

MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL
THURSDAY, AUGUST 09, 2018

I. CALL TO ORDER

Mayor Pro-Tem Miller called the meeting to order at 5:30pm. Council members in attendance: Ladwig, Baker Miller. **Rotwein & West were absent.** City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams.

II. PLEDGE OF ALLEGIANCE

III. PUBLIC COMMENT ON CLOSED SESSION ITEMS - None

IV. ADJOURNMENT TO CLOSED SESSION

1. Conference with Legal Counsel regarding threatened litigation from Mike Morgan regarding City Manager actions. Pursuant to California Government Code Section 54956.9 (a)

V. RECONVENE TO OPEN SESSION - CLOSED SESSION REPORT – Nothing to report.

VI. APPROVAL OF AGENDA

Motion (Baker/Ladwig) to approve the agenda. Passed 3-0.

VII. ITEMS FROM THE FLOOR - NONE

(Three (3) minute limit per Speaker unless Council approves request for extended time.)

VIII. DISCUSSION/ACTION AGENDA ITEMS

1. Discussion/Decision Regarding Allegations of Code of Ethics Violations by Planning Commissioner Mike Morgan.

Mayor Pro-Tem Miller explained that this meeting was requested by active members of the community regarding an ethics issue that involves Planning Commissioner Mike Morgan. This special meeting has been called with short notice. Originally, 4 Council members were expected to attend, but one realized earlier today that their attendance, by phone, would not be possible. We invite the community to share comments tonight.

City Manager Berman explained that the City's Code of Ethics for Council and Planning Commissioners provides that "any member may place an allegation of an Ethics Code violation on the City Council agenda, and it shall always be placed first in order on the agenda."

Councilmember Miller has requested such as discussion regarding the conduct of Planning Commissioner Mike Morgan, related to the June 19th complaint regarding Mr. Morgan, and the information and actions that have followed that complaint.

The initial complaint, and the response to it, are before the Council tonight for review. Since that response was created, the anonymous person described in the report has identified herself, and reiterated her account and concerns. The Council also heard directly from Mr. Brett Gregory, who stated he witnessed the initial incident.

A second complaint regarding Mr. Morgan's behavior has been filed and is also before the Council for review tonight. It is regarding a recent confrontation between Mr. Morgan and Mr. Gregory related to this issue. Mr. Morgan has also made a complaint against the City Manager in relation to Staff's response to the initial complaint.

Staff is concerned that 1) bringing weapons of any kind to public City meetings is unnecessary and destructive to the goals of fostering positive civic engagement, and 2) Mr. Morgan's response to Staff, members of the public, and fellow Commissioners with regard to the initial complaint has resulted in further complaints about his behavior, and generally inflamed the situation rather than helping bring it to any resolution.

Council questions included:

Ladwig: Was Mr. Morgan made aware of this meeting? CM Berman confirmed that we spoke to Mr. Morgan yesterday and alerted him of the scheduled meeting.

Baker: We may need to table this item. Asked the City Attorney to define "sanctions" in terms of disciplining fellow Council or Planning Commissioners.

City Manager Berman apologized for losing his cool as Mr. Morgan stated in his complaint.

Public comment included:

Tyler James – Trinidad Bay B&B

Read statement submitted by email on 08/09/18, supporting Mike Morgan and sharing his account of events as they unfolded following the alleged incident that occurred at the May Planning Commission meeting.

John Graves – Trinidad Planning Commission Chair

It is my personal opinion that Mr. Morgan has become a distraction to the City and should be removed immediately. I did not see a weapon displayed as alleged, but distractions like this are not helpful.

Tom Davies – I disagree that this is only a personal conflict. Dorothy came to me. Brett came to me. I received a cease and desist letter from Mr. Morgan. Personal issues happened after the initial incident. I can't sit next to someone who could harm someone in a Council meeting for speaking their opinion.

Brett Gregory – Trinidad

I was called a liar. I did say "F.U." to Mike after he said the same to me. I have surveillance video recordings of Mike and I's encounter at my business. I encourage you to watch it with me to see how Morgan behaved. It's obvious to me why Mayor Rotwein and Mr. Morgan are not here tonight.

Dorothy Cox – Trinidad

Recapped the account of the May 09 City Council meeting where Morgan was appointed, and of the May 16 Planning Commission meeting where the incident occurred. She met with the City Manager about the incident, but recent encounters with Morgan have left her very unsettled. Morgan's lies have been perpetuated. If he had just apologized and admitted he did it, this would not be an issue today. I've been name-called, taunted, and intimidated by Morgan. After the verbal assault at Salty's, I'm very concerned about running into him in town. I'm not a liar. He should be removed from the Commission.

Laurence Jourdan – Trinidad

I've had many personal and business dealings with Dan and Dorothy Cox, and Brett Gregory. They are not liars.

Pat Morales – Trinidad

I've been harassed by Morgan for many years. I do not speak to him. I filed a Police complaint, but Morgan refuses to answer Police questions.

Dan Cox – Trinidad

I'm disappointed that Rotwein and Morgan are not here tonight. I'd like to ask Morgan why Dorothy and Brett would make this up. My wife's integrity has been called into question. Brett and Dorothy have integrity. This should have been handled better by Morgan. I hope he gets removed.

Council comments included:

Ladwig: I'm sorry I missed the July meeting. Issue #1, Morgan is not here. Issue #2, He has had many opportunities to address and correct this. I do not appreciate his behavior and comments. I have a decision formulating in my mind, and this is the second time Morgan has been warned about behavior and violations of the Ethics Code.

Baker: I have spoken to everyone involved prior to this meeting. It means a lot to me when people make passionate testimony, but I would like to hear from Mike and Mayor Rotwein. However, John Graves' statement is very important to me. I voted to appoint Mike based on how he behaved moving forward since that date. As far as I'm concerned, he was on notice from that point on and since then several incidents have affected my feelings about this.

Miller: I appreciate Dorothy Cox's comments tonight. I have a great deal of confidence that she is not a liar. I recall back in 2005 when the ethic's code was adopted that there were many issues affecting personal behaviors among Councilmembers. We have the authority to remove Morgan from the Commission tonight, or continue this to a future meeting.

City Attorney Stunich reminded the Council that they cannot remove Morgan for Ethic's Code Violations, but they can remove him at any time if it is in the City's best interest.

Motion (Ladwig/Baker) to remove Mike Morgan from the Planning Commission, in the best interest of the City, effective immediately. Passed 3-0.

XIII. ADJOURNMENT: 7:30pm

Submitted by:

Approved by:

Gabriel Adams
Trinidad City Clerk

Dwight Miller
Mayor Pro-Tem