

**THE SPECIAL MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD MARCH 26, 2008 AT 7:00 P.M.  
AT CITY HALL, 120 W. 6<sup>TH</sup> STREET, BENSON, ARIZONA**

**MAYOR FENN  
OPENED THE MEETING AT 7:00 P.M WITH  
THE PLEDGE OF ALLEGIANCE.**

**PRESENT WERE: MAYOR FENN, VICE MAYOR KING,  
COUNCILMEMBERS LODZINSKI, McGOFFIN, SACCO, SUAGEE and TIPTON**

Invocation: Mayor Fenn introduced Jeff Bernal who gave an invocation.

Call to the Public: Frank Sandefur spoke in favor of the Mayor and stated he would not want to see him resign and any action against the Mayor should be stopped.

Jean Ruiz stated she is disappointed in the Council and would like to see them get back to business and take care of Benson.

Phyllis Little addressed Council stating the City of Benson should follow the same rules enforced on others and that an investigation should be launched into the appearance of conflicts of interest between Mayor Fenn's position with the City and his outside interest. Ms. Little then spoke regarding her experience with the City and its enforcement of the code violations. Ms. Little stated the rules need to be enforced consistently. Ms. Little then stated in her employment history, prior to being hired as a mid-level federal government employee, she was required to endure a six-month investigation by the FBI, which centered on moral character and honesty in financial dealings as well as follow up investigations throughout her employment. Ms. Little stated she was bound by ethical rules and conflict of interest laws, concluding that officers and employees of the City serve in public positions which are positions of trust and information access; therefore it is imperative that they adhere to all rules and regulations, including conflicts of interest laws. Ms. Little then stated an investigation is always necessary when it appears that the processes a government official is overseeing or enforcing could be manipulated to serve his or her own purposes. Ms. Little then stated she and her husband feel there is a definite appearance of a conflict of interest between Mayor Fenn's job as Mayor and his personal business, therefore there should be an investigation into that appearance of a conflict.

Greg Davis stated he was speaking to give support to the Mayor. Mr. Davis stated when Mayor Fenn's honesty and integrity are in doubt; he has cause to question those who doubt it.

Pat Christensen spoke stating she wants a leader who knows what development is about. Ms. Christensen then stated she voted for Mayor Fenn because he was a developer and could help Benson. Ms. Christensen then stated she questioned the motive of those wanting to investigate his conduct.

Christine Lambert spoke stating she did not think Mayor Fenn would put his reputation, his family, his business or his employees on the line by doing anything illegal. Ms. Lambert then stated the accusations that have been made are simply accusations and that she has not seen any proof of any wrongdoing.

Ms. Lambert then stated elected officials should do the job they were elected to do.

David DiPeso stated he had seen a letter concerning charges against Mayor Fenn and stated the letter contained normal business practices and nothing more. Mr. DiPeso stated if there was a conflict of interest, it was not addressed in the letter. Mr. DiPeso then stated he had seen several issues in local politics, citing the previous City Manager had been threatened with investigations by the Attorney General, the former Mayor going through the same thing as well as the previous City Attorney. Mr. DiPeso stated there seemed to be a pattern emerging that disturbed him and he would like to see it stopped.

Melissa DiPeso spoke stating the City is going to lose with the current situation, regardless of what happens. Ms. DiPeso stated many people don't want to become involved in the community because of this type of politics. Ms. DiPeso stated Mayor Fenn has had many dealings with a trusted friend who has told her Mayor Fenn is on the up and up in his business dealings.

Councilmember Suagee then asked Mayor Fenn if she could respond. Councilmember Suagee then stated it was not a comfortable position to be in; asking for an investigation on someone that she respects in many ways, but that government should question itself and not pass on everything, which she feels the City has done for a long time. Councilmember Suagee then stated she and Councilmember Tipton felt they should not pass on this issue.

