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CITY OF  
PROSPECT, KENTUCKY

SPECIAL  
CITY COUNCIL MEETING

MARCH 11, 2013

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4 COUNCIL MEMBER TUCCI: And I think  
5 the first order of business is for somebody to make  
6 me official.

7 COUNCIL MEMBER LEONARD: I'd like to  
8 make a motion that we name Sandy Tucci as the  
9 chair for this meeting.

10 MR. SPEAKER: Second.

11 COUNCIL MEMBER TUCCI: All in favor.

12 COUNCIL MEMBERS: Aye.

13 COUNCIL MEMBER TUCCI: I think I'll go  
14 home. That's -- that acclamation feels so good,  
15 and I'll leave while I'm ahead.

16 Okay. I think everybody understands that  
17 we're meeting tonight to decide upon the  
18 procedure for the election for the now vacant  
19 position of mayor. So -- and -- and the terms of  
20 this meeting are that there is no public comment.  
21 This is a decision the council makes. And it  
22 should be open. You should hear what we're doing  
23 and what our thoughts are; but it's not one where  
24 there will be public comment.

25 Our city attorney, Grover Potts, has prepared

1 and distributed a memorandum to all of us that has  
2 two parts to it, as I read it. One is the relevant  
3 law pertaining to this, and the other are some  
4 suggestions for how to actually go about doing it.

5 It's really important to me that whatever we  
6 do, however we do it, it not only be legal and fair,  
7 but that it be perceived as legal and fair. There is  
8 a difference there.

9 I think all of us can remember the Bush/Gore  
10 election. You remember the famous hanging  
11 chads, and that produced flocks of lawyers flying  
12 into Tallahassee. Probably their billable hours  
13 amounted to the annual budgets of a number of  
14 small countries.

15 It was bad for our country. It was bad for  
16 Bush. It was bad for Gore. We looked silly to the  
17 world. 200 years of democracy and we couldn't  
18 manage an election. It made it very difficult for  
19 both Bush and Gore to think about should --  
20 whichever one of them would turn out to be the  
21 winner, to decide how am I going to set things up?

22 And the worse part of it was when it was all  
23 finished, because we had all of that confusion, all  
24 of the charges and countercharges in between,  
25 instead of it being the sort of election where,

1     yeah, your guy lost, maybe, and you're sorry he  
2     lost, but you understand that, you know, they  
3     counted the votes and that's how it was, instead  
4     there was a lingering feeling that somehow or  
5     other, if you were on the losing side, the deck had  
6     been stacked. It wasn't, but it's a bad thing for  
7     Bush to have car -- had to carry into his first term.

8         It's a hard job being mayor of Prospect, and I  
9     hope that we can do this in such a way that  
10    whoever becomes mayor does it with everybody  
11    believing that it was a clear, fair, and orderly  
12    process. So that's -- that's my main thought as we  
13    go through setting this up.

14        The first part of Grover's memorandum to us  
15    is sort of this is the law. It seems to me it says  
16    three things. The first is the 30-day period that  
17    council has to select a mayor. That 30-day period  
18    will expire on April 10th.

19        Now, parenthetically, we've got another clock  
20    running there. The other clock that is running is  
21    the budget for the next fiscal year. In an ideal  
22    setting, it's in the April council meeting that the  
23    mayor presents his budget. In the May council  
24    meeting, after council has had a month to look at  
25    it, then council talks about the budget. And in the

1 June council meeting we vote on it.

2 Now, you can all do the math. April 10th, and  
3 then, what, like, April 18th or something and the  
4 new mayor is supposed to have a budget?

5 Now, the world doesn't come to an end if that  
6 doesn't happen. What happens is we do it just like  
7 the United States Congress does. We just run on  
8 last year's budget, but it's not a good situation.  
9 So it's important that we try to do this correctly,  
10 but also efficiently.

11 Another part of the law says that a majority of  
12 council members is required to select the mayor.  
13 There's six council members; that means four  
14 people are required to select a mayor.

15 And the third item of law is that no council  
16 member may vote for himself or herself. I think  
17 that's all clear.

18 Now, I'm just going to speak personally about  
19 the second part, and then I'm going to turn the  
20 meeting over to -- for everybody else to put his or  
21 her "or" [phonetic] in.

22 I have some serious concerns with the second  
23 part of these recommendations.

24 Grover suggests that we begin by winnowing  
25 the pros -- the number of candidates down from

1 what we presently have, five, to three, and we do  
2 that by everyone on council ranking all the  
3 candidates. And the two candidates who have  
4 the -- the least support would automatically be  
5 dropped from the voting, and that that selection  
6 process -- that preliminary selection process would  
7 be done anonymously, so no one would know  
8 whether I ranked Evan Comer Number 1 or Number  
9 5.

10 Now, there are a couple problems with that.  
11 One is the open meeting law, which says that we  
12 can't do things anonymously. You have to say who  
13 you're voting for or how you're voting, and I have a  
14 problem with -- with that.

15 The other problem I have is that even though  
16 it may not be an election, it sure looks like an  
17 election. And that first-step -- part of the process  
18 is one where every council member has an  
19 opportunity to vote in his or her own interest.

20 So here we have a situation where, you know,  
21 if it looks like a duck and it walks like a duck and  
22 it quacks like a duck, I think it's a duck. And I  
23 think that winnowing process is an election.

24 And I think that if we stick with that; the loser  
25 could well decide that a number of this -- part of

1 the state law has been violated and sue. And even  
2 if that doesn't happen, it may not look quite so fair  
3 and open as we would like it to look.

4 If we have 50 candidates -- we have 5.

5 COUNCIL MEMBER LEONARD: Could I  
6 ask for a point of clarification? You said there  
7 were two problems.

8 COUNCIL MEMBER TUCCI: Uh-huh.

9 COUNCIL MEMBER LEONARD: One is  
10 you've got trouble with the anonymous ranking.

11 COUNCIL MEMBER TUCCI: Uh-huh.

12 COUNCIL MEMBER LEONARD: I guess  
13 I'm --

14 COUNCIL MEMBER TUCCI: And the  
15 other -- the other problem is that we -- not me,  
16 because I'm a not a candidate, but other people  
17 would, in essence, have an opportunity, certainly,  
18 to vote to their own advantage in how they would  
19 rank those -- those six or five.

20 COUNCIL MEMBER LEONARD: Okay.  
21 And tell me what you think that does. I guess I'm  
22 not --

23 COUNCIL MEMBER TUCCI: I think it  
24 violates the part of the law that says a council  
25 person cannot vote for himself or herself. That

1 first round --

2 COUNCIL MEMBER LEONARD: I see.

3 COUNCIL MEMBER TUCCI: -- is a vote.

4 COUNCIL MEMBER LEONARD: Okay.

5 COUNCIL MEMBER MILES: And -- and

6 I --

7 COUNCIL MEMBER TUCCI: But that's all

8 I have to say. Now it's -- yeah, I --

9 COUNCIL MEMBER MILES: And -- and --

10 COUNCIL MEMBER TUCCI: -- said my

11 piece.

12 COUNCIL MEMBER MILES: And I'm one

13 of the people who would totally benefit from the

14 system. And if -- you know, if I wanted to ride a

15 system that would be for my best interest, if

16 somebody wants to be mayor, I would want it that

17 way, because I could vote for myself. I could rank

18 myself Number 1, and then I could rank the person

19 who I think is my closest competition Number 6,

20 and no one would know it.

21 And -- and on top of that, I'm getting to vote

22 for myself, and Mr. Comer, who's here right now as

23 it stands, and -- and I hope that Mr. Gorman will

24 reconsider putting his name back in, I don't think

25 that's fair to him. He doesn't get to vote. He

1 doesn't get to rank.

2 And, you know, I think a 7-year-old would look  
3 at that and think it's not fair.

4 COUNCIL MEMBER LEONARD: Except he  
5 doesn't have any --

6 COUNCIL MEMBER MILES: Pardon?

7 COUNCIL MEMBER LEONARD: Playing  
8 the devil's advocate, only the council can make a  
9 determination.

10 COUNCIL MEMBER MILES: Right.

11 COUNCIL MEMBER LEONARD: An  
12 outside -- a person who is not on the council --

13 COUNCIL MEMBER MILES: Oh, I agree.  
14 Right.

15 COUNCIL MEMBER LEONARD: -- cannot  
16 participate in the decision-making process.

17 COUNCIL MEMBER MILES: No, no. I  
18 agree, but -- but I think that the only way that  
19 you -- and there are several parts of this, but I  
20 think -- on the voting part, I only think the way you  
21 can make that fair is only have people who aren't  
22 having their name in the hat. And at this point in  
23 time it would be Ms. Tucci --

24 COUNCIL MEMBER TUCCI: Be Mr.  
25 Brab -- you and I.

1 COUNCIL MEMBER MILES: -- and Mr.  
2 Brab would be the ones who would get to do the  
3 ranking. And the people who want to have their  
4 name in the hat don't get to do the ranking.

5 CITY ATTORNEY POTTS: Let me -- let  
6 me kind of jump in at this point and tell you my  
7 thought process in suggesting this proposal. First  
8 of all, I don't believe that the ranking constitutes  
9 a vote, because you are not voting on the office of  
10 mayor. You are ranking candidates for the office  
11 of mayor, and there is distinction there which I do  
12 believe has a difference; but notwithstanding that,  
13 you are absolutely correct that if someone didn't  
14 like the process, they could challenge it.

15 COUNCIL MEMBER TUCCI: Uh-huh.

16 CITY ATTORNEY POTTS: There is no  
17 process that is set up in either the law or the  
18 regulations dealing with this how you go about the  
19 selection process or determining who will be the  
20 mayor.

21 COUNCIL MEMBER MILES: Uh-huh.

22 CITY ATTORNEY POTTS: So you are left  
23 with here's what you're supposed to do within 30  
24 days, but no guidance on how you do it other than  
25 when you get to the point of voting for a mayor,

1 anyone who is a council member may not vote for  
2 himself or herself for that position.

3 My purpose in setting out a process was  
4 simply to put on paper and get you thinking about  
5 what is the appropriate way for us to come to a  
6 decision on who will be the mayor.

7 Now, the positive aspect of where we are now  
8 is that you have 5 individuals who are interested  
9 in pursuing the position. That's better than having  
10 1 and better than having 50, as you used in your  
11 example; but there needs to be some process by  
12 which you-all determine who the mayor is to be.

13 One of those processes -- one of that -- a -- a  
14 simple process would be to take all 5 people who  
15 have submitted their -- their names and vote for  
16 each one of them, and use that as a way of  
17 determining the mayor. Whether or not that is a  
18 process that you choose to adopt is certainly  
19 within your purview.

20 My purpose in setting out the -- the process  
21 that I have set out was that it allowed you teach  
22 rank -- and -- and, again, maybe I'm -- I'm being  
23 overly optimistic, but I believe this council would  
24 give serious thought to how they evaluated all of  
25 the candidates and ranked them accordingly, and

1 not necessarily rank them because they were one  
2 of the candidates.

3 Now, I -- I'm -- maybe I'm being overly  
4 optimistic that that would happen, but I think when  
5 5 -- with -- with 6 people grading you; any  
6 advantage that one person might get by ranking  
7 himself or herself as a 1 and others thinking  
8 they're not, that would be overcome simply by  
9 the -- the numbers, but there is -- like I said, there  
10 is no process. There is no guidance for how you  
11 should do this.

12 So you are perfectly free to select any  
13 process you want. I am simply putting this out in  
14 front of you as a means of getting this to a  
15 workable number. For you, maybe 5 is a workable  
16 number. Maybe 6 would have been a workable  
17 number.

18 To me, that bothered me only because it would  
19 have required a lot of discussion in public, which  
20 we should have; but it would also probably lead to  
21 an inability to make a determination. And the last  
22 thing that I think any of us wants is at the end of  
23 30 days for this decision to be passed on to the  
24 governor.

25 So all I want to -- you know, all -- whatever

1 you agree to, assuming that, you know, we don't  
2 violate the -- the state law that says you can't vote  
3 for yourself, we have -- you know, we simply have  
4 to reach that decision by the 10th of -- of April.

5 I want to comment on the -- the number of  
6 persons required to elect the mayor, and -- and I  
7 have stated that my position is that because an  
8 individual is prohibited from voting on himself or  
9 herself as the mayor does not reduce the  
10 members -- the number of members on the council.  
11 You still have 6. It would require 4 votes for you  
12 to elect a mayor.

13 I -- I used as an example today with -- with  
14 one of you when I was discussing this, I said, "How  
15 many people would have to vote for Mr. Comer for  
16 him to be mayor?" And the answer was, "Four  
17 people would have to vote for him -- Mr. Comer."

18 Well; then, why would less than 4 people have  
19 to vote for someone who is on the council? Now,  
20 the argument is, well, a person on the council, that  
21 member can't vote for himself or herself and you,  
22 therefore, reduce the number voting from 6 to 5. I  
23 wish I could come to that legal conclusion because  
24 it would simplify matters, but I simply can't come  
25 there, because I think the prohibition on having

1 the individual council member vote does not  
2 reduce the number from 6 to 5. The council is still  
3 a 6-person council.

4 I -- I know that some of you have looked at --  
5 at -- at the law. You've contracted the Kentucky  
6 League of Cities, and I'm -- I'm perfectly happy  
7 with you doing that. I urge you to do that,  
8 because they're in the same position that I'm in  
9 trying to figure out how this works.

10 One of you had a case that was decided in --  
11 in Bowling Green where there were 12 council  
12 members, and 6 members voted for an ordinance  
13 and 5 voted against it, and 1 said, "I pass." That's  
14 really not the situation that we have here, because  
15 that's an -- that's an act of that individual. And in  
16 that case, that passed, and under established  
17 common law goes with the majority.

18 So if you would say, well, it's 3 plus the 1  
19 member who didn't work -- or who didn't vote  
20 makes 4, then the member's actually voted for  
21 themself. And -- and that's not something that you  
22 can do because it's prohibited.

23 So I wish I could say that it was, in my  
24 opinion, 3 council members necessary to elect  
25 someone if the person -- if there is a council

1 person not voting for himself or herself. I can't  
2 get there.

3 COUNCIL MEMBER LEONARD: Actually,  
4 I -- I -- I did ask for clarification from the  
5 Kentucky League of Cities legal department,  
6 because I can appreciate the fact: As old as  
7 Kentucky is and as long as some of these rules  
8 have been in -- the laws have been in existence,  
9 there seems not to be a great deal of common law  
10 in this area. There certainly, we would agree, is  
11 no statute.

12 So I have asked for clarification because I  
13 look at it differently. I look at it: If the voting  
14 pool is 5, how can we require a super majority by  
15 requiring 4 affirmative votes? And I can  
16 appreciate the fact that it's -- it is very, very  
17 nebulous.

18 COUNCIL MEMBER BRAB: Okay. I'd  
19 like to --

20 COUNCIL MEMBER MILES: And --

21 COUNCIL MEMBER BRAB: -- jump in  
22 here, and what we're talking about is what we're  
23 not agreeing on, and I think the most important  
24 thing that we can do is start this process by what  
25 we do agree on, if everybody would follow that line

1 of reasoning.

2 And I think all the people sitting out here in  
3 Prospect deserve that this decision be made and  
4 stay in Prospect. So can we all agree, and do  
5 voice vote, or do whatever you want to do, that we  
6 want this decision, with everything we possibly can  
7 do, to stay within Prospect; that it doesn't go to  
8 the governor. Does anybody disagree with that?

9 COUNCIL MEMBER LEONARD: I don't --  
10 I don't know what -- if you mean that we're not  
11 going to request outside legal opinions, I wouldn't  
12 agree. If you mean that the final vote would be  
13 accomplished prior to when it would go to the  
14 governor, I think all of us would agree with that.

