

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
ONTARIO REDEVELOPMENT AGENCY AND
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS
JOINT SPECIAL MEETING MINUTES
April 1, 2008**

JOINT MEETING

Special Joint Meeting of the Ontario City Council, Ontario Housing Authority, Ontario Redevelopment Agency and Southern California Association of Governments were held via teleconference in Council conference room located at 303 East B Street as well as other locations as noted in Exhibit "A".

Notice of said meeting was duly given in the time and manner prescribed by law. Affidavit of compliance is on file in the Records Management Department.

Purpose of the Special Joint Meeting was for electing an individual to represent the cities for District 10 of Southern California Association of Governments.

Said Minutes are hereby incorporated as set forth by attached "Exhibit A", Minute Summary, Southern California Association of Governments District 10 Election Special Meeting Minutes of said Joint Special Meeting.

EXHIBIT A

MINUTE SUMMARY SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS DISTRICT 10 ELECTION

San Bernardino Associated Governments, in association with the Southern California Association of Governments (SCAG) will convene a meeting for the purpose of electing an individual to represent the cities in District 10. For further information contact Deborah Barmack at (909) 884-8276.

April 1, 2008 – 5:00 P.M.
With Teleconference Locations at:

Chino City Hall
Community Development Conference Room
13220 Central Avenue
Chino, CA 91710

Chino Hills City Hall
City Manager's Conference Room
2001 Grand Avenue
Chino Hills, CA 91709

Ontario City Hall
Council Conference Room
303 East B Street
Ontario, CA 91764

San Bernardino Associated Governments
El Capitan Conference Room
1170 West 3rd Street, 2nd Floor
San Bernardino, CA 92410

DISTRICT CITIES: Chino, Chino Hills, and Ontario

1. CALL TO ORDER/Roll Call – Deborah Barmack, Executive Director, SANBAG.
The meeting was called to order by Deborah Barmack at 5:00 p.m. with all cities present. Roll call was taken as noted below:
X indicates member was present for the meeting

Chino Eligible Voters

- X Mayor Dennis Yates
- Mayor Pro Tem Eunice Ulloa
- X Council Member Glenn Duncan
- X Council Member Tom Haughey
- X Council Member Earl Elrod

Chino Hills Eligible Voters

- X Mayor Curt Hagman
- X Mayor Pro Tem Peter Rogers
- X Council Member Ed Graham
- X Council Member W.C. “Bill” Kruger
- Council Member Gwenn Norton-Perry

Ontario Eligible

- X Mayor Paul Leon
- Mayor Pro Tem Jason Anderson
- Council Member Alan Wapner
- X Council Member Sheila Mautz
- X Council Member Jim Bowman

2. Statements from declared candidates (3 minutes maximum each):

Council Member Glen Duncan, City of Chino
Council Member Alan Wapner, City of Ontario

Council Member Glen Duncan read his candidate statement.

Mary Wirtes, Clerk for Ontario, read into the record a statement protesting the SCAG District 10 election by Council Member Alan Wapner. The statement read into record is included as Attachment 1.

Following the Candidate statement by Council Member Glen Duncan and the statement of protest read into the record on behalf of Council Member Alan Wapner, Deborah Barmack asked each City if there was a member of the public present that wished to provide a public comment or address the members of the committee.

SANBAG and the Cities of Chino and Chino Hills both stated that there were no members of the public that wished to provide a public comment or members of the committee.

Mary Wirtes asked the committee if she could read a candidate statement prepared by Council Member Alan Wapner into the record. Deborah Barmack asked if any member of the committee objected to the statement being read into the record. Without objection, Mary Wirtes read the Council Member Alan Wapner's candidate statement into the record.

After Council Member Wapner's statement was read, Joe Burton, SCAG Counsel stated that Council Member Wapner was nominated by the Nominating Committee at SCAG as 2nd Vice President but that the election had not taken place and would not take place until the SCAG May 2, 2008 General Assembly.

During the public comment period, Deborah Barmack addressed the committee and stated that SANBAG has followed the Brown Act and SCAG by-laws in conducting the meeting.

No other public comments were received.

3. Conduct election of District Representative to the Southern California Association of Governments Regional Council representing the Cities of Chino, Chino Hills, and Ontario.

Mayors and Council Members from the Cities of Chino, Chino Hills, and Ontario will vote as individuals for SCAG District 10 Representative to the SCAG Regional Council.

The vote was taken, results are below:

<u>Chino Eligible Voters</u>	<u>VOTE</u>
Mayor Dennis Yates	Duncan
Mayor Pro Tem Eunice Ulloa	<i>Absent</i>
Council Member Glen Duncan	Duncan
Council Member Tom Haughey	Duncan
Council Member Earl Elrod	Duncan

<u>Chino Hills Eligible Voters</u>	
Mayor Curt Hagman	Duncan
Mayor Pro Tem Peter Rogers	Duncan
Council Member Ed Graham	Duncan
Council Member W.C. "Bill" Kruger	Duncan
Council Member Gwen Norton-Perry	<i>Absent</i>

<u>Ontario Eligible Voters</u>	<u>VOTE</u>
Mayor Paul Leon	Wapner
Mayor Pro Tem Jason Anderson	<i>Absent</i>
Council Member Alan Wapner	<i>Absent</i>
Council Member Sheila Mautz	Wapner
Council Member Jim Bowman	Wapner

The final vote was 8 (Duncan) to 3 (Wapner). Council Member Glenn Duncan won the election by a majority vote.

4. Public Comment. **Deborah Barmack asked for further public comment, there was none.**
5. Adjournment. **Meeting was adjourned at 5:28 p.m.**

Attachment 1

I [Alan Wapner] protest the meeting on the following grounds:

1) SANBAG's posted notice (Gov't Code sect. 54956) of the meeting for this election is fatally flawed, because it provides no notice to the public that interested members may address the legislative body prior to action to being taken on item 3. This is an absolute requirement under Gov't Code section 54954.3: "Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item."

2) I still believe that a teleconference is prohibited by SCAG Policy 1.1. Only those cities that are a "substantial distance" from the meeting may use teleconference. The policy makes no provision for the member cities to consensually waive that policy.

Based on my City Attorney's advise, since the notice and agenda are fatally flawed due to the public not receiving notice that public comment will be allowed prior to the election, the meeting itself is illegal and thus, I will not be in attendance at the meeting. If the meeting is held despite the illegal posting, I will challenge the election in court, as well as refer the matter to the district attorney.

I would suggest that this meeting be canceled, and the meeting be re-scheduled within proper posting requirements.

Alan D. Wapner
Council Member
City of Ontario