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Filed:   11-10-20  

Sponsored by:   McClure  

COUNCIL BILL   2020 - 251   RESOLUTION                                   

A RESOLUTION

1 REPEALING Resolution 10478 as to the conduct of Councilmember Jan Fisk  
2 referred to Hearing Examiner Kenneth Thompson pursuant to  
3 Section 2-60(o)(1) of the Code of the City of Springfield.  
4  
5

6 WHEREAS, in accord with the provision of Section 2-60(o) of the Code of the  
7 City of Springfield on October 7, 2019, this City Council adopted Resolution 10478  
8 appointing Kenneth Thompson as Hearing Examiner to investigate possible violations of  
9 the City Code and the City Charter by Councilmember Jan Fisk; and

10  
11 WHEREAS, since that time the hearing process has gone forward and extensive  
12 evidentiary discovery and analysis has taken place, pre-hearing motions have been  
13 filed, and a fuller understanding of the facts and circumstances involved is now  
14 possible; and

15  
16 WHEREAS, Councilmember Fisk, to her credit, has voluntarily filed amended  
17 Personal Financial Disclosure forms; and

18  
19 WHEREAS, J. Howard Fisk Limousines, Inc., has voluntarily paid to the City  
20 funds associated with the transactions at issue; and

21  
22 WHEREAS, the requisite number of Councilmembers have now signed a  
23 Withdrawal of the Letter of Referral which underlies the process reflected in Resolution  
24 10478; and

25  
26 WHEREAS, City Council therefore wishes to repeal Resolution 10478 and  
27 conclude the hearing process without further expense to the City.

28  
29 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF  
30 SPRINGFIELD, MISSOURI, as follows, that :

31  
32 Section 1 – Resolution 10478 as previously adopted on October 7, 2019, is  
33 hereby repealed as of the effective date hereof.  
34

35            Section 2 – City Council believes it is important to underscore that by this action  
36 the Council is not endorsing and does not endorse the conduct of any person or party  
37 involved.  
38

39            Section 3 – Nor does City Council wish to minimize the toll these circumstances,  
40 whether intentional or not, can impose on the public’s trust in the City and in City  
41 Council.  
42

43            Section 4 – But City Council also must take into account the voluntary steps  
44 taken by Councilmember Fisk to remedy these circumstances, and weigh the cost and  
45 benefits of prolonging a process that has already gone on for far too long and at  
46 appreciable cost both in money and in diverting attention from other critical public  
47 concerns.  
48

49            Section 5 – This Resolution shall be in full force and effect from and after its  
50 passage.  
51


52 Passed at meeting: \_\_\_\_\_  
53

54 \_\_\_\_\_  
55 Mayor  
56

57 Attest: \_\_\_\_\_, City Clerk  
58

59 Filed as Resolution \_\_\_\_\_  
60

61 Approved as to form:  \_\_\_\_\_, Special Counsel  
62  
63

64 Approved for Council action:  \_\_\_\_\_, City Manager  
65

**EXPLANATION TO COUNCIL BILL 2020 - 251**

FILED: 11-10-20

ORIGINATING DEPARTMENT: Finance

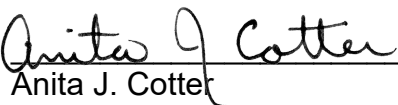
PURPOSE: Repealing Resolution 10478 as to the conduct of Councilmember Jan Fisk referred to Hearing Examiner Kenneth Thompson pursuant to Section 2-60(o)(1) of the Code of the City of Springfield.

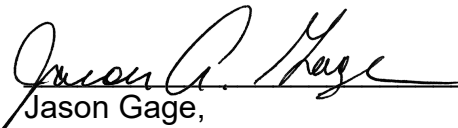
BACKGROUND INFORMATION: In accordance with the provisions of Section 2-60(o) of the Code of the City of Springfield on October 7, 2019, City Council adopted Resolution 10478 appointing Kenneth Thompson as Hearing Examiner to investigate possible violations of the City Code and the City Charter by Councilmember Jan Fisk. Since that time the hearing process has gone forward and extensive evidentiary discovery and analysis has taken place, pre-hearing motions have been filed and the facts and circumstances of the matters at issue are now more fully understood.

On November 2, 2020, Councilmember Fisk voluntarily filed amended Personal Financial Disclosure forms. On November 2, 2020, J. Howard Fisk Limousines, Inc., voluntarily paid to the City funds associated with the transactions at issue in the amount of \$3,453.00. Based on these actions the requisite number of Councilmembers have signed a Withdrawal of the Letter of Referral and City Council wishes to repeal Resolution 10478 and conclude the hearing process without further expense to the City.

Submitted by:

Approved by:

  
Anita J. Cotter  
City Clerk

  
Jason Gage,  
City Manager

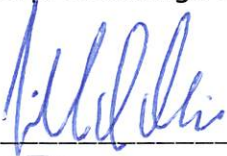
WITHDRAWAL OF REQUEST FOR REFERRAL TO A HEARING EXAMINER OF  
ALLEGATIONS OF MISCONDUCT ON THE PART OF  
COUNCILMEMBER JAN FISK

On September 24, 2019, the requisite number of councilmembers submitted a Revised Request for Referral to a Hearing Examiner to investigate possible violations of the City Code and the City Charter by Councilmember Jan Fisk.

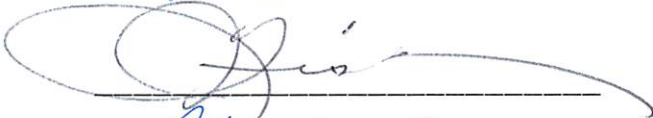
On October 7, 2019, the City Council adopted Resolution 10478 confirming the Mayor's appointment of Kenneth Thompson as Hearing Examiner and called upon the Hearing Examiner to conduct an investigation into the matters identified in the Revised Request for Referral and Resolution.

Since that time, there has been extensive evidentiary discovery, which has helped clarify the nature and scope of the pertinent facts. And Councilmember Fisk, to her credit, voluntarily filed amended personal financial disclosure forms; and J. Howard Fisk Limousines, Inc., voluntarily paid to the City funds associated with the transactions at issue.

We believe all members of Council should use their best efforts to ensure that we are not a part of circumstances that could compromise the trust of those we serve or the high standards of integrity that our constituents are entitled to expect. The undersigned also believe that in light of the voluntary actions taken by Councilmember Fisk in an effort to remedy the issues raised in our Letter of Referral that it is now in the best interests of the City and its residents and taxpayers to bring these proceedings to a close. We thus now wish to withdraw the Request for Referral.

  
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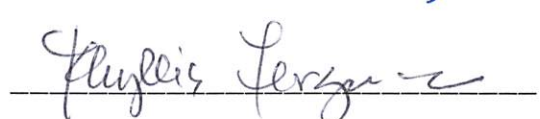
  
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