15 CITY ATTORNEY POTTS: And I think  
16 that's what he's saying.

17 COUNCIL MEMBER BRAB: Exactly.

18 COUNCIL MEMBER TUCCI: That's what  
19 you're saying.

20 COUNCIL MEMBER MILES: Yeah, I -- I  
21 don't -- I don't know why anybody would want to --

22 COUNCIL MEMBER BRAB: Okay.

23 COUNCIL MEMBER MILES: -- reject  
24 their responsibility.

25 COUNCIL MEMBER BOWLING: As -- as

1 far as voting on it, though, the -- the only problem  
2 I have with that is -- is, you know, the law says if  
3 we don't come to an agreement, that that -- that's  
4 where it goes. So we can all sit here and say  
5 "yay," but if we still don't -- we still have to come  
6 to an agreement --

7 COUNCIL MEMBER MILES: Right.

8 COUNCIL MEMBER BOWLING: -- where  
9 by law that's where it's going. So I -- I just don't  
10 know what -- you know, I --

11 COUNCIL MEMBER MILES: And I think  
12 I --

13 COUNCIL MEMBER BOWLING: -- I think  
14 we all agree on that. I think that's --

15 COUNCIL MEMBER TUCCI: It's an  
16 aspiration.

17 COUNCIL MEMBER BOWLING: Yeah.

18 COUNCIL MEMBER TUCCI: It may not be  
19 a reality.

20 COUNCIL MEMBER MILES: Right;  
21 exactly.

22 COUNCIL MEMBER BOWLING: I do think  
23 that a good thing, that we're all on the same page  
24 there.

25 COUNCIL MEMBER BRAB: Okay. That's

1 a start. There's a start.

2 COUNCIL MEMBER BOWLING: Yeah,  
3 sure.

4 COUNCIL MEMBER BRAB: Let's have a  
5 "yay" for that one.

6 The second thing I think that we have to agree  
7 on is Grover's laid for us a process here.  
8 Obviously, there's been a lot of discussion here,  
9 and it's -- there's some disagreement with it, but  
10 as I said to several people on the council and to  
11 Ann and to Grover at the very start of this  
12 process, because there's no guidance on this, how  
13 do you do it?

14 And -- and, candidly, you know, from my point  
15 of view, I think we've done this wrong, and I just  
16 want to put this out there. We should have  
17 decided on this process before we asked for  
18 people that are interested. I've never, ever in my  
19 life applied for a job or tried to work some place  
20 where I didn't know exactly the parameters that I  
21 was going to be working under; what was expected  
22 of me; the compensation; everything associated  
23 with that job.

24 Additionally, when I filed to -- to run for  
25 office, and this is closer to the -- closer to the

1 situation, I called the election commission down  
2 in -- in Louisville, downtown, and I said, "What do  
3 I need to do? What are the rules?"

4 And, you know, it's pretty simple. You had to  
5 file these papers. You had to agree that you  
6 couldn't spend more than this or you had to have  
7 an elec -- you know, a -- a campaign committee,  
8 and you had to have so many people sign for you,  
9 and then you had to write a check to give -- on  
10 the -- you know, put on account.

11 The problem we have now is -- is we have five  
12 people who are all interested in this, and five very  
13 well-meaning and qualified people that are  
14 interested in this, and we're trying to come around  
15 behind and tell them how we're going to decide  
16 their fate. And I think that's wrong, but, be that  
17 as it may, that's just another statement I wanted to  
18 make.

19 And I've -- I've thought a lot about this. I've  
20 talked to a lot of people. I've talked to the  
21 Kentucky League of Cities.

22 At the last regular council meeting I said  
23 that -- to the council that I was going to call other  
24 cities that had gone through this same dilemma in  
25 the last several years. We found nine cities -- or

1 we were advised by the Kentucky League of Cities  
2 that there's actually nine cities that had gone  
3 through this in various sizes.

4 And what was quite clear from that was that  
5 there -- they did it all sorts of different ways. You  
6 know, one city decided it's not coming from at the  
7 council, period. We're going to take somebody  
8 from the outside.

9 Another city, they said nobody wants it.  
10 We're going to appoint you anyway. I wonder how  
11 that one's working?

12 But, anyway, the -- the one thing that was  
13 quite clear in talking to all of the county clerks  
14 and some of the mayors of those cities, and -- and  
15 Rob Bowling and Mike volunteered to help me with  
16 this because it took some time, is that one thing  
17 they said is a council can do anything they want in  
18 this processes. There is no laws or regulations  
19 other than the prohibition on vote -- that you  
20 cannot vote for yourself, that guides this process.

21 So I think that needs to be in -- reinforced in  
22 our thoughts, that the ultimate decision on this  
23 resides with the council, and, you know, we've just  
24 got to think about it that way. And as long as we  
25 abide by two things, and thank you for bringing

1     them up, which was the prohibition on voting and  
2     the open meetings act, those are really the only  
3     two things we're guided by.  As long as we do  
4     everything else in public, we can do pretty well  
5     what we want as far as the rules.

6           So I -- does anybody disagree that council --  
7     again, trying to get some place with positive mo --  
8     motion here, do -- does anybody disagree that the  
9     council can pretty well do anything they would like  
10    in this process --

11           COUNCIL MEMBER MILES:  Well, I -- I  
12    mean --

13           COUNCIL MEMBER BRAB:  -- other than  
14    violating the prohibition?

15           COUNCIL MEMBER MILES:  Clearly we  
16    can't violate the law, but I'll -- I -- I don't think we  
17    can set out a process that isn't fair.  And I don't  
18    care who we are.

19           COUNCIL MEMBER BOWLING:  We  
20    shouldn't.

21           COUNCIL MEMBER MILES:  I'm -- we --  
22    we shouldn't.  We shouldn't.

23           COUNCIL MEMBER BOWLING:  I think we  
24    can, but we shouldn't.

25           COUNCIL MEMBER MILES:  We

1 shouldn't.

2 COUNCIL MEMBER BOWLING: Right.

3 Sure. Sure.

4 COUNCIL MEMBER MILES: Right. And I  
5 think if we do that, we do it not only at our own  
6 personal detriment, but we -- we taint our city,  
7 and we taint the process, and we taint a mayor  
8 that hopefully would have gotten to that place  
9 without --

10 COUNCIL MEMBER LEONARD: Uh-huh.

11 COUNCIL MEMBER MILES: -- being  
12 tainted. And -- and we make everybody's life on  
13 this council miserable for the next two years.

14 And I -- I want to say -- and I'm not critical of  
15 Gor -- of Grover. I think we've given a Gordian  
16 knot by having so many people on this council  
17 want this job. You don't have to have a Ph.D. in  
18 social psychology and be an expert in group  
19 dynamics, I am, to realize when you have four  
20 people out of six who want the same job, that that  
21 is trouble.

22 And -- and -- and -- and it sets up a situation  
23 when there -- you could have conflict. And I can  
24 understand Grover's -- I understand the thinking  
25 behind it being anonymous, because that way

1 people don't get their feelings hurt about, wow, he  
2 ranked me less than them or what have you; but I  
3 think we're all big boys and girls, and I think that  
4 has to be open and honest.

5 I think we have to be accountable for every  
6 decision we make up here, and I don't think  
7 anybody -- when I said on the ranking, that, you  
8 know, they would put them first and -- and the  
9 most worthy opponent last; but it gives the  
10 potential for people to think they did. And I don't  
11 want --

12 COUNCIL MEMBER TUCCI: Uh-huh,  
13 that's --

14 COUNCIL MEMBER MILES: -- there to be  
15 that potential.

16 COUNCIL MEMBER BOWLING: And --  
17 and, Stuart, I -- I don't necessarily disagree with  
18 anything you said, but I think the -- the main  
19 reason it's easy to -- to maybe pick apart Grover's  
20 thing is -- is because, like you said, this -- this is  
21 going -- this is going to be a terrible procedure,  
22 you know.

23 You ve got this law that says these six people  
24 decide, and four of those six people are --

25 COUNCIL MEMBER MILES: Right.

1 COUNCIL MEMBER BOWLING: --  
2 running. It's going to be a self-serving procedure.  
3 And, you know, like Bill said, you know, we called  
4 the Kentucky League of Cities, the -- the governing  
5 body that knows every single city and mayor,  
6 and -- and they said it's precedented. They said,  
7 "We can't give you an idea. We can't give you any  
8 help. We just want to let you know we're following  
9 this. We want to see how this turns out." And so  
10 if -- if you --

11 COUNCIL MEMBER TUCCI: We are --  
12 will we get to be the good example or the bad  
13 example --

14 COUNCIL MEMBER BOWLING: Well, I'm  
15 not sure.

16 COUNCIL MEMBER TUCCI: -- is the  
17 question here.

18 COUNCIL MEMBER BOWLING: We're  
19 going to be the example, good or bad, you know.

20 But I -- in thinking about this, and, you know,  
21 we've all, you know, put our heads to this, and --  
22 and you can look at Grover's and say, I'm not --  
23 I -- you know, there's some things, but I don't  
24 know anybody that's come up with anything better,  
25 and that's the problem. You know, if -- if you talk

1 about saying, you know, we need to do it in the  
2 open --

3 COUNCIL MEMBER MILES: Right.

4 COUNCIL MEMBER BOWLING: -- then  
5 you've got to remember there's -- there's six  
6 people here.

7 COUNCIL MEMBER MILES: Uh-huh.

8 COUNCIL MEMBER BOWLING: And you  
9 can't vote for yourself.

10 COUNCIL MEMBER MILES: Right.

11 COUNCIL MEMBER BOWLING: And so  
12 there's only going to be five people voting.

13 COUNCIL MEMBER MILES: Uh-huh.

14 COUNCIL MEMBER BOWLING: And, of  
15 course, nobody's going to vote for their opponents  
16 because they want to win, and we've all agreed we  
17 don't want to it go to the governor.

18 COUNCIL MEMBER MILES: Right.

19 COUNCIL MEMBER BOWLING: So you --  
20 you know, you've got say, you know, where do we  
21 start? And, you know, I think Grover's is a  
22 starting point, you know. It's -- it's -- it's going to  
23 be bad. Whatever we pick, I don't think it's going  
24 to appease everybody, and I don't think it's going  
25 to be a great procedure just because I think we've

1     been given a task that's not necessarily able to  
2     find a -- a -- a great compromise.

3         So just saying that, I guess my point in  
4     looking at Grover is saying, yeah, maybe I could  
5     find a few things that -- that aren't perfect, but I  
6     don't know that I can ever give anything better,  
7     you know. And that's my whole point in this. And  
8     I've talked to, you know, a few other people and --  
9     and the Kentucky League of Cities, you know, just  
10    asking for suggestions, and nobody can really  
11    come up with anything better, you know. So I  
12    guess --

13            COUNCIL MEMBER MILES: Well, I -- I  
14    have some suggestions.

15            COUNCIL MEMBER BOWLING: Okay.  
16    Yeah.

17            COUNCIL MEMBER MILES: But before --  
18    and-- and -- and I agree with you. I think you  
19    should always start with what do we agree on  
20    and -- and go from there. And -- and so I'm also  
21    hoping -- and -- and I was disturbed, for those of  
22    you who -- I got an email today from Chris Gorman,  
23    who was in -- had his hat in the ring to -- to be  
24    considered. And he is of the impression that three  
25    of the council members would not even consider

1 somebody who wasn't a council member. And I'm  
2 going to hope that he just -- he just is incorrect in  
3 that impression.

4 And so I would like all of us to agree that Mr.  
5 Comer -- and I'm hoping Mr. Gorman will, after  
6 hearing this, reconsider having his name back in  
7 the -- the ring here, that we all agree that  
8 everybody should be considered; not just council  
9 members. And I'd like to remind this council that  
10 the last time that we came down this road with the  
11 unfortunate death of our last mayor, that this  
12 council chose --

13 CITY ATTORNEY POTTS: Next to last  
14 mayor.

15 COUNCIL MEMBER MILES: Next to  
16 last -- yes, I'm sorry. Yes. Our -- our mayor is  
17 alive and doing well. We chose somebody who  
18 wasn't on the council.

19 And -- and it wasn't like there wasn't  
20 somebody on the council who wanted to be mayor,  
21 because our last mayor, who's alive, was on that  
22 council and subsequently ran for that office. But  
23 I -- but I think, to his integrity, he said there's  
24 somebody competent and capable to do the job.  
25 He put -- and everybody agreed. And so -- and our

1 history tells us that that's not how we -- we make  
2 this decision; that we look at everybody.

3 So I'd like to ask: Are we all in agreement  
4 that noncouncil members will be given the same  
5 consideration as council members for this position  
6 of mayor? Is anybody not in --

7 COUNCIL MEMBER TUCCI: Cer --  
8 certainly I would.

9 COUNCIL MEMBER MILES: -- is anybody  
10 not in agreement with that?

11 COUNCIL MEMBER LEONARD: I don't  
12 know what it means. I mean, it's a platitude. Of  
13 course we're going to consider people from the  
14 outside. Specifically, what does that mean?

15 COUNCIL MEMBER MILES: It means that  
16 you haven't decided already, that, no, you will not  
17 vote for somebody for mayor who isn't on the  
18 council.

19 COUNCIL MEMBER LEONARD: I don't  
20 know that I think that we should have ma -- if -- if  
21 we've made up our minds or not made up our  
22 minds, I don't know that that's going to change  
23 anything. I mean, I think everybody should be  
24 considered. I have no problem with that.

25 I think all of us have looked over all of the

1 resumes pretty carefully, so I'm not sure what  
2 you're really asking.

3 COUNCIL MEMBER MILES: What I'm  
4 saying is I want us all to -- I hope we will all agree  
5 that we won't select a person merely because  
6 they're not on the council; in other words, I'm not  
7 going to even consider somebody, regardless of  
8 their resume, regardless of their experience,  
9 regardless of -- of what qualifications they have to  
10 be mayor, unless they are a council member. And  
11 I would like to know: Is there anybody who  
12 disagrees with that?

13 COUNCIL MEMBER TUCCI: I think  
14 there's something we have to think about that sort  
15 of goes to this -- this whole discussion. Does  
16 anybody remember the movie Groundhog Day?  
17 There's a distinct possibility that we can vote next  
18 Monday and nothing happens; and then we'll say,  
19 all right, we'll come back Tuesday, and we'll vote  
20 and nothing will happen; and then Wednesday.  
21 And the first thing you know, it will be April 9th.

22 It could happen, at which point maybe we  
23 might say at that sort of last desperate hour as the  
24 clock is going around and Governor Beshear is  
25 looking at his phone waiting for it to ring, we might

1 say, you know, there might be somebody else  
2 around here who would like to be mayor, and --  
3 and that, you know, we will -- we will nominate the  
4 person who is not in the room and can't decline,  
5 and we will have a mayor.

6 So I think in this question, Sandra, of would  
7 you consider somebody who is not a council  
8 member or not, you're looking quite reasonably at  
9 the five people who are available.

10 COUNCIL MEMBER LEONARD: Exactly.

11 COUNCIL MEMBER TUCCI: But there's a  
12 good possibility, or maybe it's only a small  
13 possibility, but I can imagine a possibility where  
14 on April 9th we're open -- nominations open again  
15 because --

16 COUNCIL MEMBER LEONARD: See, I  
17 can --

18 COUNCIL MEMBER TUCCI: --  
19 everybody's dug his heels in and no one's  
20 changing their vote.

21 COUNCIL MEMBER BRAB: I think that's  
22 a better -- I think it's a better way to put it than  
23 the way Stuart's been saying it. If we -- if we  
24 come to an impasse --

25 COUNCIL MEMBER TUCCI: Uh-huh.

1 COUNCIL MEMBER BRAB: -- based on  
2 the candidates we have in front of us, we should  
3 open it up to anybody.

4 COUNCIL MEMBER TUCCI: We would --

5 COUNCIL MEMBER BRAB: We should --

6 COUNCIL MEMBER TUCCI: -- have to.

7 COUNCIL MEMBER BRAB: Well, no, but  
8 we can open it up to any -- we can revisit the ones  
9 that we've come to an impasse on, and we can  
10 consider anybody else --

11 COUNCIL MEMBER TUCCI: Uh-huh.

12 That doesn't --

13 COUNCIL MEMBER BRAB: -- regardless  
14 if they submitted their resumes or not, but that's a  
15 better way to put it than I think Stuart --

16 COUNCIL MEMBER MILES: Well, no.

17 No, what I'm saying it is -- is that we -- we had  
18 two people who weren't council members who  
19 wanted to be considered for mayor. One of them  
20 got the impression that they weren't going to be  
21 considered, not because they weren't qualified --  
22 and that person happened to be an A District  
23 commissioner and former Attorney General. And I  
24 don't know if -- I don't know how that doesn't make  
25 a person qualified to be mayor of the City of

1 Prospect, but they got the impression that at least  
2 three of the council members had already decided  
3 that they're not going to consider somebody for  
4 this position because they aren't a council  
5 member.