George Scott spoke stating he had been on the Council for six years and that he still received phone calls from developers and others trying to do business in Benson and that in the last six months it has become almost impossible to get a subdivision approved, land annexed, a business opened or even a remodeling project done. Mr. Scott then stated he would like to give a brief history of local politics. Mr. Scott stated when he was the Mayor, the previous City Manager had threats of an investigation by the Attorney General from Councilmember Tipton before she was elected, but it never came about because there was nothing to investigate. Mr. Scott stated after enough, the former City Manager resigned. Mr. Scott then stated he was next, with Ms. Tipton coming before the Council for a year with petitions requesting his resignation as Mayor and that she was going to have his business investigated also. Mr. Scott stated no investigation was performed saying the Attorney General stated there was nothing to investigate. Mr. Scott stated after the current Mayor took office, Councilmember Tipton then wanted the City Attorney investigated and the City Attorney had enough and resigned. Mr. Scott stated next was the Mayor who is one of the most respected business people he has ever dealt with in the City of Benson. Mr. Scott asked why he was being investigated and asked who would be next. Mr. Scott then suggested that anyone who wanted to buy into this situation and go into the Executive Session should think of resigning to save the taxpayers the cost of a recall election, and if any City staff bought into this political situation, that they should think of resigning as well.

Councilmember Tipton then stated that everyone is entitled to their own opinion and that it's not easy to stand up for what is right. Councilmember Tipton then stated with half-truths, it is easy to try and make someone else look bad. Councilmember Tipton then stated that if anyone wanted to speak to her about anything she did, she would be happy to talk to them and show documentation on what happened, whether it was regarding the previous City Attorney, the former Mayor or the former City Manager.

Mayor Fenn then quieted the crowd and stated the Call to the Public would be resumed.

David Lambert then called a point of order citing state statutes that the City Council is not permitted to enter into discussion during the Call to the Public. Mayor Fenn stated an individual Councilmember may respond only to criticism made by those who have addressed Council during the Call to the Public. Mayor Fenn then asked the meeting be kept in order and civilized.

Jim Gray then spoke stating he is dismayed by the current situation and that he has seen the letter addressed to Mayor Fenn containing the accusations against Mayor Fenn. Mr. Gray then stated he sees no conflict of interest problems, just competition. Mr. Gray then asked if any complaint has been brought forward in writing and the date of the complaint, if it exists. Mr. Gray stated if there is no complaint in writing, it shouldn't have gotten this far. Mr. Gray stated in the letter it refers to "the circus of newspaper articles supporting Mr. Fenn as well as the outpouring of support from individuals...". Mr. Gray stated this bothers him and that if he came out to voice support for someone or something he believes in, it is not a "circus". Mr. Gray then stated again if there was not something valid to pursue, it should not have gone this far and that if there was a true conflict of interest, he would like to see it.

John Whiteside then addressed Council stating the agenda stands as published and after the executive session, the only item for action is the direction to the City Attorney to engage a special counsel to investigate certain questions regarding a possible conflict of interest. Mr. Whiteside then stated nothing else may or should be discussed. Mr. Whiteside stated regardless of whatever questions may be under investigation, he feels it will be to the benefit of all parties to clear the air.

Ron Brooks then spoke stating that he tries to do his best to make the community he lives in better. Mr. Brooks stated he was unhappy with how the Council used to be. Mr. Brooks stated there is always a possibility of conflicts of interest and it's proper for the Council to look at those situations; however, Mr. Brooks felt Council should deal with the person directly. Mr. Brooks stated if it was not then addressed to Council's satisfaction, it should be brought to the public. Mr. Brooks then stated he felt Mayor Fenn is a man of integrity and that others should be held accountable for what they say about someone unless there is proof. Mr. Brooks stated that is slander and that Council needs to be careful when bringing forward accusations to the public and the media. Mr. Brooks then stated this should not continue unless there is proof of any wrong doing.

Luzy Meza spoke reading a letter that was signed by many citizens, saying they would like to go on record stating Mayor Fenn was elected to his position by an overwhelming margin and those voters knew his profession and it didn't bother them. Ms. Meza continued saying those who know Mayor Fenn can attest to the strength of his character; he has integrity and above all, honesty in a time when those qualities seem in short supply. Ms. Meza stated this is proven by the fact that he does not want proceedings to go on behind closed doors; he truly believes the people he represents have a right to know, rather than be kept on a need-to-know basis. Ms. Meza continued saying the Mayor has not only a vision for the City of Benson, but also compassion for its citizens. Ms. Meza said if every person here would give of themselves for the betterment of this community the way Mayor Fenn has, there would be no limit to the accomplishments that could be achieved, however, that goal would require both teamwork and unity, which sadly, seem to be lacking. Ms. Meza, then concluded saying they hope the members of Council will do what they were elected to do, which is to simply

make this town a place that we can be proud to call home. Ms. Meza then thanked Council for their time and stated the signors of the letter sincerely hoped Council considered the thoughts and opinions of those who put Council in the seats they currently held.

