Council to move forward tonight and if they do not like what he is doing in a month, six months, or a year the Council has the power to recommend to the City Manager that he be removed. He recommended that they give the process a chance and move forward. He stated that putting this decision off is the wrong thing to do.

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Councilmember Lisonbee stated this is a totally different situation than the situation that happened in February. She stated that in February she was misinformed by other officials in Davis County and because of that she asked some questions during the Council meeting and she asked to table Chief Froerer's appointment. She stated that the next day she tried to schedule a special meeting that was blocked by the Mayor; she wanted to appoint him the very next day. She stated that today this is about the sunshine laws that have been passed in the State of Utah. She stated that two years ago when House Bill (HB) 477 came about and the GRAMA law was under question and the whole state was up in arms, she watched the Mayor post on Facebook to Hollie Richardson, the sponsor of the bill, and to other people about the important of having transparency and having government records available not only to government officials, but also to the citizens. She stated it is important and it is not two different issues in the sense that those records should have been made available three weeks ago. She stated this is not an emergency or a circus or a freak-show of the Council's making; this has been a labor of statutory duty of the Council and it is their duty to advise and consent. She stated that if the Council is being asked to trust two Councilmembers then the citizens should have just elected two people to the City Council, but the citizens elected five people with five independent and informed voices. Chief Froerer stated the perception is that the Council is a body of five and they cannot all participate in every function of the City. He stated the perception is that this about two separate issues to the common folks. He stated that the records issue is separate from the process that took place to appoint a new Police Chief. He stated that perception is often reality. He stated Councilmember Lisonbee can say that she wants to table tonight's appointment for a different reason, but the perception is that the same thing is going on that happened back in January when he went through this process. He stated that he does not understand it, but the right thing is to move forward. Councilmember Lisonbee stated that she appreciates Chief Froerer's thoughts, but she has heard from a lot of residents that want the Council to be informed on this matter and they want this to be an open and transparent process. She stated that she is not informed and she does not feel ready to vote yes or no. She stated she could not refuse the appointment of Mr. Atkin because she is not informed enough; she would like to do him the service of giving him her full approbation as her statutory duty as a Councilmember.

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Councilmember Peterson reiterated that he is asking the Council to become informed by asking him and Councilmember Johnson the questions they want answers to. He stated that he cannot participate in all of the other Councilmembers appointments and they cannot participate in his, so that is why everyone gives reports about the other assignments they participate in. Councilmember Lisonbee stated this is entirely different. She stated that City Code says that she has a statutory duty to provide advice and consent. She stated she can provide consent tonight, but she cannot provide advice unless she is fully informed and that is why the resumes should have been released three weeks ago when she requested them on October 24. She stated that as a City Councilmember she should have been given the respect of being given the information to do her duty before the citizens and she was not given that respect. Councilmember Peterson stated that Councilmember Lisonbee is defining being fully informed as having seen all the resumes, but he is telling her that he and Councilmember Johnson are prepared to fully inform her. Councilmember Lisonbee stated that they should have been the only two Councilmembers.

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Mayor Nagle stated that she wanted to point out that a resume gets someone the interview, but the interview gets someone the job. She stated that anyone that has sat on an interview panel knows that they can look at the very finest resume, but that person can be the worst candidate ever. She stated that the Council can look at resumes all day long, but that is not going to tell them who is the right person for the job. She stated that is why she used a process whereby there was adequate representation from professionals in the field of study, representation from the Council, as well as representation from the City. She reiterated the resume gets someone an interview, and an interview gets them the job. She stated she also wants to respond to Councilmember Lisonbee's comments about HB 477; she was absolutely against the HB and she visited the Capitol for the first time in her life and participated in a demonstration against it. She stated Hollie Richardson was not the sponsor of the bill; rather it was sponsored by John Dougal. Councilmember Lisonbee disagreed. Mayor Nagle stated that she said to Ms. Richardson that GRAMA laws are in place and they are sufficient and they should not be changed. She stated she is fully supportive of GRAMA and she thinks there are protections in place to protect what needs to be protected and there are safeguards in place to allow the release of things that should be released in the interest of transparency. She stated that since she has been in office the City has come from the very lowest in transparency to the highest ranked City in transparency; she has committed to and has been dedicated to being transparent in every process to her peril. She stated that she will not have the conversations behind the scenes like many choose to have; instead she has them right out in the open and she has been criticized for it. She stated that this process is transparent and robust and it has integrity and "we" are making a joke out of the process and system.

