

# MINUTES

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**McCall City Council  
Emergency Special Meeting  
Legion Hall (McCall City Hall - Lower Level)  
October 12, 2010**

## Agenda

Call to Order and Roll Call  
Executive Session  
Adjournment

## CALL TO ORDER AND ROLL CALL

**Mayor Bailey called the emergency special meeting of the McCall City Council to order at 6:42 p.m. Mayor Bailey, Council Member Delaney (via phone), Council Member Scott, and Council Member Witte answered roll call. A quorum was present.**

City staff present was Lindley Kirkpatrick, City Manager (via phone); Kim Trout, Attorney with Trout Jones; Dick Kluckhohn, with Trout Jones; and BessieJo Wagner, City Clerk.

## DISCUSSION

The Council discussed whether there was merit to call an emergency meeting. Council Member Delaney was concerned that the reasoning did not meet State Code. Mr. Trout, City Attorney, stated due to the potential of financial loss the meeting was warranted. Mr. Trout clarified that the ruling from the judge, a Rule 16 Motion, required a decision by 9:00 a.m. the following morning and that he could not give the opinion of his client without meeting with them first. Council Member Delaney maintained that she did not feel it was warranted, the other Council Members did not agree.

## EXECUTIVE SESSION

**At 7:14 p.m. Mayor Bailey moved to go into Executive Session for:**

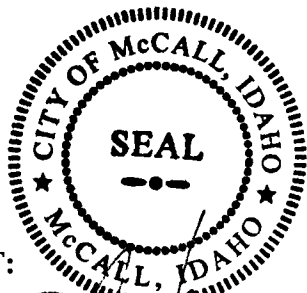
- **Litigation – Pursuant to Idaho Code §67-2345(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.**

Council Member Scott seconded the motion. In a roll call vote, Mayor Bailey, Council Member Scott, and Council Member Witte all voted aye, Council Member Delaney voted no, and the motion passed.

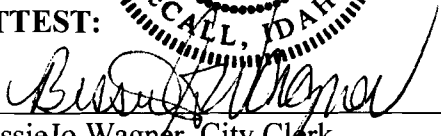
Council discussed the Payette Lakes Water and Sewer District litigation.

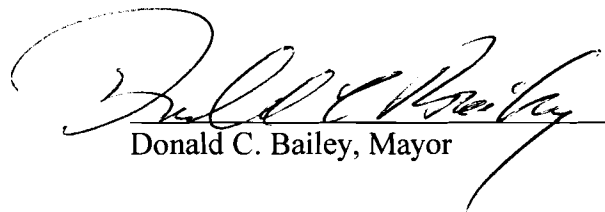
**ADJOURNMENT**

Without further business, Mayor Bailey adjourned the meeting at 8:00 p.m.



ATTEST:

  
BessieJo Wagner, City Clerk

  
Donald C. Bailey, Mayor