David Lambert then spoke stating he had many things to say but most had already been said. Mr. Lambert then stated Mayor Fenn removed himself from the last Council meeting while items that he had a conflict of interest on were handled. Mr. Lambert stated those items were passed unanimously. Mr. Lambert stated Mayor Fenn's honesty and integrity were top-notch. Mr. Lambert then stated the other people involved were questionable. Mr. Lambert then stated he had addressed Council a few months ago and would like to remind Council, that they should watch what they say to the public and media, since it is borderline slander and libel and that Council will be liable for their actions.

Toney King, Sr. then addressed Council saying that Mayor Fenn asked for everything to be conducted publicly and he felt that if the Mayor wanted it done publicly instead of in an executive session, it should be done publicly. Mr. King then stated Council has a lot of work to do, with the upcoming Budget meetings and other projects.

CONSENT AGENDA:

None.

NEW BUSINESS:

EXECUTIVE SESSION: Pursuant to A.R.S. sections 38-431.03 (A) (2) and (3) for discussion and consideration of records exempt by state law [A.R.S. section 38-507] from public inspection and for legal advice from the City's Attorney concerning a request for an investigation and opinion regarding alleged conflicts of interest on the part of the Mayor.

Mayor Fenn opened the item to entertain a motion to enter into executive session. Councilmember Suagee then asked Mayor Fenn what he desired. Mayor Fenn stated he felt he made it clear from the start that it did not need to be in an executive discussion and that anything that can be discussed amongst the Council be available to the public.

City Attorney Thomas Benavidez then addressed Council stating that under State law A.R.S. § 38-507, requests for opinion on conflicts of interest are confidential and that if the specific details are to be discussed, it would need to be done in an executive session. As for legal advice, it was up to the Council whether to have it privately, publicly or not at all.

Councilmember Tipton then stated there had been much speculation that Councilmembers Tipton and/or Suagee requested the executive session and asked for the attorney to clarify the situation.

Mr. Benavidez then stated he put the executive session on the agenda to allow Council to discuss details of the possible conflicts of interest. Mr. Benavidez verified that the issue of a possible conflict of interest can be discussed, but the details can not be discussed. Mr. Benavidez stated once a written opinion is offered and filed with the City Clerk, the opinion becomes public record.

Councilmember Sacco then stated he took exception to that and that the requests submitted were not a request for an opinion, but a request for an investigation, therefore do not fall under the purview of A.R.S. § 38-507. Councilmember

Sacco said at this state of the inquiry, the facts have not been determined nor has there been a party appointed to make such determination. Formal opinion definitely involves and aligns with the statutes in relation to a specific fact situation rather than rendering advice with respect to various hypothetical situations. And as such, the request submitted this far by Ms. Tipton and Ms. Suagee does not meet the requirements of A.R.S. § 38-507 and therefore the contents of such are not confidential.

Mr. Benavidez then addressed Council and stated in his view the purpose for the attorney to undertake the investigation would be to give an opinion. Mr. Benavidez stated an investigation, would have an establishment of facts and an analysis of those facts, which would constitute an opinion.

Councilmember Sacco then restated that the letter signed by Ms. Tipton and Ms. Suagee was not a request for an opinion, but a request for an investigation and therefore does not fall under the purview of A.R.S. § 38-507.

Councilmember Suagee then stated she did not expect the attorney to give an opinion on the issue, but to advise Council on how to proceed with the request. Councilmember Suagee then stated she did not want an opinion, but a third party investigation to give objectivity to the process.

Mayor Fenn then stated the process is about him and that the allegations, innuendo and accusations are about him and that he has everything to lose by exposing this to the public, but that he does not want to go into an Executive Session. Mayor Fenn stated he would gladly talk about anything that has been alleged and wants to make it clear to the public that he does not have any issue with a third party investigation and that he would happily answer under oath any question that any attorney or whoever is appointed would ask of him, as he would expect of anyone else questioned in this affair. Mayor Fenn then stated that in other matters regarding personnel, the subject has the right to have the meeting in public and believes he has that same right. Mayor Fenn then stated there has not been a motion made to go into an Executive Session and asked if there would be a motion made. This item then died for lack of a motion.