[7:56:44 PM](#)

Mayor Nagle stated that Police Chief Wallace has requested an opportunity to speak. Councilmember Duncan stated that he wanted to make a few comments in response to Chief Froerer before Chief Wallace addresses the Council. He stated that he respects and liked Chief Froerer and he respects that they have a difference of opinion regarding this issue. He then stated that if this is a crisis tonight and if this is a problem, why was the Mayor unavailable for three weeks to schedule a special meeting. He then asked why did this process not begin earlier if this is such a crisis. He stated that he was available to meet. Mayor Nagle stated that no one is calling this is a crisis. Councilmember Duncan stated that apparently the Council needs to act tonight or they will be the laughing stock or there will be no ability to provide a smooth transition. Mayor Nagle stated that is not a crisis and Councilmember Duncan is blowing it out of proportion. She stated that Chief Froerer was simply giving advice and asking the Council to listen to it; he is not saying this is a crisis but he is trying to invoke reason. Councilmember Duncan stated that means if the Council tables the issue tonight there will be no crisis. Mayor Nagle stated that Councilmember Duncan is trying to twist Chief Froerer's words. Councilmember Duncan then stated that he disagrees with the idea of hiring Mr. Atkin tonight with the thought that if the Council does not like him in six months he can be dismissed. He stated that is a totally unfair thing to say to a man that already has a prominent position in the Police Department he works for now. He stated that when the Council says yes to hiring him they must be able to make a commitment based on vetting the process. He stated that saying that he could be dismissed in six months is not a very comforting proposition to make; rather he would like to be confident in the decision made and that decision will not need to be reviewed in six months.

[7:58:59 PM](#)

Chief Wallace stated that Chief Froerer's comments were for hypothetical purposes and the situation of dismissing someone after six months is not very realistic. He stated that he has been around for a long time and he has seen many City Councilmembers take office and may Department Heads appointed throughout the years. He stated the thing that is interesting is that in all that time the process has been the same in hiring a Finance Director, Public Works Director, and a Fire Chief. He asked why this situation is any different from the Department Heads that have been appointed in the past. He stated this has become a battle between the Mayor and the people sitting to her left (Councilmembers Duncan, Lisonbee, and Shingleton); it really has nothing to do with the process of hiring a Police Chief. He stated that some of the most respected Police Chiefs in the State of Utah, Chief Keefe from Layton and Chief Ross from Bountiful, were asked to participate in the hiring process. He noted they reviewed the resumes and narrowed down the list of candidates for various reasons. He stated two of the candidates were from out of state and chose to decline to participate in the interview process. He stated the applications that the panel did not see were simply people that did not meet the minimum qualifications of the position posting. He stated that if the Council cannot trust their fellow Councilmembers or the Police Chiefs that are experts in their field and actually know some of the applicants. . . looking at the resumes are not going to tell the Council any problems that some of the applicants may have had in their past that the experts may actually be aware of. He stated that the panel chose the best people to interview; those decisions were not made by the Mayor or by Mr. Rice or any one person; rather the recommendation came from three Police Chiefs with assistance from Ms. Whitaker. He stated those that made it through that screening process were made available to the City Councilmembers participating in the interview portion of the process; the best person was chose through that process, but now because of the conflict between the Mayor and three Councilmembers

this issue will be drug out and he believes that the Council will ultimately arrive at the same decision though that may not be until a month into the future. He stated it is true that this is not a crisis, but this problem is something that could be avoided if the Council would simply trust those that participated in the screening and interview process. He reiterated it is the same process that got the City a Public Works Director and a Finance Director, but those processes were never questioned. Councilmember Lisonbee stated that the current Council was not seated when those appointments were made. Mayor Nagle stated Councilmember Lisonbee attending the meetings as a resident where those appointments took place and she never asked for the applicant's resumes. Chief Wallace stated that Councilmember Shingleton was in office when other Department Heads were appointed and the same process was used; Councilmember Lisonbee may be new to the Council, but for 20 years the same appointment process has been used.