6 And I -- first, I hope they got the wrong  
7 impression, because that -- there's nothing that  
8 says they can't -- to be considered, you have to  
9 18-years-old and be a resident of Prospect. I  
10 mean, that's the only qualifications that are  
11 written for mayor of Prospect. Now, I think we all  
12 think there should be others, but that's the only  
13 qualifications you have to have. It certainly  
14 doesn't say you have to be a council member to be  
15 considered.

16 And so what I'm wanting to know, and I'll --  
17 I'll do it in the -- I guess, the affirmative: Is there  
18 anybody here who believes or feels that they are  
19 not going to consider somebody for the position of  
20 mayor simply because they are not a council  
21 member -- a city council member currently?

22 COUNCIL MEMBERS: [no audible  
23 response]

24 COUNCIL MEMBER MILES: All right.

25 And I'll take from your science that you won't.

1 And I hope that Mr. Gorman considers putting his  
2 name back in the hat, because I think we need --  
3 right now we're unbalanced. I think we need more  
4 outside people looking for this job than people  
5 sitting on the council, and so I hope that you  
6 reconsider.

7 COUNCIL MEMBER SCOTT: I -- I'd just  
8 like to say a couple of things. In reference to  
9 what Bill said, we want to tonight, hopefully, move  
10 in a positive direction. And following up on what  
11 Rob has said in reference to Grover, your work in  
12 trying to come up with a -- a proposal to -- to move  
13 this thing along, I -- as far as the ranking system  
14 is concerned, I have no problem with it at all.

15 I have a couple of questions -- but I think it  
16 would be a positive move if we talked about using  
17 the ranking system or not using the ranking  
18 system. And if we can decide, yes, most of us  
19 agree on let's use the ranking system, and then I  
20 would like to go and talk a little bit more from that  
21 point forward; but we need to get started, and I  
22 think that's the first thing we need to tackle.

23 COUNCIL MEMBER LEONARD: Have --  
24 have we given any copies of anything to the  
25 audience?

1 THE REPORTER: I'm sorry, Ms. Leonard.

2 I'm --

3 COUNCIL MEMBER LEONARD: I'm sorry.

4 Have we given copied of anything to the audience?

5 Do they have a clue what we're talking about?

6 CITY ADMINISTRATOR SIMMS: No, we  
7 have not -- I have not passed anything --

8 COUNCIL MEMBER BRAB: Joe  
9 Kehlbeck -- Joe Kehlbeck sent around an email  
10 with a -- well, I guess he's got about --

11 COUNCIL MEMBER LEONARD: But -- but  
12 that doesn't --

13 COUNCIL MEMBER BRAB: Not to the  
14 audience.

15 COUNCIL MEMBER LEONARD: No, I  
16 think I -- do you have any trouble with us giving  
17 that information to people?

18 CITY ATTORNEY POTTS: [shakes head]

19 COUNCIL MEMBER LEONARD: Could we  
20 make copies?

21 COUNCIL MEMBER SCOTT: And, maybe,  
22 Grover, you could kind of outline briefly what  
23 you -- you suggested, reference this ranking  
24 system.

25 CITY ATTORNEY POTTS: I sent the

1 council a -- a memorandum on March the 7th, which  
2 was Wednesday, I guess it was.

3 COUNCIL MEMBER MILES: Thursday.

4 CITY ATTORNEY POTTS: Wednesday or  
5 Thursday -- Thursday, I guess it was. And in that I  
6 made the suggestion to the council that they  
7 establish a position -- a -- a ranking process in  
8 order to evaluate what we had was the then six  
9 candidates, and suggested that the ranking be on  
10 the basis of 1 to 6 at that point in time. With five  
11 current candidates, it would be on the basis of 1 to  
12 5, with 1 point being awarded for the person who  
13 they thought was most qualified, and going all the  
14 way up to -- the final person would be someone  
15 who had 5 points; and then a council member  
16 would rank himself or herself in that process.

17 And as I stated in the memo, I did not think  
18 that that constituted a vote because the  
19 prohibition is against a vote for mayor, and this is  
20 not a vote for mayor. It was a vote -- it was not a  
21 vote at all, but simply a ranking of candidates  
22 according to how that particular council member  
23 felt those persons qualified.

24 And you can argue, as Chris and I have, about  
25 whether that's a vote or not a vote. Again, I'm

1 still of the opinion that it isn't.

2 And so I prepared a form, which had the  
3 names of all six individuals, and a box for each  
4 person's ranking to be inserted by the council  
5 members. The purpose of that was so that they  
6 could -- each council member could take that with  
7 them tonight, and between now and next Monday  
8 rank those individuals in accordance with how they  
9 perceive them being 1 or 5 -- or 6, as the number  
10 was 6 at the time; and then to bring that are back,  
11 and that ranking sheet would then be reviewed by  
12 Council Members Tucci and Brab, who would then  
13 compile from that -- tabulate from that those  
14 rankings, a ranking in which the individuals would  
15 have their total points tabulated.

16 And, again, the recommendation was that once  
17 those total points were tabulated, that we reduce  
18 the number of candidates -- and, again,  
19 remembering that we had six at that point in time,  
20 reduce the number of candidates to three, and  
21 then have those three candidates, by acclamation,  
22 put forth -- put forward for the council to consider  
23 for mayor; and that then we go through a process  
24 of voting on each individual candidate.

25 It wouldn't be -- if you have all three up, then

1 you'd have to vote that way; but you would have  
2 Candidate A, how many votes for Candidate A?  
3 Candidate B, how many votes for Candidate B?

4 At the point, where that was first done, then  
5 the person who received the least number of votes  
6 would drop off. And you would have Candidate A  
7 and Candidate B, and you would go through the  
8 process again. How many votes for Candidate A?  
9 How many votes for Candidate B?

10 If one person received four votes and, again,  
11 I'm still on the four-vote position, if one person  
12 received four votes and the other person received  
13 three votes, then that person with the four votes  
14 would be the mayor. If two of them received -- if  
15 both of them received the four votes, you would  
16 continue this process until you had some change in  
17 the voting or you determined by a majority of the  
18 council that you were at an impasse, and you  
19 would adjourn and come back on another  
20 specially-scheduled meeting and try to go through  
21 that A and B process again, Candidate A and  
22 Candidate B.

23 COUNCIL MEMBER BRAB: Just one  
24 other thing to speak to Sandy's point, what Grover  
25 did put on there, when Sandy and I would get those

1 ballots and tabulate those, those would be done in  
2 open session so any -- everybody would see it  
3 while we're here. It wouldn't be done anywhere  
4 but for where everybody could observe.

5 CITY ATTORNEY POTTS: And -- and the  
6 ballot -- or the -- ballots that the -- re -- the  
7 evaluation sheets would have no names of any  
8 council members on it. And -- and my purpose in  
9 that was simply to try and -- and minimize any hard  
10 feelings as a result of how one council member  
11 ranked another council member, because all four  
12 of the candidates are going to have to work  
13 together for the next two years on that city  
14 council.

15 COUNCIL MEMBER BRAB: I -- I have -- I  
16 have one question. I -- just on the last part of  
17 your process --

18 CITY ATTORNEY POTTS: Uh-huh.

19 COUNCIL MEMBER BRAB: -- when you  
20 get to three or two --

21 CITY ATTORNEY POTTS: Right.

22 COUNCIL MEMBER BRAB: -- and -- and  
23 I'm unclear on that. At that point you would have  
24 one vote? I'm just -- let's use three people. We  
25 get down to three people. You would have one

1 vote or you would have three vote?

2 CITY ATTORNEY POTTS: Three votes,  
3 A, B, C.

4 COUNCIL MEMBER BRAB: Okay.

5 COUNCIL MEMBER TUCCI: I have a  
6 question. I don't see why it is so difficult to  
7 simply vote. We're talking about ending up after --  
8 the process that I'm un -- very uncomfortable with,  
9 ending up with our having three people to vote on.  
10 Is it that much harder to just vote on five?

11 CITY ATTORNEY POTTS: You can --  
12 again, you have the authority to -- to say --

13 COUNCIL MEMBER TUCCI: Well --  
14 well --

15 CITY ATTORNEY POTTS: -- I'm going to  
16 vote for A, B, C, D, and E; okay?

17 COUNCIL MEMBER TUCCI: Yeah. I --  
18 I -- I just don't understand the -- this level of  
19 complexity and this level of lack of openness to  
20 just make it a little bit faster because you're only  
21 voting on three as opposed to five.

22 COUNCIL MEMBER LEONARD: Actually,  
23 there -- there's two dilemmas. One is if you  
24 going -- if -- if -- going to your question first. In  
25 the event that you're -- you're voting on five, if

1 you have five votes, we'll be here until August.

2 The second issue is that based on your  
3 procedure, it is possible now that you can -- there  
4 are three steps. There's the step that ranks and  
5 eliminates three, according to what he's written  
6 down; there is the step that gets from three to two;  
7 and there is the step that selects between the two.  
8 Now that there are five, it is quite possible that we  
9 could in Step 2.

10 CITY ATTORNEY POTTS: Correct.

11 And -- and one correction that I want to make sure  
12 that are everyone understands. The first ranking,  
13 the first evaluation, eliminates no one. The  
14 elimination occurs when the tabulation occurs, and  
15 that occurs here in open session.

16 COUNCIL MEMBER LEONARD: Correct.

17 CITY ATTORNEY POTTS: So there's  
18 nobody --

19 COUNCIL MEMBER LEONARD: I sent --

20 CITY ATTORNEY POTTS: -- eliminated --

21 COUNCIL MEMBER LEONARD: What --

22 CITY ATTORNEY POTTS: --

23 ceripticiously.

24 COUNCIL MEMBER LEONARD: I sent  
25 what you wrote to the legal department at the

1 Kentucky League of Cities, and they had no trouble  
2 with anything other than the super majority, which  
3 I've asked for clarification on it, but the process  
4 itself they did not have any trouble with at all.

5 COUNCIL MEMBER MILES: And -- and,  
6 Sandy, you know, you and I both work in the law,  
7 but that's hearsay. And -- and I don't doubt you  
8 had a conversation with somebody, but --

9 COUNCIL MEMBER LEONARD: I didn't  
10 have a conversation. I got the email.

11 COUNCIL MEMBER MILES: Okay. That's  
12 fine, but -- but again, I -- I -- and I have a  
13 suggestion. This is my suggestion. I'll throw it  
14 out there. I think there are -- the things we've  
15 identified as the -- the issue of -- and I -- Grover  
16 di -- disagrees. And I'm not a lawyer; but -- but  
17 I'm talking in terms of just perceived fairness.

18 And I think the fair thing to do that would cure  
19 this is anybody who is not running for mayor will  
20 be the people who do the ranking. And that, at  
21 this point in time, would be Ms. Tucci and Mr.  
22 Brab, and that they would do that. I think it needs  
23 to be open. I think they need to be held  
24 accountable for who they rank. And I think that  
25 would cure all of these problems.

1       And then I -- I disagree. I don't think the  
2       difficulty of choosing three versus five is somehow  
3       expediential so that it would take a meeting to  
4       choose from three and it would take a month or two  
5       to choose from five. And I would say we rank  
6       them, and then we start from the person with the  
7       lowest ranking. And we put them up for a vote,  
8       and we see how many votes they get.

9       We go through the process, and then we kind  
10      of carry it out as Grover says at that point in time.  
11      And it's kind of at that point the winnowing  
12      happens at the voting process until you get to two,  
13      and then you go at the last two until you either  
14      decide, or you decide you're at an impasse.

15                COUNCIL MEMBER BRAB: Well, let me  
16      just step in here, because, see, your first  
17      suggestion, I'm not going to go agree with it  
18      because you're taking a minority rather than the  
19      majority, and they're just signing the fate right off  
20      the bat.

21                COUNCIL MEMBER MILES: Well, it is --  
22      it is --

23                COUNCIL MEMBER BRAB: And we're not  
24      going to -- I'm not going to do that. I'm not going  
25      to be part of that.

1 COUNCIL MEMBER MILES: It is --

2 COUNCIL MEMBER BRAB: That's --

3 that's totally untransparent.

4 COUNCIL MEMBER MILES: No, it is

5 totally transparent. The people who put their  
6 name in the hat, in my mind -- and I'm one of them.

7 I mean, this -- you know, if I were not one of the  
8 people running, I could see that someone could  
9 say I'm trying to be unfair to another council  
10 member.

11 I'm running. I don't think it's fair for me to  
12 rank the people when I'm one of the people  
13 ranking. I think it -- it's unfair, and I think it puts  
14 us all in a moral dilemma, because we're having to  
15 choose ourselves. And -- and I just don't think it's  
16 right. And --

17 COUNCIL MEMBER LEONARD: Except  
18 that -- and -- and that's one reason why it's better  
19 that there's so many of us. You're choosing  
20 yourself will be nullified by someone else choosing  
21 themselves. And so, in the long run, numerically  
22 it's fairer than what would happen otherwise.

23 COUNCIL MEMBER MILES: No, it's not  
24 fair to Mr. Comer, because Mr. Comer --

25 COUNCIL MEMBER LEONARD: No,

1 because you're --

2 COUNCIL MEMBER MILES: -- doesn't  
3 get to vote.

4 COUNCIL MEMBER LEONARD: -- you're  
5 automatically assuming that people are going to  
6 disqualify Mr. Comer.

7 COUNCIL MEMBER MILES: No.

8 COUNCIL MEMBER LEONARD: I don't  
9 know why we're assuming that.

10 COUNCIL MEMBER MILES: No, I'm not  
11 assuming that.

12 COUNCIL MEMBER BOWLING: We don't  
13 get to vote for ourselves, either.

14 COUNCIL MEMBER MILES: Yes, you do.

15 COUNCIL MEMBER TUCCI: You do in the  
16 first -- in the --

17 COUNCIL MEMBER MILES: You get to  
18 vote for yourself in the --

19 COUNCIL MEMBER BOWLING: Well, in  
20 the ranking; yeah.

21 COUNCIL MEMBER TUCCI: Yeah.

22 COUNCIL MEMBER MILES: So Mr.  
23 Comer doesn't get to rank amongst there. He's at  
24 a distinct disadvantage because of that.

25 COUNCIL MEMBER BOWLING: But like

1 Bill said, you're -- you're -- you don't want the  
2 majority of the council taken, but you want the  
3 minority. And I -- you know, I disagree that you  
4 think it would be unfavorable to you. I don't -- I  
5 don't know how you would -- I mean, you're -- you're  
6 picking two people, and one of them was your  
7 running mate, I mean, obviously, you see that as a  
8 best -- do you know -- see what I'm saying?

9 COUNCIL MEMBER MILES: I. . .

10 COUNCIL MEMBER BOWLING: Well, you  
11 picked two people. You said, hey, Sandy and Bill  
12 will be the two people to decide.

13 COUNCIL MEMBER MILES: Well, I  
14 didn't --

15 COUNCIL MEMBER BOWLING: And you  
16 said I don't -- I don't have any advantage there,  
17 but --

18 COUNCIL MEMBER MILES: I -- I didn't  
19 just randomly --

20 COUNCIL MEMBER BOWLING: -- one of  
21 those two people --

22 COUNCIL MEMBER MILES: I didn't  
23 randomly pick those --

24 COUNCIL MEMBER BOWLING: Well --

25 CITY ATTORNEY POTTS: One at a time.

1 COUNCIL MEMBER BOWLING: -- well, I  
2 understand that. No, I completely understand how  
3 you -- they -- they're the two that aren't running. I  
4 completely understand.

5 My point is, I'm just playing devil's advocate,  
6 you're saying, hey, I don't have any advantage  
7 here. I'm saying, well, one of the two people  
8 choosing was your running mate.

9 I mean, that's -- that's what we're saying.  
10 We're just saying you're just picking two people.  
11 You know, I don't know who Bill would pick, but  
12 whoever he picked, it'd be unfair to the others,  
13 too. It's just two people picking. You've kind of  
14 put everything on two people.

15 You know, I -- I -- I agree --

16 COUNCIL MEMBER TUCCI: Well --

17 COUNCIL MEMBER BOWLING: -- that  
18 just the minority, that's -- that seems to, you  
19 know, really cause a stink there.

20 COUNCIL MEMBER TUCCI: Well, I don't  
21 think that neither Bill nor I want to be in that  
22 position, but --

23 COUNCIL MEMBER BRAB: For sure.

24 COUNCIL MEMBER TUCCI: -- but I'll  
25 state again: I'm extremely uncomfortable,

1     uncomfortable to the point where I might choose  
2     not to participate in that initial ranking, because --  
3     not only the -- for the objections that -- that Stuart  
4     has -- has mentioned, but also because, as I said  
5     originally, I think it will be so difficult -- being a  
6     mayor is not easy. I mean, we've all seen how  
7     difficult it is to be a good mayor.

