

COUNTY BOARD EXECUTIVE SESSION

Wednesday, February 19, 2020

PRESENT: Ms. Dalton, Ms. Dutton, Foster, Ms. Glasper, Goggin, Gray, Guy, Hankins, Ms. Harriss, Holliday, Jones, King, Madison, Malone, Michael, Moore, Parkinson, Pollard, Trucano, Valentine, Walters, Wesley

OTHERS: T. Gibbons, J. Ezra, J. Zoelzer, P. McRae, A. Schoeberle, C. Slusser, R. Faccin, D. Ming-Mendoza

*M. Walters chaired the meeting.

Executive Session was called to order to discuss the cross claim filed by Phil Chapman and to name a 30B6 designee to give a deposition on behalf of the County Board in the Chapman/Poshard case.

Mr. Ezra provided the board members a copy of Mr. Chapman's cross claim and explained what a cross claim is. He noted the document is public knowledge but the discussion is attorney client privilege. Mr. Chapman's cross claim will be represented by Jared Beasley. Mr. Ezra mentioned this claim is not geared towards the County Board but more so towards Kurt Prenzler and Doug Hulme. The claim follows the affidavit that was submitted by Brad Vanhooose indicating that confidential files were provided to him through an intermediary. Mr. Ezra stated that Mr. Chapman's position is that the submission of these documents were designed to get him to resign. Mr. Chapman's cross claim filing has not been officially accepted by the Court at this time due to being outside the timeframe to file; the courts will have to grant leave which has not been done yet. The Judge in this case is the same Judge that presided over the Dunnegan case. Mr. Ezra noted that discussions are still happening on whether a unified filing in opposition to this will occur or if each named party will file their own. Discussion was held on Brad Vanhooose's allegations of how he obtained the Hackett Report and the cooperation agreement between the Board and Mr. Chapman.

In depth discussion was held between the Board, Mr. Gibbons and Mr. Ezra regarding paying Mr. Chapman's legal fees and cooperative efforts between Mr. Chapman's attorneys and the Board's attorneys. The board members took turns voicing their concerns about the case in its entirety along with voicing their different viewpoints on the issues. There are currently \$151,575.60 in legal fees dated back to June, 2017; \$23,618.38 is still pending along with 2 more outstanding bills. The trial date will be in December. The possibility of settling the case was discussed briefly.

Mr. Ezra made the Board aware of a request by Ferne Wolf for a 30B6 witness to give a deposition on behalf of the entire County Board; he explained to the Board what a 30B6 is and the importance to designate someone who is credible and knowledgeable. The subject matters will include issues like training, day to day operations of her office, termination and damages. Mr. Ezra voiced that Tom McRae would be a good candidate.

Discussion was held regarding ways to communicate with Mr. McRae to effectively convey the opinions of the board members. The members voiced they may need to review closed session audios regarding Ms. Poshard to refresh their minds on the matter. It was noted that Mr. Chapman will need to abstain from the voting designating Mr. McRae the 30B6 witness.

Mr. Madison moved, seconded by Mr. Michael to move into open session. The ayes and nays being called on the motion to approve resulted in a vote as follows: AYES: Ms. Dalton, Ms. Dutton, Foster, Ms. Glasper, Goggin, Gray, Guy, Hankins, Ms. Harriss, Holliday, Jones, King, Madison, Malone, Michael, Moore, Parkinson, Pollard, Trucano, Valentine, Walters, Wesley NAYS: None.

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