

**PARK CITY COUNCIL EMERGENCY MEETING
SUMMIT COUNTY, UTAH
DECEMBER 29, 1995**

I ROLL CALL

II NEW BUSINESS

Public response to recent disclosures by Councilmember-elect Paul Sincock

Note: This agenda was not posted as it was an emergency meeting. It appears in the Official Minute Book for ease of reference.

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I ROLL CALL

Mayor Brad Olch called the emergency meeting of the City Council to order at approximately 11 a.m. at the Marsac Municipal Building on Friday, December 29, 1995. Members in attendance were Brad Olch, Ruth Gezelius, Roger Harlan, and Shauna Kerr. Leslie Miller and Lou Hudson were absent. Mayor Olch explained that a message was left at Ms. Miller's residence and Mr. Hudson indicated that he will attempt to make the meeting but has a commitment in Salt Lake and will try to get here by 11:30 a.m. Staff in attendance were Toby Ross, City Manager; and Jodi Hoffman, City Attorney.

II NEW BUSINESS

Discussion of public response to recent disclosures by Councilmember-elect Paul Sincock - Although not articulated by anyone in attendance at this meeting, for the record, this meeting was convened because of the public's reaction to a *Park Record* article of December 28, 1995 disclosing that Mr. Sincock has a tax dispute with the Utah State Tax Commission, who claims he owes \$30,000 in back-taxes from 1990 to 1993, and that Mr. Sincock has elected not to have a valid Utah driver's license. Additionally, as a part of his Utah Tax Commission defense, Mr. Sincock claims not to be a U.S. citizen under the State Tax Code.

The Mayor explained that the meeting has been called by three Councilmembers regarding an article in the *Park Record* regarding Paul Sincock in the past 24 hours. Discussion ensued regarding holding this meeting as a closed or public meeting and Ms. Kerr indicated that she would like open discussion for the record regarding state and local election requirements. Ms. Hoffman quoted state code with regard to the legal criteria for closing a meeting and advised that it would be appropriate to close this meeting, if so desired. She added that anytime Council is talking about character or professional competence of an individual, she would advise holding a closed session, at least briefly.

Mayor Olch emphasized that this is not a "witch hunt", but an informational meeting. Roger Harlan stressed that once a person runs for public office, he is under a different scrutiny. He felt that this emergency meeting is appropriate because there are several serious issues on the table that Council needs to discuss. Ruth Gezelius added that there is public concern regarding the election and the election process and it is appropriate that Council discuss the City's action in relation to validating the election. Ms. Kerr relayed that she also has received questions from the public, and more specifically that if this information had been known during the campaign, whether the election results would have been the same. Ms. Kerr noted public confusion whether Mr. Sincock is a citizen and a valid candidate, and again brought up concerns regarding the validity of

the election and felt it important to publicly discuss these issues. Roger Harlan also indicated that he has had questions regarding the results of the election, and the change in events if this information had been disclosed during the campaign.

City Attorney Hoffman stated that she has looked at the campaign laws briefly and to render a definitive opinion may take some time. She continued that she has talked with Paul Sincock and Ms. Hoffman stated that she is satisfied that he is a citizen of the U.S. and the state of Utah and that the criteria for candidacy has been satisfied. Criteria for filing for candidacy includes being a registered voter of the City, residing within the City limits for 12 consecutive months immediately preceding such election, and continuing to reside in the City limits during the term of the office. To be registered vote, one must be a U.S. citizen and Ms. Hoffman again stressed that she felt that he is a U.S. citizen. She explained that the conflict arises from Mr. Sincock's technical response to a specific definition for tax purposes. Ms. Kerr asked if Mr. Sincock has sworn that he is not a U.S. citizen on any filings regarding his case. Ms. Hoffman stated that she didn't have a complete file. The City Recorder advised that she checks voter registration upon receiving an application for candidacy and candidates sign an affidavit affirming their citizenship. Ms. Kerr asked if Mr. Sincock's complaint to the Utah State Commission was verified and Ms. Hoffman explained that a verified complaint acts also as an affidavit and a sworn testimony that the facts are true.

Roger Harlan recognized that there is some research to perform on the part of the Legal Department and asked the status of the swearing-in ceremony. In response to a question from Ms. Kerr, Ms. Hoffman indicated that she will research when the new Council's term officially begins and the currently seated Council terms end. Ms. Hoffman quoted Utah Code Section 10-32-02, "Each elected officer in a municipality shall hold office for the term for which he is elected and until a successor is chosen and qualified unless the office becomes vacated. . ." Shauna Kerr felt that the current seated Council would probably remain in power until the matter is resolved. Jodi Hoffman indicated that she will research this and get back to Council as soon as possible, as well as the residency issue. The Mayor invited the public in the audience to comment.

Sally Elliott urged Council to keep this meeting open as it serves the public well to hear Council's comments. Tom Hurd agreed with Ms. Elliott and stated that this is a matter of great concern to the community and if this meeting had more notice, it would be "packed"; this is not the time for the City Council to close its doors. The Mayor appreciated these comments, and stated that after there is a legal opinion, that Council should meet and if necessary, hold a closed session. The Mayor suggested noticing a special meeting on Tuesday, January 2, 1996 at 10 a.m. In response to a question from Leslie Thatcher of KPCW, Ms. Hoffman indicated that Mr. Sincock was invited to this meeting but was in Salt Lake City getting a Utah driver's license.

III ADJOURNMENT

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With no further business, the emergency meeting was adjourned.

Janet M. Scott
Janet M. Scott, Deputy City Recorder

Prepared by Janet M. Scott