8         It's easy to be a bad mayor, you know. I  
9     mean, that's like rolling off a log. But if you want  
10    to be a good mayor, it's not easy.

11        And to begin with having some people, say,  
12    oh, there's something a little funny about the way  
13    they did that, no one wants to carry that burden  
14    with him or her as they take the oath of office and  
15    have that sort of little whispery cloud hanging over  
16    them for the next two years.

17        So I think just on that basis, so that whoever  
18    becomes mayor, it's -- it's done in -- in a clear and  
19    open fashion, is to that person's advantage and to  
20    the advantage of the city, which way outweighs the  
21    additional difficulty of having to vote for five  
22    people instead of three next Monday.

23            COUNCIL MEMBER SCOTT: All right.

24    I -- I -- I -- I agree with Rob. I wouldn't want to  
25    have -- Bill doesn't want to do it, and Sandy, I

1 don't think you want to do it in the way --

2 COUNCIL MEMBER TUCCI: [shakes  
3 head]

4 COUNCIL MEMBER SCOTT: -- Stuart  
5 proposed it.

6 What I would like to do is make a motion that  
7 we vote on whether or not to do the ranking system  
8 that has been proposed by our city attorney, and --  
9 and just if somebody would second that, we --

10 COUNCIL MEMBER LEONARD: Well,  
11 before you --

12 COUNCIL MEMBER SCOTT: -- we can  
13 have a vote.

14 COUNCIL MEMBER LEONARD: -- second  
15 that -- well, before we second that, would you  
16 consider be eliminating his Step 2? Because there  
17 are only five candidates now.

18 COUNCIL MEMBER SCOTT: Yeah, that --  
19 that's a possibility.

20 COUNCIL MEMBER BRAB: What are you  
21 saying, Sandra? Are you saying go rank -- rank  
22 the two?

23 COUNCIL MEMBER LEONARD: Yeah.

24 COUNCIL MEMBER MILES: What do  
25 you mean go rank -- oh, you mean -- so rank but

1 don't -- then you consider everybody.

2 COUNCIL MEMBER LEONARD: No, you  
3 con -- consider the two with the lowest numbers.

4 COUNCIL MEMBER MILES: Well, I'm  
5 not -- I mean, I'm -- I'm not going to vote that we  
6 stop discussing it, because I'm -- I'm still not  
7 comfortable with it. I -- I think if you only have  
8 five people, I think then the cure is that we -- we  
9 randomly draw the order in which the people are  
10 considered. That way everybody has the same  
11 odds of being considered first or last. That -- that  
12 takes away the ranking; and then we just are  
13 considering all five people in that order, and we go  
14 through that process.

15 COUNCIL MEMBER LEONARD: But how  
16 do you vote? Are you going to give me one vote or  
17 five votes?

18 COUNCIL MEMBER MILES: No.

19 CITY ATTORNEY POTTS: Five.

20 COUNCIL MEMBER MILES: Each -- so --

21 COUNCIL MEMBER LEONARD: But, see,  
22 that --

23 COUNCIL MEMBER MILES: -- so,  
24 hypothetically, you would come up first.

25 COUNCIL MEMBER BOWLING: Then it's

1 the ranking again.

2 COUNCIL MEMBER MILES: You -- no, it  
3 wouldn't, you would come up first.

4 COUNCIL MEMBER LEONARD: Yeah.  
5 Yeah, it is.

6 COUNCIL MEMBER MILES: Yeah, we  
7 would consider you first. Everybody would have  
8 the same opportunity to be considered first, and  
9 we would vote who we wanted to be mayor.

10 And if you get four votes, you're mayor. If  
11 you don't get four votes, we go to the next person.

12 COUNCIL MEMBER LEONARD: But, see,  
13 that -- that -- that's in a way abdicating our  
14 responsibility.

15 COUNCIL MEMBER MILES: No, it's not,  
16 because you don't --

17 COUNCIL MEMBER LEONARD: That's  
18 the luck of the draw.

19 COUNCIL MEMBER MILES: -- get to vote  
20 for yourself. You don't get to vote for yourself.

21 COUNCIL MEMBER LEONARD: I know,  
22 but that's the luck of the draw, because the first  
23 person up has an advantage over Number 5.

24 COUNCIL MEMBER MILES: Yeah, but if  
25 you --

1 COUNCIL MEMBER TUCCI: What if we  
2 do the ranking and then vote in order the person --  
3 this is complicated, the person with the highest  
4 number who is the least likely to be voted on, or  
5 whatever? He's the first person or she's the first  
6 person you vote on.

7 COUNCIL MEMBER BRAB: So you're  
8 saying ranking and then vote everybody, not  
9 eliminate.

10 COUNCIL MEMBER TUCCI: Yeah. And  
11 do it in inverse order, so that the person who  
12 probably is least likely to get four votes is the  
13 first person we're voting on.

14 COUNCIL MEMBER BRAB: Let's leave  
15 the four-vote thing alone. Let's just say --

16 COUNCIL MEMBER TUCCI: Yeah.

17 COUNCIL MEMBER BRAB: -- the  
18 process.

19 COUNCIL MEMBER TUCCI: Yeah.

20 COUNCIL MEMBER LEONARD: Well, the  
21 problem with that is when you get to the middle.

22 CITY ATTORNEY POTTS: You're still  
23 going to --

24 COUNCIL MEMBER LEONARD: You  
25 may --

1 CITY ATTORNEY POTTS: You're going  
2 to vote for five people.

3 COUNCIL MEMBER LEONARD: I know.  
4 You may never get to the person who may actually  
5 be the one most of us would want.

6 COUNCIL MEMBER BRAB: Let me make  
7 a comment.

8 COUNCIL MEMBER MILES: Why would  
9 we --

10 CITY ATTORNEY POTTS: No. No, you  
11 would, because you would -- all five people would  
12 be voted on. If you -- if somebody gets four votes  
13 at Number 3, they're not the mayor, because --

14 COUNCIL MEMBER MILES: Right.

15 CITY ATTORNEY POTTS: -- Number 2  
16 and Number --

17 COUNCIL MEMBER LEONARD: Okay.

18 CITY ATTORNEY POTTS: -- 1 vote.

19 COUNCIL MEMBER TUCCI: They still  
20 have to vote it on [phonetic].

21 COUNCIL MEMBER BRAB: Yeah.

22 COUNCIL MEMBER MILES: I think that's  
23 fair. I think it's --

24 COUNCIL MEMBER BOWLING:  
25 Absolutely.

1 COUNCIL MEMBER BRAB: Let's -- let's  
2 just -- hang on. I just want a little clarification on  
3 that. Let's just assume that we go through that  
4 process.

5 THE REPORTER: I'm sorry, Mr. Brab.  
6 Can you --

7 COUNCIL MEMBER BRAB: Let's just  
8 assume we go through that process, and you get --  
9 one person gets four votes, one -- two people get  
10 three votes. Are you saying that we're going to  
11 retroactively go back and state that the person  
12 who got four votes in that process is the mayor?

13 COUNCIL MEMBER BOWLING: Yeah.

14 COUNCIL MEMBER MILES: Yeah, if only  
15 one got four, but everybody has the opportunity to  
16 be voted on before that.

17 COUNCIL MEMBER BOWLING: Okay. I  
18 just don't want to elect a mayor, you know, -- if --  
19 if -- if Sandra goes first and gets four votes --

20 COUNCIL MEMBER MILES: No, no, I  
21 agree.

22 COUNCIL MEMBER BOWLING: -- but,  
23 you know, Mike --

24 COUNCIL MEMBER MILES: I agree.

25 COUNCIL MEMBER BOWLING: -- never

1 even got a chance, he may have gotten five votes,  
2 you know.

3 COUNCIL MEMBER MILES: Right.

4 COUNCIL MEMBER BOWLING: So I don't  
5 want to elect them on who -- who drew out of the  
6 hat. I think it's fair that -- that every person --

7 COUNCIL MEMBER TUCCI: Uh-huh.

8 COUNCIL MEMBER BOWLING: -- is  
9 voted on.

10 COUNCIL MEMBER BRAB: So we're  
11 going to -- the -- the -- what the proposal is, and  
12 Sandy came up with good one, to go through the  
13 ranking process, and the least ranked person goes  
14 first or the highest ranked person goes?

15 COUNCIL MEMBER BOWLING: The  
16 high -- the fir -- everyone --

17 COUNCIL MEMBER TUCCI: This is  
18 off -- we should have put it, you know, in --  
19 traditionally --

20 CITY ATTORNEY POTTS: I know.

21 COUNCIL MEMBER TUCCI: -- Number  
22 10. I mean, she's the most gorgeous person in the  
23 world, not Number 1.

24 CITY ATTORNEY POTTS: I appreciate it.  
25 I appreciate it.

1 COUNCIL MEMBER TUCCI: You know,  
2 don't you go to movies at all, Grover?

3 CITY ATTORNEY POTTS: I appreciate  
4 that. The person who had the -- I ranked them  
5 from 1 to 6 or 1 to 5, and ranked them on the basis  
6 of 1 being the --

7 COUNCIL MEMBER TUCCI: The best --

8 CITY ATTORNEY POTTS: -- most --

9 COUNCIL MEMBER TUCCI: The most  
10 likely.

11 CITY ATTORNEY POTTS: -- likely. And  
12 we can flip that around if it makes everyone  
13 happier; but what I think you're saying is that  
14 whoever was the most likely would be the fifth  
15 person voted on.

16 COUNCIL MEMBER MILES: Yes.

17 CITY ATTORNEY POTTS: Whoever was  
18 the least likely would be the first person voted on.

19 COUNCIL MEMBER TUCCI: Uh-huh. And  
20 everybody would be voted on. So even if Number 3  
21 gets four votes, we continue on to the --

22 COUNCIL MEMBER BRAB: Well, that's  
23 the next --

24 COUNCIL MEMBER TUCCI: -- next two  
25 people.

1 COUNCIL MEMBER BRAB: That's the  
2 next question.

3 COUNCIL MEMBER TUCCI: And then  
4 you -- then -- it's unlikely that you will have five  
5 people with four votes each, or something  
6 [phonetic] like that. So. at that point, you drop  
7 one. And then you -- then you have another round  
8 of votes, but it's open.

9 COUNCIL MEMBER MILES: And that  
10 was --

11 COUNCIL MEMBER TUCCI: Everybody  
12 sees it.

13 COUNCIL MEMBER MILES: That was the  
14 only thing I was going to add, is that -- that  
15 everybody is accountable for how they rank  
16 people, because I think you need to -- at some  
17 point in time you have a -- a duty to explain to the  
18 citizens why you felt one person was above  
19 another person. And if -- you know, it needs to be  
20 based on logical rational stuff, and -- and not  
21 something that they can't defend.

22 COUNCIL MEMBER LEONARD: I'm not --  
23 I'm not having trouble with that. I'm having  
24 trouble playing off how the actual votes are going  
25 to create a decision if we each -- and I -- I'm

1 having trouble with it. If we each have five  
2 votes --

3 CITY ATTORNEY POTTS: But you have  
4 to vote for each candidate.

5 COUNCIL MEMBER MILES: Yeah, only  
6 one vote per candidate.

7 COUNCIL MEMBER LEONARD: That's  
8 right. And I think the chances are greater that we  
9 will end up -- I mean, for example, this is my  
10 friend Mike Scott. Do you think I'm not going to  
11 vote for him? You know what --

12 CITY ATTORNEY POTTS: Sure.

13 COUNCIL MEMBER LEONARD: -- I'm  
14 saying? So I think the --

15 COUNCIL MEMBER BRAB: Well, here --  
16 here's the problem.

17 COUNCIL MEMBER LEONARD: --  
18 chances are we'll come to an impasse quicker with  
19 that process than with your process.

20 COUNCIL MEMBER BRAB: Here's the  
21 issue. You're -- you're, again, not being able to  
22 vote for yourself in the -- after the ranking;  
23 correct?

24 COUNCIL MEMBER TUCCI: Uh-huh.

25 COUNCIL MEMBER BRAB: We then go

1 right to the -- okay.

2 COUNCIL MEMBER MILES: Well, I like  
3 Mike, and I'd like to say we're kind of sort of  
4 friends. You know, we don't hang out, but, you  
5 know, I don't -- I think we agree to disagree, but  
6 I -- if -- if I don't think somebody is the best  
7 person to be mayor, I'm -- I'm not -- you know, I'm  
8 not going to vote for them. And it has nothing to  
9 do with liking them, not liking them. You know, I  
10 don't see how that is -- is an issue.

11 COUNCIL MEMBER LEONARD: But, see,  
12 it's not the best person if we get five votes.

13 CITY ATTORNEY POTTS: No, it is,  
14 because you are -- you're -- you're casting a vote  
15 saying that I am voting for this person to be  
16 mayor. I am voting for this next person to be  
17 mayor. I'm not voting for this third person to be  
18 mayor.

19 So you're -- you're -- you are -- each -- each  
20 time a person's name comes up, it comes up  
21 individually and not as part of the group.

22 COUNCIL MEMBER LEONARD: I can see  
23 four candidates or five 5 candidates all getting  
24 five.

25 COUNCIL MEMBER MILES: Well, let's

1 see --

2 COUNCIL MEMBER TUCCI: Well, I can  
3 see three candidates all getting five votes, too.  
4 The impasse -- the possibility of an impasse is --

5 COUNCIL MEMBER LEONARD: Well,  
6 that's why I --

7 COUNCIL MEMBER TUCCI: -- is -- is  
8 there either --

9 COUNCIL MEMBER LEONARD: -- I  
10 agree.

11 COUNCIL MEMBER TUCCI: -- way.

12 COUNCIL MEMBER LEONARD: I agree  
13 with you, and that's why skipping Step 2 and  
14 coming up with two people, I think we would end up  
15 with a decision.

16 COUNCIL MEMBER MILES: No, I don't  
17 think it changes anything except makes fair. I  
18 mean, Mr. Comer and I go back to high school and  
19 played soccer together, and -- and no -- no -- don't  
20 be mad, but I'm not going to vote for -- because of  
21 that.

22 MR. COMER: I wouldn't want you to.

23 COUNCIL MEMBER MILES: Even though  
24 I want him to play on my current soccer team,  
25 so. . .

1 I think -- I think the -- the process that was  
2 described by Sandy would be the fairest way to do  
3 it. It would deal with all the issues. It would -- it  
4 would make this open and honest, and -- and I  
5 think that it would give everybody the opportunity  
6 to be equally considered.

7 COUNCIL MEMBER BRAB: So what  
8 you're saying is we go through the ranking -- I just  
9 want to summarize. We go through the ranking  
10 process, which is not a vote; and then we would  
11 vote the least likely to be mayor from the ranking  
12 problem to -- or reversed, most likely to --

13 CITY ATTORNEY POTTS: No, least --  
14 least likely.

15 COUNCIL MEMBER TUCCI: Least likely.

16 COUNCIL MEMBER BRAB: Least likely  
17 from the ranking process to them most likely;  
18 okay?

19 CITY ATTORNEY POTTS: And all five --

20 COUNCIL MEMBER BRAB: And then --

21 CITY ATTORNEY POTTS: -- would be  
22 voted on.

23 COUNCIL MEMBER BRAB: And all five  
24 would be voted on, and it would be simply a vote.

25 CITY ATTORNEY POTTS: Right.

1 COUNCIL MEMBER BRAB: There's not  
2 going to be any lobbying, discussion --

3 COUNCIL MEMBER TUCCI: Yeah.

4 CITY ATTORNEY POTTS: No, it's just a  
5 vote.

6 COUNCIL MEMBER BRAB: Just a vote.

7 CITY ATTORNEY POTTS: It's a vote.

8 COUNCIL MEMBER BRAB: And if  
9 anybody were to get -- let's leave the four-vote  
10 issue to the side by now, so if they were to get  
11 four votes, that doesn't determine the pros -- that  
12 doesn't end the process.