[8:04:48 PM](#)

Councilmember Duncan offered a hypothetical example: what if a citizen gets a copy of the resume of one of the candidates that did not receive an interview so they call the City and ask why that candidate did not receive an interview even though he may have 25-years of experience. He stated the City may answer that the person did not receive an interview because he was fired as Police Chief before and they did not want that questionable issue in the process. He stated that his response (as the citizen) would be 'thanks, that helps me understand the process'. He asked what is so difficult about that. He asked why the Council or a citizen does not deserve those types of explanations. Chief Wallace asked if someone called Councilmember Duncan and asked why they did not get an interview. Councilmember Duncan said no, he was simply using that as a hypothetical situation. He stated that he is not saying that he cannot trust the people that were part of the panel, but Ronald Reagan always said "trust but verify". He stated that "we" can talk about trust, but in government there is a real concept. . .one of the things that frustrates the citizens more than anything else on the federal level is that the appointment process is nothing more than a rubber stamp. He stated that the candidate could be the worst in the world. Chief Wallace stated that is the federal government and this is local government and people right on the ground looked at every one of the applications and made certain verifications and if the Council cannot trust those that they work with, who can you trust. He stated the citizens ought to be able to trust three Police Chiefs, two Councilmembers, the Mayor, and the HR Director.

[8:06:53 PM](#)

Councilmember Lisonbee stated that she was not elected to trust Councilmembers Johnson and Peterson; the citizens did not go to the voting box to vote for her because she trusts them. She stated that the citizens voted for her because they wanted her to be an independent voice along with the other Councilmembers. She stated there were six people elected to the Governing Body; six people should have the information to make an informed decision. She stated she agrees that one cannot get everything from looking at a resume, but there is a reason people submit resumes and that is because it gives the entity an idea of their qualifications. She stated the idea that she should trust the other two Councilmembers and move forward goes against all she has said before about all of the citizens that have come to her and asked her. . .

[8:07:43 PM](#)

Chief Wallace asked Councilmember Lisonbee if she trusts Councilmember Peterson when he talks about what is happening at the North Davis Sewer District (NDSD) or Councilmember Shingleton when he talks about his assignments. Councilmember Lisonbee stated that is different because Title Two of the City Code does not regulate the appointment to the NDSD, but it does say that every member of the City Council should have available to them all records of the City in any Department, unless otherwise prescribed by law. She added that it also says that the Mayor makes appointments with the advice and consent of the Council. She stated that the word advice means something and she cannot give advice. Chief Wallace asked why Councilmembers Duncan, Lisonbee, and Shingleton did not take any time to come to the Police Department and ask questions. He asked why they did not talk to him. Councilmember Lisonbee asked what they should have talked to him about. Chief Wallace answered about hiring a new Police Chief and concerns about the resumes. Councilmember Lisonbee asked if Chief Wallace would have given her the resumes. Chief Wallace stated he would have answered any questions they had about the resumes. Councilmember Peterson stated that he and Councilmember Johnson are willing to do the same.

[8:08:58 PM](#)

Councilmember Johnson asked if it would help if the Council took a recess to allow the other three Councilmembers time to continue to review the resumes. He stated he is prepared to stay all night if necessary. Councilmember Lisonbee stated she thinks that is a great idea. Mayor Nagle stated she is fine with doing that, but she wants to point something out; there was a situation not too long ago where a City employee was dismissed and two members of the Council were vocal in admonishing City staff for the poor treatment of this employee. She stated she asked for those Councilmembers to talk with City staff to become educated on the situation because citizens were expressing their concerns. She stated even after a comment was made to one of the Councilmembers about what happened in another city relative to the granting of unemployment compared to the denial of employment for the dismissed Syracuse employee, there has still never even been a

