

**CITY OF WILDOMAR
CITY COUNCIL SPECIAL MEETING MINUTES
NOVEMBER 29, 2011**

CALL TO ORDER – CLOSED SESSION 6:00 P.M.

The closed session of November 29, 2011, of the Wildomar City Council was called to order by Mayor Swanson at 6:00 p.m.

City Council Roll Call showed the following Members in attendance: Mayor Swanson, Mayor Pro Tem Benoit, Council Members Cashman, Moore, Walker. Members absent: None.

Staff in attendance: City Manager Oviedo, City Attorney Biggs and City Clerk Lee.

City Attorney Biggs advised the second item on the closed session needs to have added language to it. She would like to be a subsequent need item. The following language should be added:

“As part of the discussion of strategies and tactics relating to the exposure to potential litigation noted on the agenda, the City Council will also be considering potential initiation of one matter of litigation pursuant to the provisions of Government Code Section 54956.9(c). The underlying facts known to all parties relate to the processing of park assessment district refunds by the County of Riverside from City of Wildomar general revenues held by the County not collected by or from the park assessment district.”

A MOTION was made by Councilwoman Moore, seconded by Mayor Pro Tem Benoit, to add the language to the closed session.

MOTION carried, 5-0.

PUBLIC COMMENTS

Gil Rasmussen, resident, stated he doesn't understand why the Council would go into closed session to discuss this. There is no procedure for filing for these refunds. On September 18 he sent an email asking for his refund and, to date, no one at the City has replied. This is unprofessional and unforgivable. If he does not receive a reply soon he will file a legal claim. He will embarrass the City by taking the issue to small claims, winning the case, and collecting.

City Attorney Biggs stated the small claims court does not have jurisdiction over taxes and assessments.

CLOSED SESSION

City Clerk Lee announced the following:

The City Council will meet in closed session pursuant to the provisions of Government Code Section 54958.9(b) to confer with legal counsel regarding one matter of pending litigation: Alliance for Intelligent Planning v. City of Wildomar RIC1114945.

The City Council will meet in closed session to confer with its legal counsel pursuant to the provisions of Government Code Section 54956.9(b) regarding significant exposure to at least one and potentially several additional matters of litigation relating to LMD 2006-1 park assessment refunds. As part of the discussion of strategies and tactics relating to the exposure to potential litigation noted on the agenda, the City Council will also be considering potential initiation of one matter of litigation pursuant to the provisions of Government Code Section 54956.9(c). The underlying facts known to all parties relate to the processing of park assessment district refunds by the County of Riverside from City of Wildomar general revenues held by the County not collected by or from the park assessment district.

At 6:04 p.m. the City Council convened in closed session, with all Council Members present.

RECONVENE INTO OPEN SESSION

At 7:04 p.m. the City Council reconvened into open session, with all Council Members present, making the following announcement:

City Attorney Biggs stated there was no reportable action taken on the first matter under the closed session. In regards to the second matter, on motion by Councilman Walker, and seconded by Councilman Cashman, with a 5-0 vote, the Council authorized Legal Counsel to take actions necessary to initiate litigation against the County of Riverside.

City Clerk Lee advised the iPads are on the dais and they are ready to use. She thanked Mayor Pro Tem Benoit for his assistance in getting them ready for use. She then advised that a training session has been set for Wednesday, December 14, 2011 at 4:30 p.m. for learning to utilize the iPads, apps, and general use of the device.

ADJOURNMENT

There being no further business, Mayor Swanson declared the closed session meeting adjourned at 7:06 p.m.

Submitted by:

Approved by:



Debbie A. Lee, CMC
City Clerk



Marsha Swanson
Mayor