13 CITY ATTORNEY POTTS: Unless they  
14 were the only --

15 COUNCIL MEMBER BRAB: Unless the --

16 CITY ATTORNEY POTTS: -- of the five  
17 candidates to receive four votes.

18 COUNCIL MEMBER MILES: Everybody  
19 has the same opportunity to get four votes, and --  
20 and I'm comfortable in that scenario with people  
21 voting for themselves only because everybody gets  
22 the same --

23 COUNCIL MEMBER LEONARD: You can't  
24 vote --

25 COUNCIL MEMBER MILES: No, no, no.

1 In the ranking.

2 CITY ATTORNEY POTTS: You can't vote  
3 for yourself.

4 COUNCIL MEMBER TUCCI: In the  
5 ranking. You're talking about the ranking.

6 COUNCIL MEMBER BRAB: You can't  
7 vote for yourself.

8 COUNCIL MEMBER MILES: In the  
9 ranking, because everybody in the end gets the  
10 same opportunity to be considered. And, actually,  
11 if somebody is ranked the least, they actually get  
12 considered first. And so --

13 COUNCIL MEMBER TUCCI: It sounds  
14 biblical --

15 COUNCIL MEMBER MILES: It does.

16 COUNCIL MEMBER TUCCI: -- the last  
17 shall be first.

18 COUNCIL MEMBER SCOTT: Well, are --  
19 are we through our discussion? Do we want to --  
20 does anyone want to second my motion that we do  
21 follow Grover's recommendation on using the  
22 ranking system as our first --

23 CITY ATTORNEY POTTS: Now, you're --  
24 that's the only thing you're saying is that --

25 COUNCIL MEMBER SCOTT: That's right.

1 CITY ATTORNEY POTTS: -- we use --

2 COUNCIL MEMBER SCOTT: That's right.

3 CITY ATTORNEY POTTS: -- the  
4 evaluation form.

5 COUNCIL MEMBER SCOTT: That's  
6 correct.

7 CITY ATTORNEY POTTS: Okay.

8 COUNCIL MEMBER SCOTT: That's  
9 correct.

10 COUNCIL MEMBER BOWLING: You're  
11 not specifying between Sandy's and Grover's, is  
12 that correct, or are we?

13 CITY ATTORNEY POTTS: No, he's --

14 COUNCIL MEMBER SCOTT: No, we're --

15 CITY ATTORNEY POTTS: -- just saying  
16 we're going to use the evaluation.

17 COUNCIL MEMBER LEONARD: We  
18 haven't gotten to Step 2.

19 COUNCIL MEMBER SCOTT: We're just  
20 trying to get to Step 1.

21 COUNCIL MEMBER BOWLING: Okay. I  
22 second that. I second that.

23 COUNCIL MEMBER MILES: Well, I -- can  
24 I just speak real quick? I'm not comfortable with  
25 doing that, because the only way I'm comfortable

1 with doing the ranking system is if it's done in the  
2 way laid out. You know, I don't want to get myself  
3 in a box by agreeing to the ranking system, and  
4 then it not being the way that I'm comfortable with.  
5 That's the only way I'm comfortable with the  
6 ranking system.

7 So if I was asked now to vote the way you're  
8 asking, I would vote no because I -- I don't want to  
9 be boxed in and then have this evolve into  
10 something that I think is unfair.

11 COUNCIL MEMBER SCOTT: Okay. We  
12 have a motion and a second. Any further  
13 discussion?

14 COUNCIL MEMBER TUCCI: Do you -- do  
15 you want to withdraw that and then re --

16 COUNCIL MEMBER MILES: No, no.

17 COUNCIL MEMBER TUCCI: -- put it in a  
18 new way?

19 COUNCIL MEMBER SCOTT: No.

20 COUNCIL MEMBER TUCCI: No; okay.

21 All right, then, start with you, Stu.

22 COUNCIL MEMBER MILES: No, for the  
23 reasons that I explained.

24 COUNCIL MEMBER BRAB: Yes.

25 COUNCIL MEMBER TUCCI: No.

1 COUNCIL MEMBER BOWLING: Yes.

2 COUNCIL MEMBER SCOTT: Yes.

3 COUNCIL MEMBER LEONARD: Yes.

4 COUNCIL MEMBER TUCCI: Moving to --

5 do we have any discussion about the next step in  
6 Grover's process?

7 COUNCIL MEMBER BRAB: Well, we kind  
8 of changed it where you were -- you -- you had  
9 proposed something, which I think we've had --  
10 where we would then go right to the vote --

11 COUNCIL MEMBER TUCCI: Uh-huh.

12 COUNCIL MEMBER BRAB: -- because  
13 Grover's process doesn't have that.

14 COUNCIL MEMBER TUCCI: Right, so  
15 we're just going to go -- not even talk about that  
16 and just move on from there, or --

17 COUNCIL MEMBER BRAB: No, you -- we  
18 just -- we've just done the ranking process.

19 COUNCIL MEMBER TUCCI: We've just  
20 done the ranking.

21 COUNCIL MEMBER BRAB: So Step 1.

22 COUNCIL MEMBER TUCCI: Right.

23 COUNCIL MEMBER BRAB: Call we call  
24 that Step 1? Does that make sense?

25 COUNCIL MEMBER TUCCI: We can call

1 that Step 1.

2 COUNCIL MEMBER BRAB: Step 2 would  
3 be, and I know it's part -- not part Grover's, but  
4 it's what you proposed, Sandy, where --

5 COUNCIL MEMBER TUCCI: Okay.

6 COUNCIL MEMBER BRAB: -- we would  
7 take the least first --

8 COUNCIL MEMBER TUCCI: Uh-huh.

9 COUNCIL MEMBER BRAB: -- and then  
10 vote -- everybody votes and has five votes.

11 COUNCIL MEMBER TUCCI: Okay.

12 COUNCIL MEMBER BRAB: That would be  
13 Step 2; is that fair?

14 COUNCIL MEMBER TUCCI: Fair to me.  
15 Do want to make that --

16 COUNCIL MEMBER BRAB: I will make  
17 that motion.

18 COUNCIL MEMBER TUCCI: Do I hear a  
19 second?

20 CITY ATTORNEY POTTS: And did you-all  
21 hear the motion?

22 COUNCIL MEMBER BOWLING: Yeah,  
23 say -- say that again, Bill.

24 COUNCIL MEMBER LEONARD: No, say it  
25 again.

1 COUNCIL MEMBER BOWLING: Yeah,  
2 repeat that, please.

3 COUNCIL MEMBER BRAB: We -- we've  
4 agreed on Step 1, which is the ranking process.

5 COUNCIL MEMBER BOWLING: Okay.

6 COUNCIL MEMBER BRAB: Step 2 would  
7 be to take the least likely or the least-ranked  
8 person going first, with the most ranked person  
9 going fifth, and everybody votes on that -- o that.  
10 Now, the question I have there, because you  
11 are voting -- because you are voting, all right, you  
12 cannot vote for yourself.

13 CITY ATTORNEY POTTS: Correct.

14 COUNCIL MEMBER LEONARD: That's  
15 correct.

16 COUNCIL MEMBER BRAB: Now, before  
17 we get to that, we need to discuss the four  
18 vote/three vote, because you can't make -- I -- I  
19 withdraw that motion, because we haven't  
20 discussed the most important part, which is the  
21 four vote/three vote.

22 CITY ATTORNEY POTTS: Well, I -- I --  
23 you know, you -- you know what my position is on  
24 it. I think that Sandra has asked the KLC for an  
25 opinion, and, as I have told each of you that I've

1 talked to, this is simply my opinion. You do not  
2 need to follow my opinion if you choose not to do  
3 so.

4 COUNCIL MEMBER MILES: And which  
5 opinion is this, Grover?

6 CITY ATTORNEY POTTS: That it's  
7 four -- it takes four members of the council to  
8 elect a mayor.

9 COUNCIL MEMBER MILES: On what? On  
10 everything else we vote, Grover, how many people  
11 does it take to make a decision?

12 CITY ATTORNEY POTTS: Four.

13 COUNCIL MEMBER MILES: Okay. Is  
14 this decision any less important than the other  
15 decisions that we've made?

16 COUNCIL MEMBER LEONARD: It -- it  
17 has nothing to do with importance.

18 COUNCIL MEMBER BOWLING: But how  
19 many people are voting?

20 COUNCIL MEMBER LEONARD: Exactly.

21 COUNCIL MEMBER BOWLING: How many  
22 people are voting? They -- if --

23 COUNCIL MEMBER MILES: In -- in my  
24 knowledge --

25 COUNCIL MEMBER BOWLING: Okay.

1 COUNCIL MEMBER MILES: -- this  
2 council has never acted against the advice of  
3 council. Ever; okay? This is the advice of council  
4 on a legal matter. It's a legal matter where we're  
5 making a decision where four of the people making  
6 this decision can financially benefit from this  
7 decision.

8 I think is this council goes against advice of  
9 counsel, while I'm not a lawyer, I think it would be  
10 shameful and I think it would open the city up for  
11 litigation. It could cost the city tens if not  
12 hundreds of thousands of dollars, and there's no  
13 reason to do it.

14 COUNCIL MEMBER BOWLING: Well,  
15 let -- let me --

16 COUNCIL MEMBER MILES: There's no  
17 reason to do it. There's no reason to do it. If it  
18 takes four votes for Mr. Comer, it takes four votes  
19 for me. I should be treated no differently than Mr.  
20 Comer. Mr. Comer should have no more difficulty  
21 and no higher bar to be mayor of this city than  
22 anybody else on this council.

23 COUNCIL MEMBER BOWLING: But it is  
24 different. Only five people can -- are voting for  
25 you and six would be --

1 COUNCIL MEMBER MILES: And -- and --

2 COUNCIL MEMBER BOWLING: -- voting

3 for him. And --

4 COUNCIL MEMBER MILES: -- the

5 advantage that -- that we have as council members

6 being here far outweighs any disadvantage from

7 doing this.

8 Listen, we were elected to be city council

9 members. We were not elected to be mayor. And

10 this is serious business, and -- and there's no

11 reason to go against advice of counsel on this

12 issue.

13 COUNCIL MEMBER BOWLING: Well, let

14 me -- I mean, that's -- you know, several of us

15 have -- have -- have been going through this with

16 Grover for a couple of weeks, and Grover's, you

17 know, been -- been very nice and -- and telling us,

18 you know, to -- to seek other counsel.

19 And we did that, you know, we sake -- we went

20 through the Kentucky League of Cities. You know,

21 the Mayor agrees with us, that -- you know, he's

22 an attorney. All of the Kentucky League is

23 saying -- and the Kentucky League of Cities

24 pointed us to several things. They didn't just say,

25 hey, here's our opinion.

1       If you look in the back of the book they gave  
2 us, majority vote is defined as only five words,  
3 "Over half the votes cast." Very simple.

4       Then they pointed us up here when it comes to  
5 ordinances and resolutions. For an ordinance to  
6 be legally enacted, it must receive the vote of a  
7 majority of the members voting on the ordinance.  
8 And several different instances through here they  
9 say "members present and voting." They were very  
10 clear on it.

11       So I think that it -- the -- this picture you're  
12 painting of -- of us trying to take the legal advice  
13 and -- and just going away from it for our own  
14 benefit, you know, is -- is -- is -- is not the case.  
15 We have sought a lot of opinions on this, and to  
16 this point we've only got one opinion that -- which  
17 is Grover's. And we appreciate that, but we  
18 haven't gotten any reason for his opinion yet.

19       These other opinions, the Mayor's and  
20 Sandra's and all the Kentucky League of Cities,  
21 they pointed to several things that were very clear  
22 on what constitutes a majority. So I think that -- I  
23 think that, you know, to present the case, we have  
24 to say, hey, here's why -- here's why we're --  
25 we're coming to this conclusion.

1 COUNCIL MEMBER MILES: You benefit  
2 from that decision to going against advice of  
3 counsel, this job pays \$44,000. Do you benefit  
4 from advi -- from going against the advice of  
5 counsel, this job pays \$44,000. You benefit from  
6 going again -- against advice of counsel, this job  
7 pays \$44,000.

8 I also have my name in the hat, you know. I  
9 would love to have a lower bar to be mayor than  
10 anybody else. I have no idea if you-guys are going  
11 to vote for me or not. It's not fair.

12 I don't care -- first of all, I'm going to trust  
13 my attorney. We pay the man \$55,000 a year. I  
14 don't think anybody at this point has questioned  
15 the man's logic or thinking on legal advice since  
16 I've been here, and I'm not going to start now,  
17 especially when it benefits me financially.

18 If you-guys want to do that, that's your  
19 business. You know, I've got one vote, but --

20 COUNCIL MEMBER LEONARD:

21 Actually --

22 COUNCIL MEMBER MILES: -- I -- I just  
23 want to let you know --

24 COUNCIL MEMBER LEONARD: Okay.

25 Actually --

1 COUNCIL MEMBER MILES: -- if  
2 you-guys do that, if you do that, I, Stuart Miles,  
3 will not accept the mayor's position with three  
4 votes. I won't do it.

5 I don't care what they do. I think it's wrong, I  
6 think it's unethical, and I think it's self-serving.

7 COUNCIL MEMBER LEONARD: You're --  
8 you're entitled to all of your opinions. The issue  
9 is not going against the advice of counsel.

10 COUNCIL MEMBER MILES: It is going  
11 against --

12 COUNCIL MEMBER LEONARD: The --  
13 no, the issue --

14 COUNCIL MEMBER MILES: I'm sorry.

15 COUNCIL MEMBER LEONARD: No.

16 COUNCIL MEMBER MILES: Grover, is  
17 this what you're advising?

18 COUNCIL MEMBER LEONARD: The issue  
19 is that, in this area, we are breaking new ground.

20 COUNCIL MEMBER MILES: No, we're not  
21 breaking new ground.

22 COUNCIL MEMBER LEONARD: And it's  
23 nebulous right now as to what the majority is. I  
24 personally think we need more information. We  
25 need to know if there's any case law out there.

1 COUNCIL MEMBER BOWLING: And let  
2 me also bring up one more real quick point. You  
3 said that -- that Prospect has never done this,  
4 going with anything but four vote. That's not  
5 correct. And as the Kentucky League of Cities  
6 pointed out, they said, "Rob, let me ask you a  
7 question. Let's say we're voting on Mike; okay? If  
8 Mike is not here, Grover agrees that it only takes  
9 three votes." That's -- that's what he told us.  
10 He -- is that correct, Grover?

11 COUNCIL MEMBER LEONARD: Right.

12 COUNCIL MEMBER MILES: Okay.  
13 This -- let me -- let me preface this.

14 COUNCIL MEMBER BOWLING: In the  
15 past -- let me finish.

16 COUNCIL MEMBER MILES: Let me  
17 preface it. When all of us are here.

18 COUNCIL MEMBER BOWLING: That's  
19 great. But in the past when someone who has not  
20 been on this council and was sick or couldn't make  
21 it, the majority changed.

22 COUNCIL MEMBER MILES: Right, but --

23 COUNCIL MEMBER BOWLING: So Mike  
24 can't vote. Why would -- what -- what's the  
25 difference if he's home and can't vote or he's

1 sitting here and can't vote? The majority changes.

2 COUNCIL MEMBER MILES: No, it  
3 doesn't -- Grover explained that to you. The -- it's  
4 not different. If we're here, we're here. And he's  
5 already explained that.

6 So I'm assuming we're all -- and that -- and  
7 you're right, Mike. I -- excuse me. You're right,  
8 Rob. I didn't preface that with "If we're all here."  
9 If we're all not here, if there's only five of us  
10 here, yes, then it would drop the bar, but I'm  
11 assuming we're all going to be here. It's a very  
12 important decision. I can't imagine none of us  
13 wouldn't show up to be here.

14 COUNCIL MEMBER BRAB: Well, let  
15 me -- let me just in here. Grover and I have had  
16 several phone conversations between us going  
17 back and forth, and the one thing I asked Grover  
18 to kind of, for me, to crystalize into my mind --

19 THE REPORTER: Keep your voice up,  
20 please, Mr. Brab.

21 COUNCIL MEMBER BRAB: I'm sorry.  
22 One thing I asked Grover to try and crystalize this  
23 in my mind, and this is what Sandra's pointing to,  
24 there's no precedent here. I said, "Grover, is  
25 there any common law, case law, KRS statute,

1 et cetera, that speaks directly to this point," and  
2 he said, "No."

