The two thousand three hundred twenty ninth meeting of the Jennings City Council was held on Monday, February 8, 2016 at 5:30 p.m. at City Hall. Present were Mayor Fountain Henderson, and councilmembers Yolanda Brown, Francine Dugger, Yolonda Fortson, David Schmerber, Nicole Cook, Rodney Epps and Carol Epps, constituting a quorum. Also present were City Attorney Jamis Kresyman and City Clerk Cheryl Balke. This was a special meeting called to consider a resolution of impeachment against Mayor Fountain Henderson, and so Special Counsel for impeachment John Hessel (attorney for the council) and Paul Martin (prosecutor) were also present.

A motion for closed session of the council for legal action (RSMo 610:021-1) was made by Councilwoman Fortson , second by Councilwoman Brown, and approved by the following roll call vote: voting in favor were Councilmembers Brown, Dugger, Fortson, Schmerber, Cook, R. Epps and C. Epps; no one voting against or abstaining. (Councilwoman Jones arrived at this point.) Mayor Fountain Henderson stated that the council could not meet in closed session without her. City Attorney Jamis Kresyman stated that the council had the right to meeting with their attorney without the opposing party present, Mayor Fountain Henderson disagreed. Attorney John Hessel stated that he represents the council and is entitled to speak to his clients in confidence without the presence of an adverse party, per RSMO 610:021 and the ethical canon (rules of professional conduct). The council then moved into a closed session with councilmembers and John Hessel present to discuss the legal action (RSMo 610:021-1).

Upon reconvening in open session, a roll call for attendance was taken again and the following members were present, constituting a quorum: Councilmembers Brown, Jones, Dugger, Fortson, Schmerber, Cook, R. Epps and C. Epps. A motion was made by Councilman Epps, second by Councilwoman Cook, to pass the resolution and bill of impeachment and proceed with an impeachment hearing on Monday, February 29<sup>th</sup> at 5:00 p.m., to be continued if necessary on Saturday, March 5<sup>th</sup> at 4:00 p.m.

Mayor Fountain Henderson stated that many of the allegations in the bill of impeachment were made up and that the council did not talk to her about them first. She also asked who would pay for her attorney.

Councilwoman Jones replied that the motion just made was for the purpose of presenting the charges, hearing the evidence, and allowing the Mayor the opportunity to respond before a decision on impeachment was made. John Hessel noted that, during the hearing, the prosecutor will present evidence and that the Mayor and her attorney, along with the councilmembers, can ask questions of the witnesses. He stated that the meeting was open to the public for observation but no public comment would be permitted. Councilman Schmerber asked if witnesses will be under oath; Mr. Hessel replied that they would and that a court reporter will record all testimony.

Councilwoman Jones asked if mediation were being considered, would mediation be appropriate before or after the hearing; Mr. Hessel responded that impeachments cannot be resolved by mediation.

The motion to pass the resolution and bill of impeachment was approved by the following roll call vote: voting in favor were Councilmembers Brown, Jones, Dugger, Fortson, Schmerber, Cook, R. Epps and C. Epps; no one voting against or abstaining.

The meeting was adjourned on a motion by Councilwoman Cook, second by Councilman Epps.

	Mayor Yolonda Fountain Henderson
ATTEST:	
City Clerk	