

August 13, 2024

// A special meeting of the Council of the City of Lynchburg was held on the 13th day of August, 2024, at 2:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Chris Faraldi, MaryJane Dolan, Jeff Helgeson, Martin Misjuns,

Larry Taylor, Sterling A. Wilder 7

Absent: 0

// In the matter of City Council, Agenda Item #1, Council considered adopting a Resolution #R-24-056 censuring and punishing Councilmembers Jeff Helgeson and Martin Misjuns for disorderly behavior and misconduct.

Mayor Reed motioned, seconded by Vice Mayor Faraldi, to adopt the resolution, excluding resolving clause #8.

Councilmember Taylor stated that he had discussed this issue with Mayor Reed, Councilmember Misjuns, and Councilmember Helgeson in order to come up with a peaceful solution. He asked City officials to forgive the Councilmembers for their lack of leadership. He expressed concern about how all of their behavior had been perceived by citizens across the country. He emphasized that it was essential that they put a stop to this conflict and ask for forgiveness from one another. He asked if Councilmembers Helgeson and Misjuns would like to apologize for the attitudes and actions displayed from City Council.

Councilmember Helgeson apologized for allowing personality conflicts and emotions to supersede Council's work representing the citizens of Lynchburg. He apologized for offending anyone as that was not his intent and he apologized for fighting too hard for the citizens.

Councilmember Misjuns expressed his agreement with Councilmember Taylor's comments; this issue had distracted them from doing business for the citizens. He apologized for being too forceful and trying too hard and offending both citizens and Councilmembers with his actions. He asked Councilmember Taylor who he stated was circulating a letter with apologies on it for Councilmembers to sign, who had signed the letter. Councilmember Taylor

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said he had signatures from Councilmembers Misjuns and Helgeson and needed one more signature from Mayor Reed.

Vice Mayor Faraldi stated that he was not satisfied with the communications had thus far regarding this issue. He said that he had apologized for losing his temper and saying things that were unproductive, which he acknowledged and would accept responsibility for. However, he was not satisfied with apologies from the Councilmembers and asked rhetorically to the citizens if they were satisfied with the apologies. He emphasized that the proposed resolution addressed how inappropriate it was to violate attorney-client privilege. He stated that he would accept an apology stating that the Councilmembers were regretful they violated and were in contempt of Council and that it would not happen again.

Mayor Reed expressed her agreement with Vice Mayor Faraldi. She stated that the actions that resulted in the proposal of this censure were that two Councilmembers violated attorney-client privilege and defamed the character and reputation of the City Attorney based on political motivations. She emphasized that discipline for misconduct was an obligation of their capacity as an organized body and was outlined in the language of the censure; everyone on the dais must be held to the same standard and integrity.

Councilmember Helgeson expressed concern that Councilmembers did not have enough time prior to this special meeting to digest the language of the proposed resolution. He stated he had concerns with the content of the resolution which may be best reviewed with legal counsel. He expressed concern that this proposed resolution did nothing to benefit the citizens of Lynchburg and only sowed further division on Council. Councilmember Helgeson made a substitute motion, seconded by Councilmember Misjuns, to table the resolution until the next regularly scheduled meeting of City Council on September 10, 2024.

Councilmember Misjuns asked to note for the record that he was not waiving his due process rights by participating in these deliberations. He expressed concern that the language in the proposed resolution barred himself and Councilmember Helgeson from discussing the

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City Attorney's performance and compensation, which was due to be discussed in an upcoming work session. Mayor Reed clarified that the City Attorney did not prepare the proposed resolution; it was prepared by outside counsel. Councilmember Misjuns said he was verbally submitting a Freedom of Information Act request for information pertaining to the preparation of the proposed resolution with outside counsel. He expressed concern that the City Attorney had the ability to prepare censures for elected officials but did not provide services for those elected officials to defend themselves. He expressed concern that attorney-client privilege had been violated by the Mayor and the City Attorney prior to his own violation of attorney-client privilege. He emphasized that conflicts of interest between the parties involved in preparation of this censure and its consideration during this special meeting may result in liabilities for the City and citizens.

Vice Mayor Faraldi clarified that due process was relevant for a legal court procedure, but as a legislative body, the City Council governs their own members.

Councilmember Dolan expressed concern that the dysfunction of Council was interfering with their ability to govern this City. She expressed her support for the resolution of censure because she hoped it would help the Councilmembers come to the conclusion that their behaviors had been detrimental to Council.

Mayor Reed stated that she had discussed with Councilmember Taylor her hope that if repentance was displayed by the offending members of Council, then the censure would not be necessary. She expressed concern that she had not heard any genuine apology for the actions that brought them to this current situation; rather, Councilmembers had voiced more excuses and unrelated deflections and accusations. Mayor Reed called the vote for the substitute motion.

With no further discussion from Council, the following vote was recorded:

Ayes: Helgeson, Misjuns, Taylor	3
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Noes: Dolan, Wilder, Faraldi, Reed	4
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Councilmember Misjuns expressed concern that they did not have a thorough deliberative process to discuss the issues outlined in the proposed resolution. He asked what definition of disorderly behavior and misconduct was being referenced in the document. He asked what the concern was about releasing a recorded phone call when that action is considered legal under state law. He asked if it was true that a majority of Council must agree to release information from an email from their attorney. He noted that Mayor Reed's remarks in a radio interview and Mr. Freedman's remarks at the dais violated attorney-client privilege. He asked why Council wanted to give less than 24 hours' notice to present this proposed resolution without subpoenas for testimony and fact-finding.

Councilmember Wilder stated that he continued to pray for their community as they received comments from all over the country regarding the past two years of dysfunction with City Council. He expressed sorrow over how this affected everyone so negatively and hoped they could return to some semblance of normalcy as soon as possible. He stated that he supported the resolution so they could get back focusing on the issues that affected the City rather than issues outside of Council's purview.

Councilmember Helgeson expressed concern regarding the short amount of time Councilmembers were given to review the information presented in the proposed resolution. City Attorney Matthew Freedman replied that regarding whether due process in a legislative censure session would entitle him to counsel constitutionally, he did not believe it did. He said that due process in this setting referred to whether he had an opportunity to respond to what had been presented. He said that Councilmember Helgeson had an opportunity right now to respond. Councilmember Helgeson expressed concern that it was too short of a time frame to respond to the language in the proposed resolution.

Mayor Reed called the vote for the original motion.

With no further discussion from the Council, the following vote was recorded:

Ayes: Dolan, Wilder, Faraldi, Reed

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Noes: Helgeson, Misjuns, Taylor

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// The meeting adjourned at 3:50 p.m.

Clerk of Council