3 CITY ATTORNEY POTTS: Right.

4 COUNCIL MEMBER BRAB: So, you know,  
5 I don't know how -- I mean anybody can sue  
6 anybody for anything. And --

7 COUNCIL MEMBER MILES: I know.

8 COUNCIL MEMBER BRAB: -- it happens  
9 frequently.

10 COUNCIL MEMBER MILES: Uh-huh. Why  
11 invite --

12 COUNCIL MEMBER BRAB: It's part of  
13 your business.

14 COUNCIL MEMBER MILES: Then why --  
15 but why invite it? I mean, if we're --

16 COUNCIL MEMBER LEONARD: What --  
17 where is the --

18 COUNCIL MEMBER MILES: -- setting the  
19 bar --

20 COUNCIL MEMBER LEONARD: -- lawsuit  
21 coming from?

22 COUNCIL MEMBER MILES: -- if we're  
23 setting the bar, why are we setting a lower bar? I  
24 mean, shouldn't we set a higher bar for other  
25 cities to look at? Shouldn't we say that a council

1 member has to get the same amount of votes as a  
2 noncouncil member? I mean, why -- why should we  
3 set a lower bar?

4 COUNCIL MEMBER BOWLING: Well,  
5 you -- your --

6 COUNCIL MEMBER MILES: I mean, I  
7 feel confident that if I'm not capable of getting  
8 four of the people I have worked with to vote for  
9 me as mayor, then I probably don't deserve the  
10 job.

11 COUNCIL MEMBER BOWLING: Well,  
12 you -- you're talking about the bar, if -- if -- if a  
13 council person only requires three of the five  
14 votes, you know, that's -- that's -- that's 66%. If  
15 they require four of the five, that's 80%. So  
16 you're asking us to get 80% of the vote while  
17 you're only asking them to get 2/3, which is  
18 sixty-six per -- which is 66%.

19 So you're raising the bar for the council.  
20 You're asking for a whole lot large of the majority.  
21 You're asking for 80% majority here as opposed to  
22 66 on the outside. So you're -- you're doing the  
23 opposite. You're raising --

24 COUNCIL MEMBER MILES: No.

25 COUNCIL MEMBER BRAB: -- the bar for

1 the council.

2 COUNCIL MEMBER MILES: It's not -- I  
3 mean, we already sit at an advantage: being on  
4 the council, knowing people sitting on the council.

5 COUNCIL MEMBER BRAB: Actually, the  
6 math is -- to correct the math and not to correct  
7 your up it [phonetic], three of five -- three of five  
8 is 67%. Four of six is 67%. So the math -- the  
9 weight of evidence is exactly the same. It's not a  
10 super majority or a majority.

11 So what we're saying is -- is that if you go to  
12 three for council members and four for outside --

13 COUNCIL MEMBER LEONARD: It's the  
14 same bar.

15 COUNCIL MEMBER BRAB: -- it's -- 67%  
16 is exactly equal.

17 COUNCIL MEMBER LEONARD: Uh-huh.

18 COUNCIL MEMBER BRAB: We're not  
19 setting the bar higher.

20 COUNCIL MEMBER BOWLING: Well, no,  
21 I'm saying if -- if you require the four votes from  
22 council, it would be four of five. That's 80%.

23 COUNCIL MEMBER BRAB: My point  
24 being -- my point being --

25 COUNCIL MEMBER BOWLING: That's

1 80%. Four of five is -- is 80%. That's what --  
2 that's what he's requiring. So it would be -- he's  
3 saying that council has to get 80% and an outsider  
4 would have to get 66%. That's -- I mean, the  
5 math's simple, you know.

6 COUNCIL MEMBER SCOTT: My comment  
7 on this is that the definition of a majority, you're  
8 read it to us. If there's five people voting, the  
9 majority is three. That's -- that's as simple as  
10 that, because the council member who's being  
11 voted on, if it is the coun -- a council member, he  
12 can't vote. So, you know; it -- I just feel that  
13 three is -- is the right number and not four.

14 Now, do we want to make a -- a motion? Is  
15 there any further discussion?

16 COUNCIL MEMBER TUCCI: Well, where  
17 are we now? We started out talking about going  
18 from five -- we -- we started out initially, I think,  
19 Brab, you were saying, all right, let's go to --

20 COUNCIL MEMBER BRAB: I -- I  
21 withdrew that. I withdrew --

22 COUNCIL MEMBER TUCCI: You withdrew  
23 that.

24 COUNCIL MEMBER BRAB: -- motion  
25 because --

1 COUNCIL MEMBER TUCCI: Okay.

2 COUNCIL MEMBER BRAB: -- because of  
3 the four vote --

4 COUNCIL MEMBER TUCCI: So now  
5 we're --

6 COUNCIL MEMBER BRAB: -- versus  
7 three-vote issue is --

8 COUNCIL MEMBER TUCCI: -- now  
9 we're -- now we're -- so now do you want to take  
10 it -- do you want to do it, Rob?

11 COUNCIL MEMBER BOWLING: Sure, I'll  
12 make a motion.

13 COUNCIL MEMBER TUCCI: Okay.

14 COUNCIL MEMBER BOWLING: Sure.

15 COUNCIL MEMBER TUCCI: You want to  
16 state the motion, not just say I'll make a motion.

17 COUNCIL MEMBER BOWLING: The -- the  
18 motion is that -- that it -- it would require a -- a  
19 majority being the number of members voting, so it  
20 would take three of five or four of six.

21 COUNCIL MEMBER TUCCI: Is there a  
22 second to that?

23 COUNCIL MEMBER SCOTT: I second it.

24 COUNCIL MEMBER TUCCI: Start the  
25 vote here with you, Sandra.

1 COUNCIL MEMBER LEONARD: Yes.

2 COUNCIL MEMBER SCOTT: Yes.

3 COUNCIL MEMBER BOWLING: Yes.

4 COUNCIL MEMBER TUCCI: No.

5 COUNCIL MEMBER BRAB: Yes.

6 COUNCIL MEMBER MILES: Hell, no.

7 COUNCIL MEMBER TUCCI: Now I think  
8 we're to the third step.

9 COUNCIL MEMBER BRAB: Now we can  
10 go to the next one.

11 COUNCIL MEMBER TUCCI: Okay.

12 COUNCIL MEMBER BRAB: With -- with  
13 that in mind, then, we would go first with the  
14 ranking system, where you talked about that when  
15 the -- the five people that are ranked, we would go  
16 from least likeliest first to the most likeliest, and  
17 three of five would carry.

18 COUNCIL MEMBER TUCCI: Could you  
19 separate that? We already did the three of five.

20 COUNCIL MEMBER BRAB: You already  
21 did that.

22 CITY ATTORNEY POTTS: Three of five;  
23 we've done that.

24 COUNCIL MEMBER BRAB: We don't  
25 need to put that in there.

1 COUNCIL MEMBER TUCCI: You don't  
2 need to put that in.

3 COUNCIL MEMBER BRAB: Just -- and --  
4 and -- and everybody would get one vote, and then  
5 we would move to next -- and we would go from  
6 five to -- what? Because we haven't decided that.  
7 It would go from five to three or five -- we just  
8 keep going.

9 CITY ATTORNEY POTTS: Keep going.

10 COUNCIL MEMBER BRAB: We drop one  
11 at a time.

12 CITY ATTORNEY POTTS: The only  
13 reason --

14 COUNCIL MEMBER BRAB: We drop one  
15 at a time.

16 CITY ATTORNEY POTTS: It depends on  
17 what the vote shows.

18 COUNCIL MEMBER BRAB: We drop  
19 the --

20 COUNCIL MEMBER TUCCI: You could  
21 drop two at a time.

22 CITY ATTORNEY POTTS: You could drop  
23 two.

24 COUNCIL MEMBER BRAB: Well, how --

25 CITY ATTORNEY POTTS: If they were

1 the same --

2 COUNCIL MEMBER BRAB: Well, you've  
3 got to make that -- you've got to make that motion.  
4 Do you drop the two lowest or --

5 CITY ATTORNEY POTTS: Let's -- let's  
6 think about it. If -- if three people get -- if four  
7 people get -- if five people get three votes, it just  
8 keeps going; correct. If four people get three  
9 votes and one person gets two votes, that person  
10 will drop out.

11 COUNCIL MEMBER BRAB: All right.

12 CITY ATTORNEY POTTS: And then you  
13 just do that on the basis of --

14 COUNCIL MEMBER BRAB: So lowest and  
15 ties would drop out.

16 CITY ATTORNEY POTTS: Correct.

17 COUNCIL MEMBER BRAB: Is that the  
18 correct way to say that?

19 COUNCIL MEMBER TUCCI: Yeah, that  
20 makes sense.

21 COUNCIL MEMBER BRAB: Okay. Then I  
22 make the motion that we -- that at Step Number 3,  
23 that we vote on everybody that advanced from Step  
24 Number 1, the ranking system, and everybody  
25 would vote -- would get five. And we would go

1 with the least likeliest first going to the most  
2 likely, and lowest and ties would drop out of  
3 everybody.

4 COUNCIL MEMBER MILES: Can I have a  
5 discussion?

6 CITY ATTORNEY POTTS: He needs get a  
7 second first.

8 COUNCIL MEMBER MILES: Okay.

9 COUNCIL MEMBER SCOTT: I'll second  
10 it.

11 COUNCIL MEMBER TUCCI: Okay.  
12 Discussion?

13 COUNCIL MEMBER MILES: First, I want  
14 to circle back around. I want to make it clear.  
15 Grover, about that last vote of four to two, did the  
16 council just, in fact, go against advice of counsel?

17 COUNCIL MEMBER TUCCI: Yes.

18 COUNCIL MEMBER MILES: I want  
19 Grover to say it. Grover?

20 CITY ATTORNEY POTTS: They went  
21 against my opinion.

22 COUNCIL MEMBER MILES: Yes.

23 CITY ATTORNEY POTTS: Okay.

24 COUNCIL MEMBER MILES: In my  
25 opinion, from that point on, the rest of the process

1 is tainted. And it doesn't matter what the vote is.  
2 I don't think it's going to be fair, so. . .

3 COUNCIL MEMBER BOWLING: Let me --  
4 I just want to make one quick point. To -- to take  
5 such a stand that you are, it seems like you ought  
6 to be able to point to something pretty easy. I  
7 mean, we haven't -- we've asked. We've been  
8 going through this for two weeks, and we haven't  
9 had any legal person give us something as,  
10 opposed to the decision we came up with, we were  
11 given several examples.

12 I just feel like the stand you're taking in  
13 saying this is tainted ought to pretty easy for you  
14 to come up with something.

15 COUNCIL MEMBER MILES: I'm running  
16 for mayor, along with you. I have a city attorney  
17 who we've had -- how long have you been our city  
18 attorney, Grover?

19 CITY ATTORNEY POTTS: Awhile.

20 COUNCIL MEMBER MILES: A long time.  
21 I'm not going to keep asking questions from Grover  
22 until I get the answer I want, and I'm not going to  
23 keep asking questions from of other people until I  
24 get the answer I want. I work with a lot of  
25 attorneys, and I know if I ask enough attorneys I'll

1 get the question and the answer that I want.

2 The city has an attorney whose job is to make  
3 opinions like this. We asked him for his opinion.  
4 He gave the opinion.

5 I have no -- I have no need to question his  
6 opinion from -- from the beginning, so why would I  
7 have to go and -- and -- and -- and, like,  
8 secondguess him on a question? Especially  
9 guessing -- I mean, this benefits me; all right? I  
10 get --

11 COUNCIL MEMBER BOWLING: I just  
12 want to get it right.

13 COUNCIL MEMBER MILES: -- I -- I  
14 benefit -- I benefit by being three votes, but,  
15 despite that, I'm not going -- I'm not going to  
16 change it. The man gave us his opinion --

17 COUNCIL MEMBER BOWLING: I just  
18 want to get it right. I -- I -- I don't care that it  
19 benefits or doesn't benefit. I want to get it right.  
20 And everyone that we have talked to outside of  
21 Grover has gone the other way, and they even  
22 pointed -- I mean, as a council, we are -- we were  
23 told to decide on this.

24 And so we are looking at two groups of  
25 people, one of them that included five attorneys,

1 three of them with the Kentucky League of Cities,  
2 and they gave us different things to go from.  
3 And -- and -- and we have emails that they said  
4 they were very clear in their opinion, and we have  
5 got one that says it's not his opinion.

6 And -- but -- but nobody on the opposition  
7 side can point to anything to us; anything that  
8 shows us where you're coming from. And my point  
9 is --

10 CITY ATTORNEY POTTS: I -- I think --  
11 just so the --

12 COUNCIL MEMBER MILES: I'll point to  
13 our attorney.

14 CITY ATTORNEY POTTS: -- record is  
15 clear on this, when you have -- you cannot have  
16 two sets of standards -- a legislative body cannot  
17 have two sets of standards that it applies to  
18 candidates. And I don't care what you have read  
19 about what -- how a -- a-- a legislative body votes.  
20 You cannot have two sets of standards. If you  
21 require four votes for Mr. Comer to be elected,  
22 then you have got to apply the same standard to  
23 yourself.

24 COUNCIL MEMBER LEONARD: But the  
25 standard has already changed by the statute --

1 CITY ATTORNEY POTTS: No, it does  
2 not --

3 COUNCIL MEMBER LEONARD: -- that  
4 doesn't let a person --

5 CITY ATTORNEY POTTS: -- it does  
6 not --

7 COUNCIL MEMBER LEONARD: -- vote.

8 CITY ATTORNEY POTTS: -- change the  
9 standard. The standard is what it is.

10 The fact that a person is prohibited from  
11 voting for himself or herself doesn't change the  
12 standard. If there were only four council members  
13 voting, then you might -- you might get past the  
14 standard; but you're not going to get past the  
15 standard if there is someone who is not a council  
16 member who is up to be elected mayor, because  
17 you cannot have two sets of standards.

18 COUNCIL MEMBER BOWLING: And I --  
19 and I appreciate that, you know, Grover. I -- but,  
20 like I said, the Kentucky League of Cities kept  
21 pointing to us was --

22 CITY ATTORNEY POTTS: Well, first --  
23 first of all --

24 COUNCIL MEMBER BOWLING: --  
25 members present and voting -- and voting. Why

1 would they put that in there if that wasn't what --  
2 they would have just said members, but they --

3 CITY ATTORNEY POTTS: First of all --

4 COUNCIL MEMBER BOWLING: -- say  
5 members and voting.

6 CITY ATTORNEY POTTS: -- the  
7 Kentucky League of Cities is not a recognized  
8 authority; okay? It is a group of cities. They have  
9 counsel that are employees of that. They do not  
10 make pronouncements as to the law; okay?

11 The -- everything that they cited you to, as I  
12 pointed out to you when I wrote you the email,  
13 dealt with situations in which there was someone  
14 who did not vote ve -- but was present, and it was  
15 not a situation in which that person was prohibited  
16 from voting.

17 There isn't a case on someone who was  
18 prohibited from voting under this stated. They  
19 haven't cited you to one.

20 And I'm not arguing about what you've  
21 decided. That's, again --

22 COUNCIL MEMBER BOWLING: Sure.

23 CITY ATTORNEY POTTS: -- as I told  
24 you, that's your --

25 COUNCIL MEMBER BOWLING: Right.

1 CITY ATTORNEY POTTS: -- that's your  
2 prerogative to follow --

3 COUNCIL MEMBER BOWLING: Sure.

4 CITY ATTORNEY POTTS: -- my advice or  
5 not to follow my advice.

6 What I'm saying is the thing that bothers me  
7 most about this is that you're setting different  
8 standards, a different standard for the city council  
9 than for someone else who has put his hat into the  
10 ring, and I think that's unfair.

11 COUNCIL MEMBER BOWLING: Okay.

12 And my only point to that would be: There is a  
13 different standard in voting. Why wouldn't there  
14 be a different standard in number of votes you  
15 receive? You know, that was -- that was my point.

16 But we -- you know, we have to make a  
17 decision, and we've -- you know, we've all been  
18 going at this for several weeks. And, you know,  
19 we've -- you know, we've all done our homework  
20 and -- you know, well --

21 CITY ATTORNEY POTTS: And -- and I --  
22 and just so that -- that the record is clear, as I  
23 told Sandra this afternoon, I wish I could come to  
24 the --

25 COUNCIL MEMBER BOWLING: Sure;

1 absolutely.