question as to what happened or why the dismissal occurred. She stated if there are citizens asking the Council those types of questions and the Council is upset with the staff, why did they not follow up on that issue. Councilmember Lisonbee stated that she did follow up on that issue. Mayor Nagle asked Councilmember Lisonbee if she talked to Mr. Rice about it. Councilmember Lisonbee answered no. Mr. Rice stated that Councilmember Lisonbee never asked him about why the employee resigned. Councilmember Lisonbee reiterated that she did not talk to Mr. Rice, but she did follow up on the issue. Mayor Nagle stated that she did not talk to the Department Director that the employee reported to. Councilmember Lisonbee reiterated that she did follow up on it. Mayor Nagle asked Councilmember Lisonbee how she followed up if she did not talk to any of the managers involved. Councilmember Lisonbee stated that she did. Councilmember Duncan asked if Councilmember Lisonbee not following up on the other issue means that she is not entitled to the Police Chief resumes. He stated he does not understand the connection between the two issues. Mayor Nagle stated that her point is that the Council picks and chooses. Councilmember Duncan stated that if Councilmember Lisonbee does not do everything the way the Mayor thinks she should do it, then she ought not be able to be involved in anything. He stated that if Councilmember Lisonbee thinks the process of hiring a Police Chief is important enough to get involved in, "we" should not say that she did not get involved in another process so she should not be allowed to get involved in this one. He stated it is a fallacy to suggest that Councilmember Lisonbee not following up on the other issue negates her interest in the hiring of a Police Chief. Mayor Nagle stated she is trying to draw a parallel; Councilmember Lisonbee has said the citizens are concerned and she has an obligation to respond to them accordingly. She stated Councilmember Lisonbee has a history of not doing that and she reiterated that citizens came to her with a complaint, which they should do when they have a concern, and Councilmembers should find out what actually happened and report back to them. Councilmember Lisonbee agreed and stated that she tried for three weeks to get information. Chief Wallace stated that she never called him. Councilmember Lisonbee stated that Chief Wallace is not the line of command for her to get information according to Title Two. She stated she appreciates that he is willing to answer questions, but she asked for three weeks for the documents that she felt would make her an informed participant in the process. She stated that after being denied access several times she asked to meet with the Mayor and the Council; she called a meeting and she received a response from the Mayor telling her that her first availability to meet was November 13. She stated that on the day that she asked if the Mayor could meet earlier the Mayor was in town and attending another meeting, but she could not make herself available for a meeting with the Council for two and a half weeks. She stated that now the Council is here tonight and is being told that they should just trust all the people that were on the panel and that they should have just asked questions of them. Chief Wallace asked what is wrong with that. Councilmember Lisonbee stated that is not the way to gather primary information. Chief Wallace stated that Councilmember Lisonbee is getting government so bogged down that nothing can be done in the City without getting all five Councilmembers to read everything. Councilmember Lisonbee reiterated that she asked for the information for three weeks.

[8:13:16 PM](#)

Councilmember Peterson stated that he wanted the Council to either vote or take Councilmember Johnson's suggestion to take a recess.

[8:13:19 PM](#)

Councilmember Lisonbee called to question.

[8:13:23 PM](#)

**COUNCILMEMBER JOHNSON MADE A MOTION TO RECESS TO ALLOW THE COUNCIL TIME TO REVIEW RESUMES FOR THE POSITION OF POLICE CHIEF, IF THEY WOULD LIKE TO DO THAT.**

Councilmember Lisonbee stated that still leaves the citizens out. Mr. Carlson stated that he wants to be clear about the issue regarding the GRAMA request made by the citizen; the Council may elect to wait until the appellate process for the citizens denied GRAMA request is exhausted, but the Orem case that Councilmember Duncan referenced took well over a year before the trial court issued a decision. He stated that if the Council wants to follow that same route it is feasible that same time line could apply. Councilmember Lisonbee stated the process to appeal a GRAMA issue is different than the appellate process Mr. Carlson is referencing. Councilmember Peterson stated the Council can see the resumes and report to their constituents on what they have seen. Councilmember Lisonbee stated that is correct, but she got about half way through the resumes this afternoon and it took her an hour and twenty minutes. Councilmember Johnson stated that is fine and he has time to wait.