Discussion and potential action to direct the City Attorney to engage a special counsel to investigate and opine upon allegations of conflicts of interest on the part of the Mayor:

Mayor Fenn asked Mr. Benavidez for his opinion on a discussion of this item. Mr. Benavidez then stated he anticipated there would be discussion regarding the direction to undertake action, but that the specific details are meant to be confidential under the State Statute. Mayor Fenn then opened the item for Council discussion. Councilmember Tipton then stated she felt the item to be discussed was to only include whether or not a special counsel was desired. Councilmember McGoffin stated it was open for discussion and would like to know why there was a need for an investigation. Councilmember Suagee then stated without getting into specifics, based on the City Attorney's advice, and for the reason that Mr. Brooks stated; we don't want to create a body of accusations. Councilmember Suagee stated she felt she had not made accusations, but after speaking with another developer, had questions. Councilmember Suagee stated she could not share detailed information based on the City Attorney's advice. Councilmember Suagee stated she sent a confidential letter to Mayor Fenn and did not share that letter since it was of a sensitive nature. Councilmember Suagee then stated Council has a responsibility to the public to uphold the law and abide by the public trust that is given them; that Council takes an oath to do their duty in upholding the law, in making the law and anything else Council

does. Councilmember Suagee then stated she felt if the Mayor had nothing to hide, that the investigation should proceed. Councilmember Suagee stated she has no motive but transparency in government and that after a proper third party investigation, the public can see what has been seen by Council. Councilmember Suagee then asked if the City was going to say that we should grow at any cost, let's not check ourselves, or monitor ourselves, that any kind of growth is good, so we should go out and get it. Councilmember Suagee stated she did not believe that.

Mayor Fenn then restated the item at hand and asked if Councilmembers could give a reason for the necessity of a third party investigation. Mr. Benavidez then addressed Council stating that discussion on whether or not to hire a third party investigator is within the scope of the agenda item.

Vice Mayor King then stated that most details were out in the public and that Council was in a difficult situation.

Councilmember Sacco stated he had not seen any evidence to support allegations and did not feel it was necessary to hire a third party to conduct an investigation since he has seen nothing but hearsay and allegations.

Councilmember Lodzinski stated that the City Council is governed by State Statutes and regulations from the State regarding irregularities and conflicts of interest and that Council is required to investigate those instances. Councilmember Lodzinski then stated if the City conducted an investigation, it could be done locally rather than involve the State.

Councilmember Tipton then stated that a lot of people view investigations as a bad thing, but they are not. Councilmember Tipton stated an investigation is a good thing; doing one of two things: clearing someone or convicting someone. Councilmember Tipton stated that when allegations are brought forward to Council; they don't always have all the details and rather than Council get involved; Council listens to the complaints and then directs someone to investigate the complaint. Councilmember Tipton stated that Mayor Fenn did not object to the investigation, therefore we should have the investigation and either clear Mr. Fenn or tell Council what he did wrong. Councilmember Tipton then stated the investigation was needed in order to reach a conclusion and that a good reason to have the investigation conducted by a third party is to maintain objectivity and reach an unbiased conclusion. Councilmember Tipton then restated she saw the investigation as a good thing to put an end to this once and for all and it should be allowed to move forward.

Councilmember Sacco then spoke stating that conflict of interest laws establish an objective standard of conduct under Arizona conflict of interest standards, and that a public officer or employee has a conflict of interest if he or she has a substantial interest in any decision, referring to Statute 38-503(A) and (B) that he or she must disclose that interest and refrain from voting on the issue. Councilmember Sacco stated a substantial interest is a profitable or proprietary interest either direct or indirect other than a remote interest. Citing Statute 38-502(11), Councilmember Sacco stated the interest for purpose of disqualification does not include a mere abstract interest in general subject or a mere possible contingent interest. Councilmember Sacco stated a conflict of interest must involve a profitable or proprietary interest by which a person will gain or lose something. Councilmember Sacco then stated profitable means money and proprietary means ownership and that without full disclosure of alleged conflicts, proper evaluation is impossible. Councilmember Sacco stated further with respect to the disclosure of a request letter to the City Attorney, in light of the

State of Arizona's statutory policy, favoring disclosure, the best procedure is that the records be presumed to be open to the public for inspection as public record. Councilmember Sacco then stated the confidentiality should be left to the Mayor's determination after weighing his interest of privacy and confidentiality against the best interest of the City.