2 CITY ATTORNEY POTTS: -- conclusion  
3 that it's three; okay?

4 COUNCIL MEMBER BOWLING: Sure.

5 CITY ATTORNEY POTTS: It'd make it a  
6 lot easier for all of us. I can't.

7 COUNCIL MEMBER MILES: I -- I --

8 THE REPORTER: Well, on that -- I'm  
9 sorry. I need to take a break. I broke a key off,  
10 and --

11 COUNCIL MEMBER MILES: Oh, my gosh.

12 [WHEREUPON, a brief recess is taken.]

13 COUNCIL MEMBER TUCCI: When we had  
14 the malfunction, where were we? We were working  
15 on what? Just bring that back to us, please, or  
16 can you bring it back?

17 THE REPORTER: Yeah, I can get back  
18 up there. [reads] It'd make it a lot easier for all of  
19 us.

20 And that's when I interrupted and asked for a  
21 break. [reads] Just so that the record is clear, as  
22 I told Sandra this afternoon, I wish I could come --  
23 Mr. Bowling, right. Mr. Potts, to the conclusion  
24 the three -- of three, it would make it a lot easier  
25 for all of us.

1 COUNCIL MEMBER TUCCI: Okay.

2 CITY ATTORNEY POTTS: Yeah, I think  
3 what -- where we were was that I think Bill was at  
4 a point of confirming that once the evaluation  
5 forms were received, that we would then vote to all  
6 five candidates. And I -- I don't know that you got  
7 a second for that --

8 COUNCIL MEMBER BRAB: Well, I -- the  
9 voting process was --

10 CITY ATTORNEY POTTS: -- or maybe  
11 you didn't even get it --

12 COUNCIL MEMBER BRAB: -- all five  
13 candidates --

14 COUNCIL MEMBER TUCCI: Uh-huh.

15 COUNCIL MEMBER BRAB: -- starting  
16 from least to most likely, and each counsel  
17 member -- each one would have five votes --

18 COUNCIL MEMBER TUCCI: Uh-huh.

19 COUNCIL MEMBER BRAB: -- or would  
20 have votes.

21 COUNCIL MEMBER TUCCI: Uh-huh.

22 COUNCIL MEMBER BRAB: And then the  
23 lowest --

24 COUNCIL MEMBER TUCCI: Lowest --  
25 lowest --

1 COUNCIL MEMBER BRAB: -- vote

2 total --

3 COUNCIL MEMBER TUCCI: -- or tie --

4 COUNCIL MEMBER BRAB: -- and ties --

5 COUNCIL MEMBER TUCCI: -- would --

6 COUNCIL MEMBER BRAB: -- would drop

7 out.

8 COUNCIL MEMBER TUCCI: Do I have --

9 COUNCIL MEMBER MILES: Define --

10 define "ties" for me. So -- I'm sorry.

11 COUNCIL MEMBER BOWLING: If -- if --

12 if two people were to get two votes --

13 COUNCIL MEMBER MILES: Uh-huh.

14 COUNCIL MEMBER BRAB: -- and

15 everybody else would get more than two votes --

16 COUNCIL MEMBER MILES: Uh-huh.

17 COUNCIL MEMBER BRAB: -- the two --

18 ones with the two votes would drop out.

19 COUNCIL MEMBER MILES: Okay. So

20 two lowest and --

21 COUNCIL MEMBER BRAB: And lowest

22 and ties. So it could be one person.

23 COUNCIL MEMBER MILES: Okay.

24 COUNCIL MEMBER BRAB: But if there's

25 two people that tie, that means they both drop out.

1 COUNCIL MEMBER MILES: Tied for  
2 lowest.

3 COUNCIL MEMBER BRAB: That's tied  
4 for lowest.

5 COUNCIL MEMBER MILES: Yes.

6 COUNCIL MEMBER BRAB: Did that  
7 answer your question?

8 COUNCIL MEMBER MILES: Yeah.

9 COUNCIL MEMBER TUCCI: Do we need a  
10 second for that --

11 COUNCIL MEMBER LEONARD: So --

12 COUNCIL MEMBER TUCCI: -- or we  
13 don't have a second?

14 COUNCIL MEMBER LEONARD: -- during  
15 that -- explain that to me again.

16 COUNCIL MEMBER BRAB: You have five  
17 people that would be voted on.

18 COUNCIL MEMBER LEONARD: Right.

19 COUNCIL MEMBER BRAB: All of us  
20 would vote on all five people.

21 COUNCIL MEMBER LEONARD: Right.

22 COUNCIL MEMBER BRAB: If -- whoever  
23 had the lowest votes among those -- of the five  
24 people during that round, this would be Round  
25 Number 1 of voting, the lowest vote total would

1 drop out, and any ties. So if --

2 CITY ATTORNEY POTTS: Any ties that  
3 were --

4 COUNCIL MEMBER BRAB: The lowest.

5 CITY ATTORNEY POTTS: -- the lowest.

6 COUNCIL MEMBER BRAB: So --

7 COUNCIL MEMBER LEONARD: Okay. I  
8 guess what I don't know is the cut point. Are we  
9 talking one of five would drop out?

10 COUNCIL MEMBER BRAB: It could be --  
11 it could be three of five.

12 CITY ATTORNEY POTTS: If they were all  
13 tied. What -- if you -- if you said three people got  
14 one vote each --

15 COUNCIL MEMBER LEONARD: Okay.

16 CITY ATTORNEY POTTS: -- then they  
17 would all drop out.

18 COUNCIL MEMBER LEONARD: Drop out.  
19 If one person got one and another person got two,  
20 the two would stay in.

21 CITY ATTORNEY POTTS: Correct.

22 COUNCIL MEMBER BRAB: Correct.

23 Lowest --

24 CITY ATTORNEY POTTS: For that round.

25 COUNCIL MEMBER BRAB: -- and ties,

1 but then you would have another round. It would  
2 be -- you'd go --

3 COUNCIL MEMBER LEONARD: Okay.

4 And when we get --

5 COUNCIL MEMBER BRAB: -- to four  
6 people.

7 COUNCIL MEMBER LEONARD: -- to the  
8 second round, how do -- what order do we take  
9 those in?

10 CITY ATTORNEY POTTS: Same order  
11 that they went in in the first round.

12 COUNCIL MEMBER BRAB: So least  
13 likely to most likely from the ranking system.

14 COUNCIL MEMBER SCOTT: And this  
15 would be a verbal "yea" or "nay."

16 COUNCIL MEMBER BRAB: Only "yeas."

17 CITY ATTORNEY POTTS: Only "yeas."

18 COUNCIL MEMBER SCOTT: Okay. Only  
19 "yes," thank you.

20 COUNCIL MEMBER MILES: Can I ask for a  
21 point of clarification?

22 COUNCIL MEMBER TUCCI: Sure.

23 COUNCIL MEMBER MILES: On the -- so  
24 we're each going to get the form that's going to  
25 five names, and we're going to rank them 1 to 5.

1 And then are we -- we're going to put our name on  
2 them so everybody knows what we rank them.

3 COUNCIL MEMBER BRAB: No.

4 CITY ATTORNEY POTTS: [shakes head]

5 COUNCIL MEMBER MILES: So we're  
6 not -- so people can't hold us accountable for how  
7 we're ranking, is that -- is that correct? So we're  
8 doing it in secret.

9 COUNCIL MEMBER TUCCI: According to  
10 Grover, you will mark those -- make those rankings  
11 before you come to the meeting.

12 COUNCIL MEMBER MILES: Right.

13 COUNCIL MEMBER TUCCI: So,  
14 therefore --

15 COUNCIL MEMBER MILES: But your  
16 name won't be on them.

17 COUNCIL MEMBER TUCCI: -- their name  
18 won't be on them be -- and it will not have been --  
19 you will not have ranked them during an open  
20 meeting.

21 CITY ATTORNEY POTTS: Ranking  
22 process.

23 COUNCIL MEMBER TUCCI: So, in other  
24 words, you could -- you had a secret meeting --  
25 you could have had a secret meeting before you

1 came.

2 COUNCIL MEMBER MILES: But in this --  
3 you know, again, I'm not an -- I'm not an attorney.  
4 I can't opine on -- on --

5 COUNCIL MEMBER TUCCI: Yeah.

6 COUNCIL MEMBER MILES: -- on the  
7 secret meeting at all, but, again, I think we all  
8 should be held accountable for how we do the  
9 ranking. I don't know why that needs to be secret,  
10 and I think that just piles onto a process that --  
11 that I think unfair and inappropriate.

12 COUNCIL MEMBER BRAB: Well, the --  
13 the -- the ranking process, the only thing it does,  
14 in what we're talking about here, is that it  
15 determines the order of voting.

16 COUNCIL MEMBER MILES: Right, but  
17 it -- it's -- it's each individual council member's  
18 assessment of who they think the most-qualified  
19 person is and who they think the least-qualified  
20 person is. And I think -- I see no reason why the  
21 citizens of Prospect shouldn't have the right to  
22 have that information.

23 COUNCIL MEMBER LEONARD:  
24 Absolutely. I have absolutely no problem with  
25 expressing opinions about anything. I'll be happy

1 to sign my ranking sheets.

2 COUNCIL MEMBER MILES: I appreciate  
3 that, Sandy.

4 COUNCIL MEMBER BOWLING: I don't  
5 have a problem signing --

6 COUNCIL MEMBER LEONARD: So I  
7 make a motion --

8 COUNCIL MEMBER BOWLING: -- mine,  
9 either.

10 COUNCIL MEMBER LEONARD: -- that we  
11 sign our ranking sheet. Do you want to second it?

12 COUNCIL MEMBER BOWLING: Fine.

13 COUNCIL MEMBER MILES: Good. I  
14 appreciate that.

15 COUNCIL MEMBER LEONARD: Do you  
16 want to second my motion?

17 COUNCIL MEMBER MILES: Second.

18 CITY ATTORNEY POTTS: Well, there's  
19 already a motion that --

20 COUNCIL MEMBER LEONARD: A motion  
21 on the table.

22 COUNCIL MEMBER TUCCI: There's  
23 already a motion on the --

24 COUNCIL MEMBER MILES: Then we've  
25 got mixed motions.

1 CITY ATTORNEY POTTS: You can -- you  
2 can vote if -- if -- Bill wants to do that, you can  
3 vote to table his motion until you've discussed --

4 COUNCIL MEMBER BRAB: This was just  
5 a point of clarification, and didn't everybody  
6 agree? So it doesn't need anything on it.

7 COUNCIL MEMBER LEONARD: No, I  
8 think we should vote on it. I really do.

9 COUNCIL MEMBER TUCCI: Then do you  
10 want to --

11 COUNCIL MEMBER BRAB: I'll withdraw  
12 my motion.

13 COUNCIL MEMBER TUCCI: No, don't --  
14 you just want to table it.

15 CITY ATTORNEY POTTS: Everybody's  
16 got to vote on tabling his motion; okay?

17 COUNCIL MEMBER TUCCI: Okay.

18 COUNCIL MEMBER LEONARD: Yes.

19 COUNCIL MEMBER SCOTT: Yes.

20 COUNCIL MEMBER BOWLING: Yes.

21 COUNCIL MEMBER TUCCI: Yes.

22 COUNCIL MEMBER BRAB: Yes.

23 COUNCIL MEMBER MILES: Yes.

24 CITY ATTORNEY POTTS: Now, Sandra,  
25 make your motion.

1 COUNCIL MEMBER LEONARD: I motion  
2 that we all sign our rating sheets -- ranking  
3 sheets.

4 COUNCIL MEMBER SCOTT: I'll second  
5 it.

6 COUNCIL MEMBER TUCCI: Okay. I'll  
7 start with you, Stu.

8 COUNCIL MEMBER MILES: Yes.

9 COUNCIL MEMBER SCOTT: Yes.

10 COUNCIL MEMBER BOWLING: Yes.

11 COUNCIL MEMBER TUCCI: Yes.

12 COUNCIL MEMBER LEONARD: Yes.

13 COUNCIL MEMBER BRAB: Yes.

14 COUNCIL MEMBER TUCCI: Okay.

15 CITY ATTORNEY POTTS: Great. Now --

16 COUNCIL MEMBER TUCCI: Now --

17 CITY ATTORNEY POTTS: -- bring the  
18 motion --

19 COUNCIL MEMBER TUCCI: -- now we  
20 need --

21 CITY ATTORNEY POTTS: -- back off the  
22 table.

23 COUNCIL MEMBER TUCCI: Now -- yeah.

24 Do we need to vote to move it back on the table.

25 CITY ATTORNEY POTTS: Yeah, move it

1 back on the table.

2 COUNCIL MEMBER TUCCI: Okay. I need  
3 a motion to lift it off the table.

4 COUNCIL MEMBER BRAB: I move we put  
5 it off the table.

6 COUNCIL MEMBER BOWLING: Second.

7 COUNCIL MEMBER TUCCI: You have to  
8 have a little you fun, you know.

9 COUNCIL MEMBER BRAB: We can  
10 retable it. How's that?

11 COUNCIL MEMBER TUCCI: Yeah. Okay.  
12 So it's back on the table. Now, discussion.

13 COUNCIL MEMBER SCOTT: I -- I have a  
14 question, and I understand the procedure of this  
15 next level. Will we get to the final two candidates,  
16 he or she, at that -- that meeting when we're  
17 working through these -- everyone -- we vote on  
18 everybody and the lowest ones drop -- drop off?

19 CITY ATTORNEY POTTS: You may or  
20 you may not get there.

21 COUNCIL MEMBER TUCCI: Can't predict  
22 it.

23 CITY ATTORNEY POTTS: It depends on  
24 what the votes are.

25 COUNCIL MEMBER TUCCI: You could

1 end up with four people all with three votes.

2 COUNCIL MEMBER SCOTT: Is there a  
3 possibility, if everything works well, that that  
4 could be our final meeting and we would elect a  
5 mayor then?

6 CITY ATTORNEY POTTS: That's correct.

7 COUNCIL MEMBER TUCCI: Yeah.

8 CITY ATTORNEY POTTS: You could.

9 COUNCIL MEMBER TUCCI: Yeah, you  
10 could.

11 COUNCIL MEMBER SCOTT: Thank you.

12 COUNCIL MEMBER TUCCI: Or we could  
13 all just sort of get together every night and have  
14 pizza and work it out, you know.

15 CITY ATTORNEY POTTS: it would have  
16 to be every other night since you --

17 COUNCIL MEMBER TUCCI: Every other  
18 night --

19 CITY ATTORNEY POTTS: -- have to give  
20 24 hours notice.

21 COUNCIL MEMBER TUCCI: There you  
22 go. Thank you. All right. Every other night.  
23 Okay.

24 No further discussion, do I hear a call for the  
25 question?

1 COUNCIL MEMBERS: [no audible  
2 response]

3 COUNCIL MEMBER TUCCI: I'm going to  
4 stop picking on the two ends. I'll start with you,  
5 Mike.

6 COUNCIL MEMBER SCOTT: No.

7 COUNCIL MEMBER BOWLING: No.

8 COUNCIL MEMBER BRAB: Yes.

9 COUNCIL MEMBER MILES: Yes.

10 COUNCIL MEMBER TUCCI: Yes.

11 COUNCIL MEMBER LEONARD: I get to  
12 vote, too. No.

13 COUNCIL MEMBER TUCCI: It's split.

14 THE REPORTER: Mr. Brab, what was  
15 your vote?

16 COUNCIL MEMBER BRAB: Yes. I voted  
17 yes.

18 THE REPORTER: I -- okay. I just  
19 wanted to make sure.

20 COUNCIL MEMBER TUCCI: Now, there  
21 are three yeses, three noes, and we don't have a  
22 mayor to be a tie breaker.

23 CITY ATTORNEY POTTS: Correct.  
24 Correct. So you need to come up with another  
25 motion.

1 COUNCIL MEMBER LEONARD: Yeah,  
2 that motion essentially dies.

3 CITY ATTORNEY POTTS: Yeah.

4 COUNCIL MEMBER TUCCI: Well, would  
5 one of the council members who voted "no" like to  
6 come up with one -- a different motion for people  
7 to vote on?

8 COUNCIL MEMBER BOWLING: The only  
9 thing I think is important is -- is what I liked about  
10 Grover's is -- is that it is eliminating some people  
11 along the way. I think we should eliminate right  
12 from the very beginning through the process.

13 That's -- that's the only reason that I was  
14 opposed to it, just because right now, the way the  
15 council is set up with -- with four people running  
16 and one person not even going to be able to vote  
17 for themselves, it -- it just -- it makes such a  
18 quagmire that I feel like from the beginning, like  
19 Grover's opposition, we need to start eliminating.  
20 It's just -- you know, I'm not sure that -- you know,  
21 maybe it's six one way, half a dozen the other. I  
22 don't know, but that's --

23 COUNCIL MEMBER TUCCI: And one vote  
24 would probably eliminate one.

25 COUNCIL MEMBER MILES: It takes two

1 votes to get you to the same place.