[8:14:19 PM](#)

Councilmember Shingleton stated that "we" are forgetting the principle that is being discussed and people keep saying there are two different issues, but that is really not true. He stated that information was requested and access was denied and it boils down to the right of the Council to look at what they want to look at, and the citizens to look at records. He stated that is the principle; it has nothing to do with bogging down government because the information could have been provided three weeks ago and the Council would be moving forward tonight. He stated that he takes offense that Chief

Wallace pointed out three members of the Council because he does not know what Councilmember Shingleton's thoughts were and he was making assumptions. He stated there have been a lot of assumptions made by people that are false. He stated he took the opportunity to come to City Hall and look at the resumes and he does not have a problem with Mr. Atkin, but he does have a problem with access to the records being granted at the last minute when it should have been granted three weeks ago. He stated the Council is all about information and all he asked for was to look at the documents. Mayor Nagle stated that he looked at them today. Councilmember Shingleton agreed and stated that he does not have a problem with Mr. Atkin, but he does have a problem with the fact that two members of the Council did not get an opportunity so see what they wanted to see. He stated those are inalienable rights that those Councilmembers have and Police Officers ought to understand that and Chief Froerer should understand that as well. He stated this is a totally different situation than the one occurred when considering the appointment of Chief Froerer. He stated comparing apples to oranges is incorrect. He stated there are certain rights the Governing Body, who was elected by the people of Syracuse, has and if they want information they ought to get it. He stated he is prepared to vote tonight, but there are two members of the Council that are not prepared to vote because they did not get the resumes. He stated that in the past if a member of the Council had a problem and they needed extra time, that time was granted. He stated this is not about personalities in spite of what is being said tonight. He stated that he is tired of the bickering and "we" need to move forward. He stated he would be comfortable taking a break to give Councilmembers Duncan and Lisonbee time to review the resumes.

[8:18:16 PM](#)

A resident approached to address the Council. Mayor Nagle stated that the Council has allowed people to come forward and speak when the issue was not open for public comment. Councilmember Lisonbee stated that if one person is allowed to speak then the Council must recognize everyone that wants to speak. Mayor Nagle stated the Council can choose to make a motion to allow public comment; the Council has already listened to two people earlier in the meeting. Councilmember Peterson stated those two people were the Fire Chief and Police Chief and he would suggest that the Council does not allow other people to make public comments at this time.

[8:18:54 PM](#)

Councilmember Duncan stated that he still has a huge concern; when he talks about "trust but verify" he is not just talking about the Mayor, he is talking about the entire City Council and there is a citizen that he thinks has made an absolutely reasonable GRAMA request and it has been denied. He stated maybe that citizen will go through the appeal process and find out that the denial was appropriate, but he does not think the City Council should recess to review the documents and say they are satisfied when there is a citizen that still wants to see the resumes. He stated that he understands the decision in the Orem case was persuasive and there are some differences between the two situations, but in terms of the factual pattern and the argument made by the judge, he finds what the judge said very compelling and he thinks that if the citizens want the resumes it is a shame they are being told they cannot have it. He reiterated that his concern is that the Council may have time to become comfortable with the resumes, but there is still a denied GRAMA request that could be appealed by the citizen and if he is right he should have the same access to the resumes that the Council does though his reason for wanting them may be different. Mr. Carlson stated that there are numerous factual distinctions between the Orem case and this situation, but he wants to simply narrow it down to the time frame issue and the process to have a GRAMA appeal heard by the Records Review Committee is a months-long process. He stated that discussion about tabling the issue for a bit is one thing, but Chief Wallace's last day with the City is December 24 and tabling the appointment of a new Chief until the appellate process is complete is not realistic as the process will not be complete by Christmas Eve.

