

COUNCIL/BOARD MEMBERS PRESENT: Councilmember Happe
Councilmember Wallace
Councilmember Peterson
Mayor Pro Tem Andrade
Mayor Welch

OTHERS PRESENT: Kevin G. Ennis, City Attorney
Daryl A. Betancur, Deputy City Clerk

I. CALL TO ORDER

A special meeting of the Banning City Council was called to order by Mayor Welch on July 30, 2019 at 3:00 p.m. at the Banning Civic Council Chambers, 99 E. Ramsey Street, Banning, California.

II. CLOSED SESSION

Mayor Welch opened the closed session items for public comments.

Public comments.

Inga Schuler commented that it was difficult to speak on a closed session not knowing what the subject was; stated that from what she had heard, the subject of what the Council intends to discuss was the recent Grand Jury report findings, which had some vague references compared to three past Grand Jury reports; stated that in the past certain sitting Councilmembers had doubted the Grand Jury reports by not validating them.

Ms. Schuler objected to the four pages of the report, which had garnered much attention in an egregious fashion; commented that she wanted to encourage the Council to disagree with the findings.

John Hagen addressed the City Council regarding the Grand Jury report investigation; stated that he had been here three years and during that time, there had been three previous Grand Jury reports, which all had been swept under the table; commented that this particular Grand Jury report seemed to be targeting Councilmember Don Peterson.

Mr. Hagen further stated that because Mr. Peterson was a torn on people's side, they were now making an example of him; stated that he saw a problem with the investigation in that they interviewed about 14 or 15 people, and among them included employees who may have been disgruntled for one reason or another; commented that in terms of the citizens that were interviewed, that they were preselected; lastly, he made positive remarks about Councilmember Peterson who comes to the dais prepared and is up to speed with what is going on in City government.

David Ellis spoke in support of Councilmember Peterson; stated that he was a highly successful businessperson, former law enforcement officer, a decorated Vietnam veteran who had received a purple heart; stated that he saw a majority of the Council who were greedy because here we have a successful Councilmember who happened to be one of the most successful Councilmembers we had had, and yet there was a current effort to get rid of him.

Jerry Westholder stated that the current Grand Jury report was more reflective of past Councilmembers than anyone presently; that because it appears that it was about Councilmember Peterson, he had one question, and that it was that investigations include both sides of the story; that the report stated that they had interviewed former Councilmembers, and that neither him nor former Councilmember Miller were interviewed; that perhaps it was because they had a different side of the story.

Diego Rose addressed the City Council on the matter of the Grand Jury report stating that he assumed that the report was about Councilmember Peterson; that common sense had no place in local government, state or federal; that we do things backwards and then we wonder why we get the results we have; stated that Grand Jury investigations were kind of like that; stated that as someone who was familiar with the Grand Jury process, what happens in these cases is that someone has to initiate the process by bringing them a great deal of information so that they can determine if the matter that they are alerted to warrants an investigation.

Mr. Rose further commented that the goal with these investigations is for the jurors to find some significant issue that they can move forward with, hoping that it will result in some significant change; however, he stated that change does not come from these investigations but rather from people, and ultimately nothing happens; lastly, spoke positively of Councilmember Peterson in his preparation for Council meetings and how he always asks the right questions.

Ellen Carr commented that the Town is being torn apart; that there are significant divisions among us; that two wrongs do not make a right; that this was not right; that Councilmember Peterson can be loud, but that is his personality; that now the bully was being bullied; stated that the people had elected the Council to make this town better; that prior Grand Juries findings had been swept under the rug and this one was not; urged the Council to do the right thing; and asked why was the Council airing its dirty laundry in public; made positive remarks about Councilmember Peterson's performance on the City Council.

Brooke Dahlman stated that it was horrible what was happening in this City; that the Council going against each other in such a public manner was not helpful for the building of community; spoke highly of Councilmember Peterson stating that he lets the community know what goes on in City Hall.

Unknown Speaker spoke about his electric, water bill, and how he did not get a bill for five months; called City employees incompetent; spoke in support of Mr. Peterson's tenure on Council.

Unknown Speaker spoke on behalf of Councilmember Peterson and how he was the only Councilmember who comes prepared to the meeting asking the right questions; commented that from the outside looking in, it looked like retaliation; spoke highly of Councilmember Peterson and how he does his homework, and educates himself to make things better for the community; she stated that he was a fighter and that is what we needed in Banning; commented that she did not understand why this was not swept up under the rug like the other Grand Juries.

John Clark read a statement into the records in support of Councilmember Peterson; spoke of his integrity; that he was good for Banning; commented that he was being attacked for being outspoken; that people were angry because he wants the best for Banning; stated that most Councilmembers were new; he urged the Council to vote against censure and to support Mr. Peterson.

Lynn Pippenger stated that she did not recall a previous Grand Jury report in the past being addressed in this manner; that she assumed that nothing will be done about this report either.

1. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (Two potential cases)

The meeting convened to closed session at 3:35 p.m. and adjourned to open session at 5:36 p.m.

City Attorney Kevin G. Ennis reported that the City Council had met in closed session regarding the matter listed on item No. 1 of the agenda and that there was no final and reportable action.

III. ADJOURNMENT

By consensus, the meeting adjourned at 5:36 p.m.

Minutes Prepared by:



Daryl Betancur, Deputy City Clerk

The entire discussion of this meeting and related documents can be found by visiting the following website: <https://banningca.gov/ArchiveCenter/ViewFile/Item/2140> or by requesting a CD or DVD at Banning City Hall located at 99 E. Ramsey Street.