2 COUNCIL MEMBER LEONARD: No, it  
3 actually doesn't.

4 COUNCIL MEMBER MILES: It should

5 COUNCIL MEMBER LEONARD: Not if we  
6 eliminate only one in each set of -- of votes.

7 COUNCIL MEMBER MILES: That's what  
8 I'm saying. We go through the process twice.

9 COUNCIL MEMBER LEONARD: No, you'll  
10 end up going through it three times to get to two  
11 people; whereas in his --

12 CITY ATTORNEY POTTS: You could go  
13 through --

14 COUNCIL MEMBER LEONARD: -- we're  
15 at two people --

16 CITY ATTORNEY POTTS: -- a maximum  
17 of three times --

18 COUNCIL MEMBER LEONARD: Correct.

19 CITY ATTORNEY POTTS: -- to get to two  
20 people.

21 COUNCIL MEMBER LEONARD: Right.

22 COUNCIL MEMBER TUCCI: That doesn't  
23 sound so onerous to me. All you're doing is saying  
24 "yes" either five times or three times.

25 We need to do something about this. We have

1 a 3-3, which means that's over. Maybe some  
2 people would like to reconsider their vote and  
3 reintroduce it, or introduce another --

4 CITY ATTORNEY POTTS: Put another  
5 motion on the table.

6 COUNCIL MEMBER TUCCI: Put another  
7 motion on the table. We need to get through the  
8 process tonight so next Monday we can actually  
9 vote.

10 COUNCIL MEMBER MILES: And this was  
11 my concern with having four council members out  
12 of six council for a job. The dynamics are just  
13 caddywompus, and are fraught with error and  
14 problems.

15 COUNCIL MEMBER BOWLING: So  
16 what -- let me ask you-all: What is the reasoning  
17 that that first rating you-all don't want anybody to  
18 be eliminated in that? Help me understand that.

19 COUNCIL MEMBER TUCCI: Because, I --  
20 for myself, I would like it to be an open process  
21 for the very reason that whoever becomes mayor, I  
22 want that person to look like a shining knight or a  
23 countess or whatever, you know.

24 COUNCIL MEMBER BOWLING: Right.  
25 Sure.

1 COUNCIL MEMBER TUCCI: Really clean.  
2 And to come in with either an open or a closed  
3 ballot where we have all decided -- well, you know,  
4 it's like junior high. I'm sorry. You don't get to be  
5 in my --

6 COUNCIL MEMBER BOWLING: Well, we  
7 are signing it now.

8 COUNCIL MEMBER TUCCI: We're  
9 signing it.

10 COUNCIL MEMBER MILES: That helps,  
11 but it's still --

12 COUNCIL MEMBER BOWLING: Yeah.

13 COUNCIL MEMBER TUCCI: We're  
14 signing it, and that helps, but why not just -- it's  
15 only five people. If it were fifty --

16 COUNCIL MEMBER BOWLING: Sure.

17 COUNCIL MEMBER TUCCI: -- it would --  
18 it seems only five, if somebody has thrown his --  
19 his or her hat into the ring, they deserve a  
20 stand-up vote.

21 COUNCIL MEMBER BOWLING: Okay.

22 COUNCIL MEMBER TUCCI: I can't -- I  
23 can't see the -- and it's -- it's not such a  
24 complicated thing.

25 COUNCIL MEMBER BOWLING: Yeah,

1 I'm -- I'm not super opposed to it. I'm -- I'm just  
2 trying to clarify the two reasons. You know, I --  
3 and -- and --

4 COUNCIL MEMBER LEONARD: Actually,  
5 I -- the -- the overall concept I don't think most of  
6 us take issue with. It's the dynamics of the  
7 numerical vote that could, I think, result in a  
8 greater potential for impasse than what Grover  
9 initially proposed.

10 COUNCIL MEMBER MILES: I -- I don't  
11 see that at all. I mean, we're going to have five  
12 people who we're going to vote on we're going to  
13 go through the first round. One of them's going to  
14 have the lowest votes or there will be two tied at  
15 the lowest. Those --

16 COUNCIL MEMBER LEONARD: Or that --  
17 that --

18 COUNCIL MEMBER MILES: -- people will  
19 be eliminated.

20 COUNCIL MEMBER LEONARD: That's  
21 right, or that -- or we'll all just get one vote. I  
22 mean, that -- there's the potential for that kind of  
23 thing to happen, whereas with Grover's, that  
24 potential doesn't exist.

25 COUNCIL MEMBER MILES: The thing

1 that -- the problem ensues that Mr. Comer doesn't  
2 get the opportunity to rank us, and he is at a  
3 distinct disadvantage --

4 COUNCIL MEMBER LEONARD: But  
5 that's --

6 COUNCIL MEMBER MILES: -- in that  
7 process.

8 COUNCIL MEMBER LEONARD: -- the  
9 law. The law says we need to be responsible.

10 COUNCIL MEMBER MILES: Yes, but the  
11 law doesn't say we do it in a way that  
12 disadvantages an outside council member --  
13 that's -- a person not on the council.

14 COUNCIL MEMBER TUCCI: Actually,  
15 Sandra, if we go down to two, you could still have  
16 a possibility --

17 COUNCIL MEMBER LEONARD: Oh, I  
18 agree.

19 COUNCIL MEMBER TUCCI: -- of two --

20 COUNCIL MEMBER LEONARD: I agree.

21 COUNCIL MEMBER TUCCI: -- single  
22 votes. You know, three -- three people --

23 COUNCIL MEMBER MILES: I don't think  
24 the probability is any greater.

25 COUNCIL MEMBER TUCCI: -- could

1 say -- just keep their mouth shut and only vote  
2 for --

3 COUNCIL MEMBER LEONARD: That's  
4 true.

5 COUNCIL MEMBER TUCCI: -- one  
6 person.

7 COUNCIL MEMBER BOWLING: Sure.

8 COUNCIL MEMBER TUCCI: So that  
9 possibility of. . .

10 COUNCIL MEMBER BOWLING: Sure. I'm  
11 not -- yeah. My goal is to --

12 COUNCIL MEMBER TUCCI: It's insane;  
13 isn't it?

14 COUNCIL MEMBER BOWLING: -- is to  
15 try to find a procedure that kind of makes this  
16 come somewhere, because I feel left alone it's --  
17 it's -- it's not. So, you know, just for the sake of  
18 compromise, I'll -- I'll put it back on the table, and  
19 I will -- I will change my vote to the one we just  
20 voted on. I don't think it's that different.

21 COUNCIL MEMBER TUCCI: Okay.

22 COUNCIL MEMBER BOWLING: So. . .

23 COUNCIL MEMBER BRAB: Are you  
24 putting it back on the table?

25 COUNCIL MEMBER BOWLING: I put it

1 back on the table.

2 CITY ATTORNEY POTTS: You need a  
3 second.

4 COUNCIL MEMBER BRAB: I'll second.

5 COUNCIL MEMBER TUCCI: Okay. That's  
6 fine. Again -- this time, again, to avoid monotony,  
7 I'll start with you, Brab.

8 COUNCIL MEMBER BRAB: Yes.

9 COUNCIL MEMBER TUCCI: Yes.

10 COUNCIL MEMBER BOWLING: Yes.

11 COUNCIL MEMBER SCOTT: No.

12 COUNCIL MEMBER LEONARD: No.

13 COUNCIL MEMBER MILES: Yes.

14 COUNCIL MEMBER TUCCI: Okay. We  
15 got it.

16 What else do we need to do? How far along  
17 are we now?

18 COUNCIL MEMBER BRAB: We're --  
19 we're -- we're --

20 COUNCIL MEMBER TUCCI: Aren't you  
21 glad we gave you a break because we had a little  
22 problem with the steno system here?

23 COUNCIL MEMBER BRAB: We -- we --  
24 we just -- we could get to a final decision next  
25 week.

1 COUNCIL MEMBER TUCCI: I think we  
2 could.

3 COUNCIL MEMBER BRAB: And if we  
4 don't get to a final decision next week, then I -- I  
5 just propose that we have -- as Grover proposed,  
6 we have special sessions until we come to a --

7 COUNCIL MEMBER TUCCI: Uh-huh.  
8 Uh-huh.

9 COUNCIL MEMBER BRAB: -- until we  
10 come to a decision.

11 COUNCIL MEMBER TUCCI: And -- and  
12 see -- and see if we can get a good rate from one  
13 of the pizza places here, you know.

14 COUNCIL MEMBER BRAB: Are we going  
15 to do that consecutive days? That's the only thing  
16 I have.

17 CITY ATTORNEY POTTS: You -- you  
18 can't do it consecutive days, because you have to  
19 give us 24-hour notice of special meetings.

20 COUNCIL MEMBER BRAB: So it would  
21 be every other day.

22 CITY ATTORNEY POTTS: You can  
23 either -- well, you can either give consecutive  
24 days notice now, or do it every other day. I mean,  
25 I think -- you know, I think you need to come back

1 next Monday and find out what you can do.

2 COUNCIL MEMBER BRAB: The only  
3 thing I can say is I'm -- is I'm out of the country  
4 the 31st through the 6th, so --

5 COUNCIL MEMBER MILES: And I was  
6 going to say --

7 COUNCIL MEMBER BRAB: -- let's not go  
8 that far.

9 COUNCIL MEMBER MILES: -- and I was  
10 going to say, along with what Bill's saying here, is  
11 that I think we need to make sure that every  
12 council member is available for whatever special  
13 meeting we do.

14 And we'd actually said that at the last  
15 meeting, and -- you know, and I called our counsel  
16 and -- and -- and talked to him about this, just to  
17 make the record, that, you know, I wasn't asked  
18 before we called this meeting to make sure I could  
19 make this meeting. I don't know. Was anybody  
20 here asked if you could make it?

21 COUNCIL MEMBER LEONARD: No.

22 COUNCIL MEMBER BOWLING: [shakes  
23 head]

24 COUNCIL MEMBER MILES: And -- and I  
25 don't -- I'm not saying anybody did that o purpose,

1 but I'm just saying we all -- all agreed to that in  
2 advance. So I -- I would like --

3 COUNCIL MEMBER LEONARD: I agree.

4 COUNCIL MEMBER MILES: -- I would  
5 like us all to agree that whatever meeting we set  
6 up, if we can't do it in one --

7 COUNCIL MEMBER LEONARD: I agree.

8 COUNCIL MEMBER MILES: -- that we  
9 can all be there, you know, because --

10 COUNCIL MEMBER TUCCI: Okay. The  
11 thing we have to look at is these tournaments. I'm  
12 sorry.

13 COUNCIL MEMBER BRAB: Always the  
14 practical one.

15 CHIEF SHERRARD [phonetic]: It's good  
16 to know somebody's got their priorities in mind.

17 COUNCIL MEMBER TUCCI: You know, if  
18 we want any possibility of getting six people here,  
19 we have to work around those schedules. Now, I'm  
20 not that big a sports fan, but a few people here  
21 can probably tell me what they can't possibly  
22 meet.

23 COUNCIL MEMBER MILES: Unless it's  
24 the World Cup, it's not going to matter.

25 COUNCIL MEMBER BRAB: Well, that's

1 why I say next Wednesday --

2 COUNCIL MEMBER TUCCI: Okay.

3 COUNCIL MEMBER BRAB: -- if we go --

4 or next Monday, if we --

5 COUNCIL MEMBER TUCCI: Next

6 Monday.

7 COUNCIL MEMBER BRAB: -- make a -- if  
8 we introduce something for a special session,  
9 Tuesday, Wednesday, Thursday, whatever, until we  
10 come to a decision.

11 COUNCIL MEMBER MILES: It would have  
12 to be Wednesday, Friday; right?

13 COUNCIL MEMBER LEONARD: Right.

14 MR. BUSHNELL: Unless we did the  
15 notice now.

16 CITY ATTORNEY POTTS: Unless you  
17 give notice --

18 COUNCIL MEMBER TUCCI: Unless we  
19 give notice right now.

20 CITY ATTORNEY POTTS: Unless you  
21 give the notice, you can always cancel the special  
22 meeting.

23 COUNCIL MEMBER MILES: Gotcha.

24 COUNCIL MEMBER TUCCI: So we can --  
25 we could do successive ones, and we could say

1 we'll have our regular meeting next Monday, and  
2 at -- at this point we are also scheduling meetings  
3 for Tuesday and Wednesday. God help us.

4 And -- and then if it doesn't work out -- where  
5 are you going, Bill? Maybe we can -- do we have  
6 to hold our sessions here or can we go wherever  
7 Bill is going and. . .

8 COUNCIL MEMBER SCOTT: So we'll be  
9 voting at our next regular meeting --

10 COUNCIL MEMBER TUCCI: Yeah.

11 CITY ATTORNEY POTTS: Correct.

12 COUNCIL MEMBER SCOTT: -- which is  
13 next Monday.

14 CITY ATTORNEY POTTS: Next Monday.

15 COUNCIL MEMBER SCOTT: Okay.

16 Thank you.

17 COUNCIL MEMBER TUCCI: And then we  
18 might be voting and voting. We're leaving that  
19 possibility open for the next -- for the Tuesday and  
20 Wednesday following that.

21 COUNCIL MEMBER SCOTT: Right.

22 COUNCIL MEMBER TUCCI: Is that okay  
23 with everybody?

24 COUNCIL MEMBERS: [no audible  
25 response]

1 COUNCIL MEMBER TUCCI: Anything  
2 else we need to cover tonight?

3 CITY ATTORNEY POTTS: I brought along  
4 evaluation forms with five people on it. I'll pass  
5 that out to each one of you.

6 COUNCIL MEMBER MILES: Well, I would  
7 just like to apologize to Mr. Comer. Mr. Comer,  
8 I -- I don't think the decision made by this council  
9 is fair to you. I think you have a higher bar of  
10 getting this office.

11 I will go by the standard that you have. I  
12 won't accept this office unless I get four votes.  
13 And I'm very sorry that -- that this happened.

14 CITY ATTORNEY POTTS: When you  
15 bring these back next week, sign them, and just  
16 bring them back. And then --

17 COUNCIL MEMBER BRAB: In the  
18 envelopes.

19 CITY ATTORNEY POTTS: We don't need  
20 to put them in the envelopes.

21 COUNCIL MEMBER BRAB: Oh, we don't  
22 need in the envelopes.

23 COUNCIL MEMBER TUCCI: Because  
24 they're signed.

25 CITY ATTORNEY POTTS: And then the

1 two noncandidates will tabulate --

2 COUNCIL MEMBER TUCCI: I'll -- I'll  
3 bring my calculator.

4 COUNCIL MEMBER BRAB: I -- I --  
5 Sandy, I nominated Ann as the scriber fo that.

6 COUNCIL MEMBER TUCCI: Oh, okay. Is  
7 that okay with you?

8 CITY ADMINISTRATOR SIMMS: Uh-huh.

9 COUNCIL MEMBER TUCCI: Okay.  
10 Those -- motion for adjournment.

11 COUNCIL MEMBER BRAB: So moved.

12 COUNCIL MEMBER SCOTT: Second.

13 COUNCIL MEMBER TUCCI: All in favor?

14 COUNCIL MEMBERS: Aye.

15 COUNCIL MEMBER TUCCI: Meeting's  
16 adjourned.

17 [WHEREUPON, the Special City Council Meeting  
18 concludes at 8:17 p.m.]

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CERTIFICATE OF REPORTER

STATE OF KENTUCKY AT LARGE:

I, ROSE MARY KITHCART, RPR, Notary  
Public for the State of Kentucky at Large, do  
hereby certify that the foregoing was reported by  
stenographic and mechanical means, which matter  
was held on the date, and at the time and place  
set out in the caption hereof and that the  
foregoing constitutes a true and accurate  
transcript of same.

I further certify that I am not related to any of  
the parties, nor am I an employee of or related to  
any of the attorneys representing the parties, and  
I have no financial interest in the outcome of this  
matter.

GIVEN under my hand and Notarial seal this  
\_\_\_\_\_ day of \_\_\_\_\_, 2013.

.

My Commission Expires: Notary Public

.

AUGUST 27, 2013 .

.

Notary ID: 402347

.

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