[8:21:16 PM](#)

Mayor Nagle stated there is a motion to recess and she wanted to recognize that motion; she called for a second. Councilmember Johnson's motion to recess failed due to lack of a second. Councilmember Johnson asked if the rest of the Council was open to recessing. Mayor Nagle stated that she would imagine that if they were open to it someone would have seconded the motion. Councilmember Duncan stated there are still some issues that need to be discussed, but apparently some people want to recess before those issues are discussed. He stated that he has a real problem with the idea that the City does not want to get so bogged down in the appeals process and would rather move things forward and tell the resident that his appeal process will take longer than the City is willing to take. He stated that as a member of the City Council he thinks the citizen should be entitled to the records, but for the sake of expediency staff would prefer that the Council vote over the top of the citizen's GRAMA request. He stated that he wondered why a resume that has been redacted cannot be released to a resident; when looking at the decision made in the fourth district court, the one thing that is glaring is that the court ordered that the resumes be released once private information was redacted. He stated that the resume for the potential Police Chief was released without private information redacted and he wondered why. He asked if public interest is more important in releasing Mr. Atkin's resume than releasing the other resumes, but somehow the City cannot balance public interest versus GRAMA restrictions when considering releasing the other resumes with private information redacted. He stated that he does

not understand; if the City wants a fair and open process with transparency, he does not understand why the other resumes cannot be released in the favor of public interest. He stated he can understand that there may be one candidate that may not want their current employer to know that they applied for a job, but he cannot imagine that person saying that he hoped that none of the citizens would look at his resume and question why he did not get picked for the job. He asked if the City is trying to protect their privacy.

[8:24:14 PM](#)

Mayor Nagle interjected and stated that she appreciates Councilmember Duncan's point of view, but the Council is clearly at an impasse. She stated that there are differing opinions and those opinions have been heard. She stated that everyone has said their peace. Councilmember Duncan stated that he had more to say and controlling a meeting is not telling a City Councilmember to quit speaking when he is not done. Mayor Nagle stated that Councilmember Duncan is repeating the same information. Councilmember Duncan asked Mayor Nagle what it is about redacting the resumes and providing it to the citizen that requested it that is so wrong. He asked what the Mayor's interest in protecting the resumes. He stated the law requires her to have a compelling reason not to release the information and he asked what her reason is that is so compelling. Mayor Nagle stated that GRAMA is clear that resumes are a private document. Councilmembers Lisonbee and Shingleton disagreed and stated that is not correct if the resumes are redacted. Mayor Nagle stated that is their interpretation. Councilmember Lisonbee stated it is the fourth district judge's interpretation. Mayor Nagle stated that the Council is not going to agree and they will need to agree to disagree. She stated that she would like to let the process run its course. Councilmember Duncan asked why the City Council got the information and the citizen was denied the information. Mayor Nagle stated she is not going to continue this discussion.

[8:25:51 PM](#)

Councilmember Shingleton asked why the citizen cannot review the resumes if the private information is redacted. Mayor Nagle stated that is not allowed under GRAMA. She then stated that today was the fifth day after Councilmember Lisonbee's appeal and she was prepared to respond, but she had a conversation with Councilmember Shingleton and he said all the Mayor needed to do is show the rest of the Council the resumes and if that happened this whole issue would disappear because it is a trust issue. She stated that in response she decided to release the resumes in the interest of moving the process forward and trying to show that she is not trying to hide anything. She stated she had a one-on-one conversation with Councilmember Shingleton, but she has never been invited to have that same kind of conversation with any of the other concerned Councilmembers. She stated that is her reasoning and she stands by it and she is not going to hide from the fact that she does not think resumes should be released to the public because she thinks it is a bad practice. She reiterated that the Council can agree to disagree on this issue and that is fine; she is respectful of the other Councilmember's opinions and she asks them to be respectful of hers. Councilmember Duncan asked for a compromise; he suggested releasing the names of those that had applied for the position as that informant is not protected by GRAMA. He stated that if citizens are concerned they can research those people themselves. Mayor Nagle stated that is clearly not allowed under GRAMA because names are part of the information to be redacted. Councilmember Lisonbee stated that names are not controlled or private information according to GRAMA. Mayor Nagle stated that names on a resume are private information. Councilmember Lisonbee disagreed. Councilmember Duncan stated that he is not talking about releasing the resumes; he reiterated he would recommend releasing a list of the names of those that applied for the position. He stated that he is not making this request for himself, but for the citizens.