Mayor Fenn then asked City Manager Martin Roush if the City has in any time since he has been Mayor, received a written complaint from any developer, citizen or businessman with regards to the City of Benson. Mr. Roush stated the City had not. Mayor Fenn then asked if there had been any verbal complaint that has been recorded by any staff member. Mr. Roush stated to his knowledge, there had not. After asking if Mayor Fenn's question included Councilmembers, Councilmember Suagee stated she had a verbal complaint recorded with her. Councilmember Dianne Tipton said she had also had a verbal complaint. Mayor Fenn then asked how recent the complaint was and Councilmember Suagee answered it was on Monday. Mayor Fenn then stated the alleged interaction was with Mayor Fenn's partner and a developer who is developing the retail center in the Wal-Mart parking lot on the east side. Councilmember Tipton then asked if this discussion was in the scope of the agenda item. Mayor Fenn then stated the discussion addressed whether there was a need for an investigation, which he did not oppose, and to set a timeline, stating the interaction between Mayor Fenn's partner and the developer occurred late summer or early fall of 2007. Mayor Fenn then stated he did not talk to the developer and did not know his name until it was mentioned in Councilmember Suagee's letter. Mayor Fenn stated he wanted to know if this situation had been on-going or if it was a new situation. Mayor Fenn verified that Councilmember Suagee had spoken to him on Monday and Councilmember Suagee stated it was the first time she had spoken to him; however, he had spoken to Councilmember Tipton prior to that.

Councilmember Suagee then read from the Attorney General's Public Service Orientation Document which covers conflicts of interest, open meetings and other items that public officials are to abide by. Councilmember Suagee then stated the document says there are preliminary steps to take before any issue arises; to think of possible ways that a conflict of interest could occur, to think about yourself, your spouse and your other relatives and to file initial conflict of interest forms with the person designated in your agency to maintain them. Councilmember Suagee then stated Council does this at the first of the year with the City Clerk, which are public records. Councilmember Suagee continued, stating the law does not require intent, therefore, perfectly innocent conflicts are as damaging as intentional self-dealing; therefore you need to think in advance to identify any real or potential conflicts. Councilmember Suagee then stated when the recent work session was had training Council on conflicts of interest; the attorney informed Council that if a Councilmember had unknowingly committed a conflict of interest and then realized it, they are to immediately file a notice of the conflict with the City Clerk. Councilmember Suagee then restated the steps to take when a conflict of interest occurs, which is the Councilmember must file a conflict of interest form with the person designated in your agency to maintain them each time a Councilmember or their relatives have a substantial interest in a matter. In addition to that, public officers have an obligation to inquire into facts and inform themselves about possible conflicts. Councilmember Suagee stated this pertains to her position as a Councilmember and that if there is something about which there is a conflict of interest, that she has a public duty, whether the public understands it or not, to follow through and request that an investigation happen into whether or not there is a conflict of interest. Councilmember Suagee then stated what has been asked for in writing is that an investigation proceed and then moved to hire the third party investigator to investigate this issue. Seconded by Councilmember Tipton.

Vice Mayor King then stated with his years of service on the Council, he just recently had official training on conflicts of interest. Vice Mayor King then expressed his frustration in the lack of education of the Council concerning such matters.

Councilmember McGoffin stated she was aware of her potential conflicts of interest and felt she had removed herself from items where there was a potential conflict of interest. Councilmember McGoffin then stated her concern was that the conflicts were a year in the past and she felt Council had all spoken to Mayor Fenn to address their concerns and Council should move forward. Councilmember McGoffin then asked if any complaints had been received in the last two weeks. Mr. Roush stated a formal or recorded complaint has never been made to the City Manager. Councilmember McGoffin then stated the Council had many important things to do and should move forward.

Councilmember Tipton spoke addressing the public, stating when Councilmembers are approached from the public and are asked to look into a situation, it is their duty to listen to the complaints and move it forward. Councilmember Tipton stated there were some issues that were conflicts and there are people who have registered their complaints with herself and Councilmember Suagee. Councilmember Tipton stated Council was bound not to give out some information and then maintained that an investigation is the way to end this situation.

Mayor Fenn stated he would like to see the registered complaints. Mayor Fenn then stated he felt the timing of the events was interesting, given that he served four years on the Council and to his knowledge never had any registered complaints of a conflict of interest, and that there were times during his service that he abstained from actions regarding his business interests in town and some that were very remote that he did not need to abstain from, but did anyway. Mayor Fenn then stated he felt he had served as Mayor honorably and continued with his business interests as before. Mayor Fenn stated as he looked back on staff interaction, there may have been times he thought he was speaking in the capacity of a developer, but seen by staff as the Mayor. Mayor Fenn then stated he now understood that and had taken great steps not to interact with staff regarding anything with his business affairs, however, he did question if he could continue in this manner, saying it was difficult to express his opinions as a builder or developer and not being perceived as the Mayor while doing so. Mayor Fenn then stated that it hurt that after 12 years of conducting an honorable business, he is called into question by basically the allegation of one outside interest that happened to be building a building the same time he had and that it seemed to negate everything good he had done in the City. Mayor Fenn stated he felt he had explained that to all the Councilmembers and came away from those meetings feeling they understood how things came about, and yet through the communication in the Council packet, that the matter is being brought back up, as well as new and completely false allegations about things that he has allegedly done and that through an investigation, they will be proven to be absolutely false and erroneous and possibly defamatory. Mayor Fenn then stated the motion on the floor was to direct the City Attorney to engage a special counsel and asked for clarification regarding what would happen should the motion pass.