[8:28:08 PM](#)

Councilmember Johnson asked Councilmembers Duncan and Lisonbee if they are willing to take a recess to look at the resumes tonight. Councilmember Peterson stated that they could review the resumes and then report back to their constituents about what they found in the resumes. Councilmember Lisonbee stated that she appealed the original denial last Monday and she provided information about County Attorney Troy Rawlings opinion on the matter as well as the opinion from the Utah League of Cities and Towns attorney. She stated she also provided from the Utah GRAMA Ombudsman. She added the provided information that was legal reasoning to support her request and the Mayor chose noon today to allow her to take time out of her day to come and look at the resumes; she took an hour and twenty minutes, which she did not have time to do, to come to the City and look at the resumes. She stated that she told Ms. Whitaker that it was a lot of information and she needed time to process it. She stated that for her to agree to recess and then come back into the meeting to make a decision would be disingenuous to the process. She stated that the Council should be allowed to take their time to review the information. She reiterated that she asked for the information three weeks ago. Mayor Nagle interjected that the City received information from the State GRAMA Ombudsman that encouraged support of Mr. Carlson's opinion. Councilmember Lisonbee stated she would like to see that correspondence and she reiterated she had a legal opinion from Mr. Rawlings that said the Council should be privy to the information. She stated her point is that this process was not held

up by the Council; it was held up because of the inability of the Mayor to come forward with the information that the Council is clearly allowed by law to review.

[8:30:17 PM](#)

Mr. Rice suggested allowing Mr. Atkin to address the Council. Councilmember Lisonbee stated that in her opinion this is not about him and she does not want to make it about him. Mayor Nagle stated this is totally about Mr. Atkin. Councilmember Lisonbee disagreed and stated that if this were about Mr. Atkin the Council would be having a totally different dialogue. She noted that this is about transparency and statutory duties and following the law that all records should be opened to the Council. She then called to question, which, according to Roberts Rules of Order, is a motion to cease discussion and it is not debatable and it must be voted upon. Mr. Carlson stated that is correct if someone seconds the motion.

[8:31:17 PM](#)

COUNCILMEMBER LISONBEE CALLED TO QUESTION.

[8:31:20 PM](#)

Mayor Nagle stated she would first like to hear from Mr. Atkin. Mr. Atkin received a round of applause as he approached the Council. He stated that he is thankful for this opportunity and he is not only a proud Syracuse resident, but he is also proud to be the nominee for Police Chief of the City's Police Department. He stated he does not take this as a personal attack against him; clearly there are differences in opinions that will not be settled tonight and he believes that those differences would exist no matter who stood before them for appointment tonight. He then stated that he is extremely interested in leading the Police Department for years to come, but it seems this issue will not be solved tonight. He stated that the Council is elected officials and they have to act on their conscience; if they cannot vote on the appointment tonight that is understandable and he accepts it. He stated he is proud there are so many citizens in attendance, regardless of which side of the issue they support, that are interested in their City government. He stated the bottom line is that if the Council cannot vote to sustain his appointment he does not want them to move forward. He stated he believes the process was fair and he had a very good interview after investing a lot of time in the process and he is very thankful to be able to stand here tonight as the nominee. He stated he also wanted to thank the Police Department for the incredible showing tonight; that reaffirms how proud he will be to be a part of their Department.

[8:33:42 PM](#)

Mayor Nagle stated there has been a motion and a second to table consideration of Proposed Resolution R12-26 appointing a Police Chief for Syracuse City; she called for a vote. VOTING "AYE" – COUNCILMEMBERS DUNCAN, LISONBEE, AND SHINGLETON. VOTING "NO" – COUNCILMEMBERS JOHNSON AND PETERSON. Mayor Nagle declared the Resolution tabled.

#### 6. Councilmember Reports.

Councilmember reports began at [8:34:03 PM](#). Councilmember Johnson provided his report followed by Councilmembers Peterson, Duncan, Shingleton, and Lisonbee.

#### 7. Mayor Report.

Mayor Nagle's report began at [8:43:00 PM](#).

#### 8. City Manager Report.

Mr. Rice's report began at [8:49:09 PM](#).

At [8:50:33 PM](#) p.m. COUNCILMEMBER PETERSON MADE A MOTION TO ADJOURN. COUNCILMEMBER JOHNSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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Jamie Nagle  
Mayor

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Cassie Z. Brown, CMC  
City Recorder

Date approved: December 11, 2012