Mr. Benavidez stated if the motion carries, he would undertake to select and engage an outside attorney to conduct interviews, pursue an investigation pursuant to his or her investigatory judgment and then synthesize that information with the statutes and render an opinion to the City Council.

Mayor Fenn asked if those interviewed would be under oath. Mr. Benavidez stated it would simply be an interview. Mayor Fenn then asked if the person being questioned, including himself, could have legal representation during the interviews. Mr. Benavidez stated he felt it would be up to the party conducting the investigation. Mr. Benavidez then stated under the Constitution of the United States, one always had a right to representation, but that there was no legal proceeding occurring here, saying there was no lawsuit. Mr. Benavidez then stated the Mayor could have an attorney present for his interview.

There was a question of cost for an investigation from the audience.

Mr. Benavidez then stated he estimated the cost of the investigation to be \$20,000.00 to \$25,000.00.

Mayor Fenn then stated he would have his interview under oath, conducted in public.

Councilmember Suagee then asked if the Council turned down the third party investigation, what would happen next. Mr. Benavidez stated he felt he would have a responsibility to investigate the situation himself. Mr. Benavidez stated there is a provision in the City Code that if he is requested to give an opinion, that he is to do that and professionally and ethically, he would need to do that. Councilmember Suagee asked if the County Attorney or the Attorney General would have an interest in the matter. Mr. Benavidez stated they may, but that it would be the responsibility of the City Attorney to investigate, stating it was his recommendation to allow outside counsel to ensure there would be no accusation of bias on the City Attorney's part.

Councilmember McGoffin then asked if there were attorneys from Mr. Benavidez's office who had not been to Benson and therefore would be less biased; however, Mr. Benavidez stated a conflict of one attorney in his office would be a conflict of all.

Mayor Fenn then asked Mr. Benavidez if he felt he could do a preliminary investigation and bring it back to Council, possibly resolving the situation among Council or informing Council that it would need to go further. Mr. Benavidez stated he could undertake the interviews he felt appropriate and bring that information back to Council. Mr. Benavidez also stated that if he were not directed to engage outside counsel to conduct the investigation, he would still feel he would have an ethical and professional responsibility to undertake the investigation himself.

Mayor Fenn then stated the motion on the floor was to direct the City Attorney to engage a special counsel to investigate allegations of conflict of interest on the part of the Mayor. Motion failed 5-2 with Councilmembers McGoffin, Lodzinski, Sacco, Vice Mayor King and Mayor Fenn voting nay.

Councilmember Lodzinski then moved that the City Attorney be instructed to conduct interviews, investigate the allegations and present the findings to Council. Seconded by Councilmember Suagee. Motion passed 4-3 with Councilmembers McGoffin and Sacco and Vice Mayor King voting nay.

CITY MANAGER REPORT:

None.

COUNCIL DIRECTIVES:

None.

Adjournment:

Vice Mayor King moved to adjourn at 8:41 p.m. Seconded by Councilmember McGoffin. Motion passed 7-0.

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Mark M. Fenn, Mayor

ATTEST:

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Vicki L. Vivian, City Clerk

My name is John L. Whiteside and I live at 1091 W. Possum Lane.  
As I understand the agenda, after the Executive Session, the only item for  
action is Direction to the City Attorney to engage a Special Counsel to  
invaestigate certain questions regarding possible Conflict of Interest.  
The Agenda stands as published! I EXPECT that we will stick EXACTLY to the  
Agenda... Since this is a special called meeting, NOTHING  
ELSE MAY OR SHOULD BE DISCUSSED...'..  
Irregardless of whatever questions may be under investigation, I

Feel that it will be to the benefit of ALL PARTIES to clear the air!  
Thank you for your attention and consideration.

COMMENTS TO BENSON CITY COUNSEL, 26 March 2008.